



CITY OF CARSON PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 9, 2012

SUBJECT: Conditional Use Permit No. 831-10

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

REQUEST: To consider revocation of 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			Gordon
		Vice-Chair Verrett			Saenz
		Brimmer			Schaefer
		Diaz			Williams
		Goolsby			

Item No. 11C

I. Introduction

On July 24, 2012, the Planning Commission approved an amendment to the conditions of approval for Conditional Use Permit (CUP) No. 831-10. The amendments included extending the full compliance date by one year from the date of site plan approval (July 24, 2012), requiring the immediate removal of the encroachment onto the neighboring property and rear yard, and obtaining building/electrical/mechanical permits for the existing spray booth. Per the amendments to the conditions of approval, the applicant was required to submit for building permits for the unpermitted spray paint booth by September 24, 2012 and obtain permits for the demolition of interior partitions and addition in the rear yard by August 24, 2012. The applicant has failed to obtain or submit for required permits within the given time period as directed by the Planning Commission, therefore is subject to possible revocation and consideration by the Planning Commission (Exhibit No. 1).

II. Background/Analysis

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.

On July 10, 2012, the Planning Commission considered revocation of CUP No. 831-10 and directed staff to amend the conditions of approval to allow the applicant additional time to complete the performance standards. The Planning Commission directed staff to return with the amendments on July 24, 2012. On July 24, 2012, the Planning Commission approved Modification No. 1 to CUP No. 831-10 by minute resolution (Exhibit No. 2).

On December 13, 2011, the Planning Commission adopted Resolution No. 11-2412 approving Conditional Use Permit (CUP) No. 831-10 to allow the existing auto repair use (International Auto Body) to continue operations provided that strict performance standards are followed within a 12-month time period (Exhibit No. 4).

Application History

May 19, 2010 - The applicant submitted a development application for Planning Commission consideration. The major violations that affect immediate health and safety are listed below:

- **Illegal residential use** (abated on November 28, 2011)
- **Unpermitted addition to the neighboring property line and rear yard (must be removed)** – submitted on July 24, 2012 and was ready to be issued the same day, but permit was not paid for or picked up by applicant until August 21, 2012.



Work has not been finalized by Building and Safety. Only partial removal of the addition has been completed)

- **Unpermitted interior improvements** (demolition permit or obtain building permits – Submitted for demolition permit, never issued or finalized by Building and Safety)
- **Unpermitted roof** (must be permitted – never submitted for permits)
- **Unpermitted toilet facility within work area** (demolition permit or obtain building permits – never submitted for permits)
- **Unpermitted spray booth** (remove or obtain building permits – submitted for electrical permits June 2011 but never resubmitted plans after receiving comments since August 30, 2011)

February 2011 – Reggie Guinto sold auto repair business to current operator (Luis Gutierrez). Property is still owned by Reggie Guinto.

August 2011 – Applicant demolished interior improvements and a portion of the rear yard addition without property permits or inspection.

October 31, 2011 – Applicant submitted for a demolition permit for the unauthorized removal of the interior improvements. As of September 27, 2012, the demolition permit was never issued or finalized by Building and Safety.

November 8, 2011 – **Planning Commission Public Hearing.** Staff recommended denial due to the property owner's refusal to remove the illegal residence or a continuation to allow the applicant to abate the residential use. The Planning Commission directed the applicant to immediately abate the residential use and directed staff to return on December 13, 2011 with performance standards/conditions of approval (Exhibit No. 3).

December 13, 2011 – **Planning Commission Public Hearing.** Planning Commission approved CUP with strict performance standards (12-months).

July 10, 2012 – **Planning Commission Public Hearing.** Planning Commission considered revocation of CUP for auto repair. Staff recommended revocation due to the applicant's unwillingness to sign a restrictive covenant and on-going violations of the performance standards addressing the major issues listed above. Planning Commission continued the public hearing to July 24, 2012 and required the applicant to sign the restrictive covenant and submit for demolition permits (Exhibit No. 5).

July 24, 2012 – **Planning Commission Public Hearing.** Planning Commission approved a modification to the performance standards, allowing the applicant additional time to meet conditions (1 year). However, health and safety issues must be corrected immediately (Exhibit No. 6).

October 9, 2012 – **Planning Commission Public Hearing.** Planning Commission is considering revocation of the CUP. Staff recommends revocation since the applicant has failed to meet the extended timelines granted by the Planning Commission to submit for the spray booth permit.

Issues of Concern – Spray Booth

The applicant has been aware of the permit requirements for the spray booth since June 3, 2010 and has repeatedly delayed compliance. On July 24, 2012, the Planning Commission approved an extension for compliance from February 15, 2012 to September 24, 2012, however the applicant has still not fully submitted for building permits.

