



CITY OF CARSON PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: July 24, 2012

SUBJECT: Conditional Use Permit No. 831-10

APPLICANT: Reggie Guinto
3341 E. 61st Street
Long Beach, CA 90805

REQUEST: To consider a modification to Conditional Use Permit No. 831-10 for an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district

PROPERTY INVOLVED: 21012 South Main Street

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Vice-Chair Gordon			Schaefer
		Brimmer			Verrett
		Diaz			Williams
		Goolsby			

Item No. 11B

I. Introduction

This item was continued from the July 10, 2012 Planning Commission meeting. At that meeting, the Planning Commission explained to the applicant the importance of the restrictive covenant due to the unpermitted canopy and lack of additional parking. The applicant indicated he now understood the purpose of the restrictive covenant and acknowledged there was a misunderstanding in which he was advised not to sign it. The Planning Commission directed the applicant and staff to work together to secure a restrictive covenant so that the site plan may be approved. The applicant agreed to sign the restrictive covenant to avoid further delay. The Planning Commission directed staff to amend the conditions of approval so that all remaining performance standards correspond to the date of site plan approval. The Planning Commission also indicated that requirements unrelated to the restrictive covenant, such as removal of the encroachment onto the neighboring property and encroachment into the required rear yard, be completed immediately. The Planning Commission continued the public hearing to July 24, 2012.

II. Background/Analysis

On December 13, 2011, the Planning Commission adopted Resolution No. 11-2412 approving Conditional Use Permit (CUP) No. 831-10 to allow an existing auto repair use (International Auto Body) to continue provided that strict performance standards are followed within a 12-month time period (Exhibit No. 2 and Exhibit No. 3).

The property is located at 21012 South Main Street. The existing auto repair use is operated by Luis Gutierrez and the site is owned by the applicant, Mariechelle Guinto. On May 15, 2012, the city received a letter dated May 4, 2012 from the applicant giving power of attorney regarding all matters, communications, property and business transactions for 21012 South Main Street to Regino (Reggie) Guinto (Exhibit No. 4).

Performance Standards

The following performance standards have been completed or are in the process of being complete:

- On October 31, 2011, the applicant submitted for demolition/building permits for the unpermitted additions and structures. The demolition/building permits for the unpermitted structures have been reviewed by building and safety and are awaiting planning approval.
- On June 12, 2011, the applicant submitted for electrical permits for the unpermitted spray booth. On August 30, 2011, the applicant picked up electrical permit corrections for the spray booth, but has not resubmitted.
- On February 27, 2012, the applicant submitted for sign permits and has since removed unpermitted signage.



The remaining performance standards remain outstanding and some have passed the required completion date. As discussed on July 10, 2012, the Planning Commission agreed to allow the applicant more time to complete the performance standards and extended the due dates based on the date of approval of the site plan. The applicant has one year from the date of site plan approval to complete all performance standards. As such, staff has revised Resolution No. 11-2412 to reflect the Planning Commission's decision and extended the performance standard due dates accordingly.

At the time this staff report was prepared, the restrictive covenant had not been signed and returned by the applicant. Another copy of the restrictive covenant was given to the applicant on July 17, 2012, because the applicant indicated he misplaced and lost his copy. As a result, the site plan has not been approved as staff awaits receipt of recordation of the restrictive covenant.

III. Conclusion

It is staff's opinion that the applicant has been given more than enough time to comply and staff has provided fair and reasonable timelines, opportunities, and options for the applicant. At the July 10, 2012 Planning Commission meeting, the applicant agreed to sign the restrictive covenant immediately so this project can move forward. The resolution has been amended to reflect the Planning Commission's decision to allow the applicant more time.