The continued operation of an unpermitted spray booth is an immediate health and safety concern since fire hazards can easily occur from the flammable materials and electrical wiring. The continued nonconformity should not be allowed to continue or be required to be addressed immediately to prevent any safety issues.

Issues of Concern – Performance Schedule Timeline

On July 24, 2012, staff recommended modifications to the conditions of approval, extending the timeline for compliance for the applicant and the Planning Commission approved the modifications with the intent to provide the applicant additional time for complete compliance and to immediately address any health and safety concerns.

While monitoring and implementing the modified timeline, staff has discovered some concerns with the current language and recommends modifications to clearly represent the intentions of the Planning Commission if a revocation is not approved.

Currently, the language determining the timeline to obtain permits does not take into consideration certain circumstances when the applicant delays compliance. For example, since the deadline for removal of the unpermitted addition is stated as “60 days from issuance of building permits” staff is unable to ensure corrections are completed in a timely manner since the applicant can delay resubmittal of corrections and paying for permits, which ultimately will extend the time period for compliance.

In addition, adjustments to dates and language are proposed to adjust the timeline and accommodate the Planning Commission’s wishes if a revocation is not approved.

Below is a table showing the recommended modifications to Resolution No. 11-2412 if a revocation is not approved by the Planning Commission:

Deadline	Performance Standards
July 26, 2012	Owner/applicant shall sign and record a restrictive covenant

<p>August 24, 2012</p> <p>October 11, 2012</p>	<p>Owner/applicant submits for Building and Safety permits.</p> <p>Owner/applicant shall submit a floor plan, site plan, and landscape/irrigation plan to the Planning division for review and approval.</p> <p>Owner/applicant must obtain demolition permits for the removal of the partitions within the building and addition within the rear yard setback.</p>
<p>September 24, 2012</p>	<p>Owner/applicant must submit remaining requirements to Building and Safety for the unpermitted spray booth.</p>
<p>Within 60 days from issuance of the building permit</p> <p>December 11, 2012, unless the Planning Division determines additional time is required due to the issuance of the building permit. In which case, the deadline will be determined to be 30 days from the issuance of the building permit.</p>	<p>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>And receive final inspection sign-off from the Building and Safety division for the demolition of the tenant improvements, demolition of the unpermitted bathroom in the rear, addition in the rear yard, and addition extending to the neighboring property.</u></p> <p><u>Obtain all permits for the spray booth.</u></p>
<p>Within 90 days of landscape plan approval and site plan approval (October 24, 2012)</p>	<p>Owner/applicant shall install landscaping according to the approved plan.</p> <p>Modify/remove the full bath to a half bath. <u>And receive final inspection sign off from the Building and Safety division.</u></p>
<p>Within 180 days of site plan and floor plan approval (<u>January 24, 2012</u>)</p>	<p>Owner/applicant shall stripe parking spaces and provide bumper stops.</p> <p><u>Receive final sign off for the spray booth.</u></p>
<p>April 24, 2012</p>	<p><u>Obtain building permits for the unpermitted roof and canopy addition.</u></p>
<p>July 24, 2013</p>	<p>Obtain building permits for the unpermitted roof and canopy addition. Construction must be complete.</p> <p>Obtain building permits for the unpermitted spray booth.</p> <p><u>All construction must be complete and finalized by Building and Safety, including the roof, canopy addition, demolitions, and modification to restroom.</u></p> <p>Request and pay for site inspection.</p> <p>CUP up for full review.</p>

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. The applicant has shown a history of noncompliance, an unwillingness to honor the wishes of the Planning Commission, and aversion to working with staff. Taking the applicants history into account and the recent violations, staff believes the Planning Commission has sufficient cause to revoke the

CUP at this time and forward the outstanding violations to code enforcement for abatement.

As an alternative, the Planning Commission can once again modify the performance standards for Conditional Use Permit No. 831-10 as recommended above and direct staff to return with modified conditions on November 13, 2012.

IV. Recommendation

Staff recommends that the Planning Commission chose one of the following options:

1. REVOKE Conditional Use Permit No. 831-10; and

WAIVE further reading and ADOPT Resolution No. 12-__, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON REVOKING APPROVAL OF CONDITIONAL USE PERMIT NO. 831-10 FOR A VEHICLE SERVICE AND AUTO REPAIR USE LOCATED AT 21012 SOUTH MAIN STREET." or

2. CONTINUE the public hearing to November 13, 2012; or
3. DIRECT staff to modify Resolution No. 11-2412 and to continue the public hearing until November 13, 2012 to allow the applicant additional time for compliance with all outstanding conditions of approval and clarify existing language.

V. Exhibits

1. Draft Resolution for Revocation
2. Approved Resolution No. 11-2412
3. Planning Commission Minutes, dated November 8, 2011
4. Planning Commission Minutes, dated December 13, 2011
5. Planning Commission Minutes, dated July 10, 2012
6. Planning Commission Minutes, dated July 24, 2012

Prepared by:


Sharon Song, AICP, Associate Planner

Reviewed by:


John F. Signe, AICP, Senior Planner

Approved by:


Sheri Repp-Loadman, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON REVOKING CONDITIONAL USE PERMIT
NO. 831-10 FOR A VEHICLE SERVICE AND AUTO 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 Mariechell 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 (CUP) No. 831-10 to authorize the continued operation of an existing auto repair use in the ML-D (Manufacturing, Light - Design Overlay) zoning district. The use is within 100 feet of a residential zone and thus requires approval of a CUP per Section 9138.2 of the Carson Municipal Code (CMC).

On December 13, 2011, the Planning Commission held a duly noticed public hearing at 6:30 p.m. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. The Planning Commission opened the public hearing, received public testimony, considered the issues discussed, and at the conclusion of the public hearing adopted Resolution No. 11-2412 approving CUP No. 831-10. The approval included conditions of approval that required certain performance standards be met within an allotted period of time. Failure to meet those performance standards are grounds for revocation.

On July 24, 2012, the Planning Commission held a duly noticed public hearing at 6:30 p.m. at City Council Chamber, 701 East Carson Street, Carson, California. The Planning Commission opened the public hearing, received public testimony, considered the issues discussed, and at the conclusion of the public hearing approved Modification No. 1 to CUP No. 831-10 by minute resolution. The modification included amending the conditions of approval to allow the applicant additional time to meet requirements.

On October 9, 2012, the Planning Commission held a duly noticed public hearing at 6:30 p.m. at City Hall, Council Chambers, 701 East Carson Street, Carson, California, to consider revocation of CUP No. 831-10. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. Pursuant to Planning Commission Resolution No. 11-2412, the Planning Commission may conduct a meeting for revocation if any of the conditions of approval are found to be in violation. Included in the conditions are performance standards that must be satisfied within an allotted time.

The Planning Commission finds that the applicant has been given ample time, but has failed to meet the requirements in the conditions of approval within the allotted time. Condition nos. 25, 32, and 35 of Resolution No. 11-2412 state:

25. Within 30 days from July 24, 2012, 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, and interior improvements.

32. Within 60 days from July 24, 2012, the owner/applicant must submit remaining requirements to the Building and Safety division to obtain proper permits for the unpermitted spray booth.
35. Within 30 days from July 24, 2012, the owner/applicant must obtain proper demolition permits from Building and Safety for the removal of the unpermitted partitions within the building and unpermitted additions in the rear yard setback.

The applicant was made aware of the required conditions of approval at the Planning Commission hearing on December 13, 2011. On September 19, 2012, planning staff notified the applicant and property owner by registered mail of the violations and referral to the Planning Commission for possible revocation.

Section 4. Pursuant to Section 15321(a) of the California Environmental Quality Act (CEQA) Guidelines, the enforcement action by a regulatory agency to revoke entitlements is categorically exempt.

Section 5. Based on the aforementioned findings, the Commission finds the applicant is in violation of the conditions of approval included in Resolution No. 11-2412 and hereby revokes approval of CUP No. 831-10 with respect to the property described in Section 1 hereof. The applicant shall cease all auto repair activities and the property must be vacated within 30 days of the adoption of this Resolution.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. 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.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF October, 2012

CHAIRMAN

ATTEST:

SECRETARY



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.

10

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

12

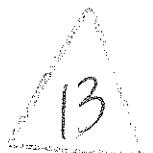
CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

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.

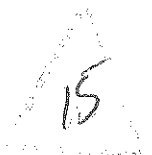


8. All damaged or wrecked vehicles awaiting repair shall effectively be screened so as not to be visible from surrounding property or from any adjoining public street or walkway.
9. No residential use shall be permitted on-site at any time.
10. All repair activities shall be confined to the hours between 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~~

16

~~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>

<u>Deadline</u> (From the date of CUP approval, unless otherwise noted)	<u>Performance Standards</u>
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.

18

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.

Commissioner Goolsby asked why this applicant is being directed to reduce the height of her fence.

Senior Planner Signo explained that the fence height at this property is being addressed because of the CUP process now under consideration.

Chairman Faletogo noted his support of allowing this applicant additional time to reduce the height of this fence.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Saenz, to approve the applicant's request, thus adopting Resolution No. 11-2409. (This motion ultimately passed.)