IV. Recommendation

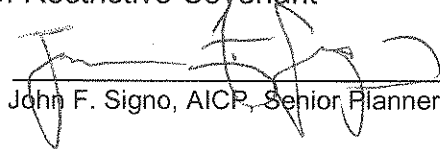
That the Planning Commission:

- **APPROVE** Modification No. 1 to Conditional Use Permit No. 831-10; and
- **WAIVE** further reading and **ADOPT** a minute resolution approving Modification No. 1 to Conditional Use Permit No. 831-10 amending Resolution No. 11-2412 to allow the applicant more time to complete the performance standards.

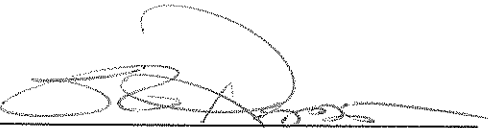
V. Exhibits

1. Amended Resolution No. 11-2412
2. Copy of Restrictive Covenant

Prepared by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadsmah, Planning Officer

**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-2412**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 831-10 TO PERMIT AN EXISTING VEHICLE SERVICE AND
REPAIR USE LOCATED AT 21012 SOUTH MAIN STREET**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by Marichelle Guinto, with respect to real property located at 21012 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 831-10 to authorize the continued operation of an existing auto repair use in the ML-D (Manufacturing, Light - Design Overlay Review) zoning district.

A public hearing was duly held on December 13, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 2. The Planning Commission finds that:

- a) The property lies within the area designated on the General Plan as available for Light Industrial uses and bears a consistent zoning classification of ML-D (Manufacturing, Light – Design Overlay). The existing auto repair business adheres to the goals and policies described in the Land Use Element of the General Plan for the Light Industrial designation and is also a permitted use in the ML-D zone with the approval of a conditional use permit, subject to the requirements of Carson Municipal Code (CMC) Section 9138.2.

The project site is located within 100 feet of residential uses, therefore under CMC Section 9138.2 is required to obtain a conditional use permit.

- b) The subject site is square, flat, and located within a built and urbanized environment with adequate utilities to accommodate the existing use and development. With the implementation of conditions of approval and correction of code violations, the subject property will have sufficient space to accommodate the proposed use and provide adequate driveways and access.
- c) The project involves acquiring a CUP for the operation of an existing auto repair facility. The site will continue to provide adequate street access and traffic capacity. With the implementation of conditions of approval, the site will provide adequate parking spaces and not have a significant impact on traffic. Designated driveways and parking areas will provide adequate and safe circulation of vehicles and pedestrians on site and serve the facility.



- d) The applicant has submitted plans for improvements, which include repairing of parking area, restriping of the parking areas, removal of unpermitted structures, construction of landscaping, and removal of unpermitted signage. These improvements will improve the general area and be compatible with the intended character of the area.
- e) The existing facility provides adequate access for emergency vehicles, including the Fire Department and adequate water supply is provided in the area for fire protection.
- f) Conditions of Approval are included in Exhibit "B" of this Resolution which identify performance standards and a schedule for implementation to improve the site and meet all code requirements within twelve (12) months from the date of site plan approval.
- g) The applicant acknowledges that if any performance standard is not satisfied within the schedule time period or the site does not satisfy all requirements within twelve (12) months from the date of site plan approval, the CUP may become null/void and any auto repair use on site must vacate within 30 days from the date the CUP is deemed invalid.
- h) If all performance standards are completed within the time allowed, the Planning Commission shall review the CUP to determine if an extension of time can be authorized pursuant to the applicable findings to ensure the use is still consistent with the existing and intended character of area. The CUP may expire at the end of the twelve (12) month term unless the Planning Commission is able to make affirmative findings to support an extension to the permit.
- i) The use will comply with the City's development standards for auto repair facilities as outlined in Section 9138.2 of the CMC, unless modified by the conditions of approval set forth in Exhibit "B" attached hereto.

Section 3. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not alter the character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15301(a) of the CEQA (California Environmental Quality Act) Guidelines.

Section 4. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 831-10 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" and "C" attached hereto.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.



**Amended by the Planning Commission on July 24, 2012*

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF DECEMBER, 2011

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

DESCRIPTION:

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA:

THE WESTERLY 125 FEET OF LOT 36 OF TRACT NO. 5927, IN THE CITY OF CARSON COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 64, PAGE 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EXCEPT 50 PER CENT OF ALL OIL, OR MINERALS, OR OTHER REMOVABLE NATURAL PROPERTY OF VALUE THAT MAY EXIST BELOW THE SURFACE OF SAID DESCRIBED PROPERTY, TOGETHER WITH THE RIGHTS OF NECESSARY INGRESS AND EGRESS, OVER AND ACROSS THE SURFACE OF SAID DESCRIBED PROPERTY FOR THE PURPOSE OF EXPLORATION, DEVELOPMENT AND OR DISPOSITION OF ANY DISCOVERED NATURAL RESOURCES THIS 50 PERCENT RESERVATION SHALL EXTEND TO AND BECOME A PART OF ANY COMMUNITY LEASE, GROUP AGREEMENT, OR OTHER AGREEMENT THAT THE GRANTEE MAY ENTER INTO AS RESERVED BY RAY DEWANE AND REGINA DEWANE, HUSBAND AND WIFE, IN DEED RECORDED FEBRUARY 23, 1951 IN BOOK 35637 PAGES 53 AND 54 OF OFFICIAL RECORDS.

ALSO EXCEPT ALL OIL AND MINERAL RIGHTS TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSES OF EXPLORATION, DISCOVERY, PRODUCTIONS, DELIVERY, OR ANY OTHER ACT THAT MAY BE NECESSARY TO DEVELOP, TO PRODUCE AND DISTRIBUTE ANY OIL, OR MINERAL THAT MAY BE DISCOVERED BELOW THE SURFACE OF SAID DESCRIBED PROPERTY AS RESERVED BY A E HAYES AND MARY PAULINE HAYES, HUSBAND AND WIFE, IN DEED RECORDED FEBRUARY 28, 1951 IN BOOK 35679, PAGE 217, OFFICIAL RECORDS.

APN: 7334-001-041

LEGAL DESCRIPTION

All that certain real property in the County of LOS ANGELES, State of California, described as follows:

THE SOUTH HALF OF THE WESTERLY 125 FEET OF LOT 35 OF TRACT NO. 5927, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 64, PAGE 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN No: 7334-001-051

06 2512477



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 831-10

GENERAL CONDITIONS

1. Upon activation, the Conditional Use Permit pursuant to this resolution shall become null and void if any of the conditions of approval and/or performance standards are not satisfied or completed within the allotted time.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any minor revisions shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. The property owner and/or tenant shall comply with the city's standard requirements for a business license prior to the transferring of an existing or establishment of a new auto repair business. The Planning Division shall review any business license application to ensure the new use does not result in a substantial change from the current auto repair use. Substantial changes shall require a modification from the Planning Commission prior to the approval/issuance of the business license.
7. All operations such as work or repair on vehicles must be conducted on-site within an enclosed building, not visible to the public.



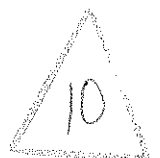
8. All damaged or wrecked vehicles awaiting repair shall effectively be screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
9. No residential use shall be permitted on-site at any time.
10. All repair activities shall be confined to the hours between 7:00 a.m. to 9:00 p.m. daily.
11. No auto repair activities are permitted in areas visible to the public.
12. All display and storage shall be located within an enclosed building. Vehicles awaiting service may be parked in an unenclosed area for a period not to exceed seventy-two (72) hours.
13. Prevent storm water pollutants of concern such as oil and grease, solvents, car battery acid, coolant and gasoline from entering into the storm water conveyance system.
14. Avoid hosing down work areas. If work areas are washed, collect and store wash water and dispose appropriately, according to state law. Use dry sweeping if possible.
15. Designate a special area to drain and replace motor oil, coolant, and other fluids, where there are no connections to the storm drain or the sanitary sewer, and drips and spills can be easily cleaned up, if applicable.
16. Post signs at sinks to remind employees not to pour wastes down drains.
17. The owner/applicant shall provide for public use storage tanks to hold used automotive oil for recycling purposes in accordance to industry "Best Management" practices. The Planning Division shall approve the location for company "used oil recycling" services.
18. In accordance with Ordinance No. 04-1322, the applicant has provided a property inspection report for the site which identify potential plumbing, electrical and fire code deficiencies. The report also includes plans to eliminate or mitigate any deficiencies identified. The mitigation measures in such report shall be hereby incorporated in these conditions of approval within 120 days from site plan approval, permitted to allow for the mitigation measures, if any, to be completed subject to the Planning Division's review and approval.
19. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 831-10. The City will



promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

Performance Standards – *The applicant shall be responsible for satisfying the following performance standards within the allotted time (performance schedule is provided below):*

20. Conditional Use Permit No. 831-10 shall be subject to a full review by the Planning Commission no later than twelve (12) months from July 24, 2012 ~~the date of Planning Commission approval~~. The applicant shall submit a request for review of the CUP. Review of the CUP will be pursuant to CMC Section 9172.21(G) – Subsequent Modifications of Conditions. The Planning Commission shall consider the continuation of the auto repair use to determine compatibility and appropriate operating conditions or standards after the 12-month period. A public hearing need not be required unless requested by the applicant, Director, Commission or Council. Applicable fees shall apply.
21. If a request for review of the CUP is not submitted to the Planning Division within twelve (12) months from the date of Planning Commission approval, the CUP pursuant to this resolution may become null and void and any auto repair use on site must be vacated within 30 days from the date the CUP is deemed invalid.
22. Upon activation, the conditional use permit pursuant to this resolution shall become null and void if the applicant fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid.
23. Within 2 days from July 24, 2012, the owner/applicant shall sign and record with the Los Angeles County Recorder a restrictive covenant limiting the site to be used as an auto repair only, unless additional parking is provided to accommodate an alternate or additional use in accordance with the parking requirements of CMC Section 9162.2.
24. Within 30 days from the date of CUP approval, the applicant shall remove all unpermitted on-site signage. The owner/applicant shall apply for a separate sign and/or banner permits, if applicable. Approval of said permit shall be subject to Planning Division's review and approval for proper size, height, type, material, and design standards to be applied consistently with the ML-D (Industrial, Light – Design Overlay) zoning district.



25. Within 30 days from July 24, 2012 ~~the date of CUP approval~~, the owner/applicant shall submit to Building and Safety for demolition and/or building permits for all unpermitted structures including, the unpermitted additions to the rear, unpermitted bathroom in the room, removal/modification of the full bath to half bath, unpermitted addition to the north, unpermitted roof, canopy addition, and interior improvements.
26. Within 60 days from the issuance of the building permit, the property owner shall remove the unpermitted bathroom in the rear, remove the unpermitted additions within the rear yard setback, and remove the addition to the north that is extending to the neighboring property. ~~modify/remove the full bath to a half bath.~~
27. Within 30 ~~60~~ days from July 24, 2012 ~~the date of CUP approval~~, the owner/applicant shall submit a floor plan, site plan, and landscape/irrigation plan to the Planning division for review and approval.
28. Within 90 ~~60~~ days from the date of site plan and floor plan approval, the applicant/owner shall repair all broken concrete/asphalt on-site and level the parking area. The applicant must also obtain any grading permits, if necessary.
29. Within 90 ~~60~~ days from the date of landscape plan approval, the applicant/owner must install landscaping according to the approved plan. All landscaping shall be maintained by an automatic drip irrigation system.
30. Within 90 days from the date of site plan approval, the applicant/owner shall modify/remove the full bath to a half bath.
31. Within 180 ~~90~~ days from the date of site plan and floor plan approval, the owner/applicant shall stripe parking spaces for the appropriate number of parking spaces and bumper stops per the approved site plan and as required in the Carson Municipal Code. All ADA requirements must also be satisfied.
32. Within 60 days from July 24, 2012 ~~the date of CUP approval~~, the owner/applicant must submit remaining requirements to the Building and Safety division to obtain proper permits from Building and Safety for the unpermitted spray booth.
33. Within 12 months from July 24, 2012, the applicant must obtain a permit for the spray booth from the Building and Safety division.
34. Within 12 months from July 24, 2012 ~~180 days from the date of CUP approval~~, the owner/applicant must obtain building permits for the unpermitted roof, canopy addition, and complete any remaining construction.
35. Within 30 days from July 24, 2012 ~~8 months from the date of CUP approval~~, the owner/applicant must obtain proper demolition permits from Building and Safety for the removal of the ~~begin demolition/construction of all unpermitted partitions within the building and;~~ unpermitted additions in the rear yard setback. ~~to the rear~~



~~and north. The owner/applicant must obtain proper permits from Building and Safety prior to any construction/demolition.~~

36. Within 12 months from July 24, 2012 ~~11 months from the date of CUP approval~~, the owner/applicant must complete any remaining construction and/or tenant improvements. All interior improvements such as closing off doors, repairing walls must meet building code requirements.
37. Within 12 months from July 24, 2012 ~~the date of CUP approval~~, the owner/applicant must complete any necessary façade improvements, such as installing gates, fences, repairing/painting areas that were affected by construction.
38. Within 12 months from July 24, 2012 ~~the date of CUP approval~~, the owner/applicant must request and pay for a site inspection to the Planning Division.
39. The Planning Commission may revoke this conditional use permit pursuant to this resolution if the application fails to satisfy the performance standards within the allotted time. If the CUP is deemed null and void, all auto repair activities must be vacated within 30 days from the date the CUP is deemed invalid.
40. The applicant may not submit for an extension of time.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

41. All construction must be completed by a licensed contractor.
42. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.



EXHIBIT "C"

Updated Performance Schedule

<u>Deadline</u>	<u>Performance Standards</u>
<u>July 26, 2012</u>	<u>Owner/applicant shall sign and record a restrictive covenant</u>
<u>August 24, 2012</u>	<u>Owner/applicant submits for Building and Safety permits.</u> <u>Owner/applicant shall submit a floor plan, site plan, and landscape/irrigation plan to the Planning division for review and approval.</u> <u>Owner/applicant must obtain demolition permits for the removal of the partitions within the building and addition within the rear yard setback.</u>
<u>September 24, 2012</u>	<u>Owner/applicant must submit remaining requirements to Building and Safety for the unpermitted spray booth.</u>
<u>Within 60 days from issuance of the building permit</u>	<u>Remove the unpermitted bathroom in the rear, remove the unpermitted addition in the rear yard setback, and remove the addition to the north that is extending to the neighboring property.</u>
<u>Within 90 days of landscape plan approval and site plan approval</u>	<u>Owner/applicant shall install landscaping according to the approved plan.</u> <u>Modify/remove the full bath to a half bath.</u>
<u>Within 180 days of site plan and floor plan approval</u>	<u>Owner/applicant shall stripe parking spaces and provide bumper stops.</u>
<u>July 24, 2013</u>	<u>Obtain building permits for the unpermitted roof and canopy addition. Construction must be complete.</u> <u>Obtain building permits for the unpermitted spray booth.</u> <u>Request and pay for site inspection.</u> <u>CUP up for full review.</u>

Deadline (From the date of CUP approval, unless otherwise noted)	Performance Standards
30 days <u>Completed</u>	Remove all unpermitted signage. <u>Completed</u>
30 days <u>Completed</u>	Remove all unpermitted signage. <u>Completed</u>
30 days	Submit to Building and Safety for demolition and building permits, if not already done so.
60 days from the issuance of the demolition permit	Remove/modify the full bath to a half bath. Remove the unpermitted bathroom in the rear.
60 days	Submit a landscaping and irrigation plan.

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60 days	Submit a site plan and floor plan to Planning Division.
60 days from the date of site plan and floor plan approval.	Repair all broken concrete/asphalt. Level parking area. Obtain any grading permits, if necessary.
60 days from the date of landscape plan approval	Install landscaping and irrigation.
60 days	Obtain permits from Building and Safety for the spray booth.
90 days from the date of site plan and floor plan approval.	Provide striping for parking spaces and meet ADA requirements.
120 days	Satisfy the recommendations and safety concerns identified in the Property Inspection Report.
180 days	Obtain building permits for the unpermitted roof.
8 months	Begin the demolition of unpermitted partitions, unpermitted addition to the rear, and unpermitted addition to the north. Must obtain proper permits from Building and Safety prior to any construction/demolition.
11 months	Complete any remaining construction and/or tenant improvements. Complete any interior improvements such as closing off doors, repairing walls, etc. to meet building code requirements.
12 months	Complete any necessary façade improvements. Install gates, fences, etc. (if necessary). Request a site inspection to Planning and pay applicable fees.



City of Carson
Planning Division
Economic Development Workgroup
701 East Carson Street
P.O. Box 6234
Carson, California 90749

Exempt from recording fees pursuant to Government Code §6103.

RESTRICTIVE COVENANT

Declarant Mariechelle R. Guinto is the fee title owner of the property at 21012 Main Street, Carson, (hereafter the "Property") also identified as Los Angeles County Assessor's Parcel No. 7334-001-041. The property is described in the deed to Declarant recorded in the Office of the Los Angeles County Recorder.

This Restrictive Covenant is made and entered into as of the 19th day of March, 2012, by Mariechelle R. Guinto "(Owner)" and the City of Carson, California, a municipal corporation.

RECITALS

- A. Owner has been issued Conditional Use Permit (CUP) No. 831-10 on December 13, 2011 by the City of Carson Planning Commission to operate an existing auto repair use as defined in the Carson Municipal Code (CMC) Section 9138.2 on the Property, which is in the ML-D (Manufacturing, Light – Design Overlay Review) zoning district.
- B. The purpose of this Restrictive Covenant is set forth as restrictions on the Property, and as covenants running with the land, those conditions which relate to the auto repair use on the property as described in CUP No. 831-10.

NOW, THEREFORE, in consideration of performance by Owner of the Covenants and Conditions herein contained, the parties agree as follows:

1. The property shall be restricted to be used as an auto repair use only, unless additional on-site parking is provided to accommodate an alternate or additional use in accordance with the parking requirements of CMC Section 9162.2.
2. The property shall provide a minimum of five (5) on-site parking spaces at all times to accommodate the auto repair use and as required in CUP No. 831-10.
3. The property is limited to one (1) auto repair bay or one (1) spray booth, unless additional on-site parking is provided in accordance to CMC Section 9162.2.
4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.

5. The foregoing restrictions may not be terminated or amended without the prior written consent of the Planning Officer of the City of Carson. These restrictions shall run with the land and are binding upon heirs, assigns, and successors, in interest of Declarant to the Property.

6. This instrument constitutes the entire agreement of the parties hereto with respect to the subject matter hereof, and no modifications hereof shall be of any force or effect until signed by the party to be charged.

7. Violation of the restrictions is a good and sufficient ground to warrant civil action against the Declarant and all other remedies and/or available to the City of Carson for a violation of any of these conditions.

IN WITNESS WHEREOF, the parties hereto have entered into this Covenant as of the day and year first-above written.

"City"

CITY OF CARSON


Sheri Repp-Loadsman, Planning Officer

"Owner"

Marichelle R. Guinto

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____
(name and title of officer)

personally appeared _____,
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary _____ Date _____