Commissioner Verrett expressed her belief that 90 days may not be enough time for the applicant to reduce the height of the fence.

By way of a friendly amendment, Chairman Faletogo suggested giving the applicant 180 days to reduce the height of the fence.

Discussion ensued with regard to applying for a variance to allow for the height of the existing fence and addressed their interest in an ordinance amendment to increase the allowable height of fences.

Vice-Chairman Gordon suggested asking the applicant if more time is needed.

Senior Planner Signo pointed out that there needs to be a finding to support a variance, stating he does not believe a variance would be supported by staff for this address.

Chairman Faletogo re-opened the public hearing.

Ms. Holguin stated she does not need the additional time.

Chairman Faletogo closed the public hearing.

The motion carried, 7-1 (Diaz voted no; absent Commissioner Williams).

11. PUBLIC HEARING

B) Conditional Use Permit No. 831-10

Applicant's Request:

The applicant, Mariechelle Guinto, is requesting to approve an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The subject site is located at 21012 South Main Street.

Staff Report and Recommendation:

DENY Conditional Use Permit No. 831-10; and WAIVE further reading and ADOPT Resolution No. 11-____, entitled, "A Resolution of the Planning Commission of the city

EXHIBIT NO. 3 -

20

of Carson denying Conditional Use Permit No. 831-10 for this continued vehicle service and repair use located at 21012 South Main Street."

Chairman Faletogo advised that he had visited this site and spoke with the owner and asked for input on what Associate Planner Song had discussed with the owner.

Associate Planner Song stated that she apprised the owner of all the outstanding violations; advised that staff would be recommending denial; and that if the Planning Commission were to support a denial, the owner would have three to six months to relocate his business. She pointed out that with the exception of the last two weeks, this property owner has made no effort to work with staff and conform to the City's Municipal Code.

Senior Planner Signo highlighted the long history of communications with this property owner.

Associate Planner Song stated that the property owner was advised to pull a demolition permit for the illegal addition; that after being advised a demolition permit was necessary, the owner tore down the attached illegal unit without pulling a permit; advised that there is an unpermitted restroom which is located within the setback area; and advised that part of the building has been built over the property line onto the neighboring property.

Commissioner Schaefer noted her appreciation of all the documentation that was provided in staff report; highlighted the recent CUP approval at 20922 South Main Street and expressed her concern with the inconsistencies in the recommendations for these similar properties along Main Street. She advised that she also had visited this site and spoke with Mr. Gutierrez.

Senior Planner Song pointed out that one of the major differences with this property is the residential use on site.

Commissioner Saenz stated that the extra restroom should be maintained for the employees.

Chairman Faletogo opened the public hearing.

Pat Brown, applicant's representative, advised that the improvements were not being done on this property because the property owner did not have the funds to do the repairs; and stated that since the property owner's daughter got involved last August, she is now getting some of the improvements made. He asked that this applicant be given 12 months to complete the improvements, adding that the applicant has hired a structural engineer to get this through the building and safety process.

Anthony Rockhold, at the request of Commissioner Brimmer, commented on some of the code enforcement issues at this site and stated that he took the photographs of this site that are included in the planning packet.

Vice-Chairman Gordon asked why the applicant has just now started working on making the improvements when staff has been trying to get the applicant to make the improvements for a year and a half.

21

Mr. Brown advised that some work has been done since last August.

Vice-Chairman Gordon asked if anyone is currently living on this site and asked what assurance there is that the work will be done in the next 12 months.

Mr. Brown stated that he does not know about the living situation but advised that the living quarters will be vacated from this point forward.

Commissioner Diaz echoed Vice-Chairman Gordon's concern with why the work wasn't started earlier and completed by now.

Mr. Brown reiterated that the finances were not available to make the improvements.

Mariechelle Guinto, property owner, stated that since she became aware of the issues, she has been working to make some of the improvements; advised that a site plan has now been given to staff; and stated that because of limited funds, she needs more time to complete the improvements. She advised that her father stays in the unit on site from time to time but that he does not live there permanently. She added that it will cost approximately \$50,000 to complete the improvements and that she has taken out a loan from family members to do the work. Ms. Guinto stated it would be beneficial for someone to stay on this property at all times to keep it from becoming vandalized. She added that her father gave her this property in 2004.

John Abella, Yorba Linda, stated that he owns the adjacent property to the north, and commented on the nice improvements being made to the applicant's property; and noted that it is one of the better looking properties on this street. He stated that the applicant should be given two years to comply.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Verrett, to approve the applicant's request and to give the applicant two years to make the improvements. (This motion was ultimately superseded.)

By way of a friendly amendment, Commissioner Verrett suggested limiting the time to 18 months for completing the improvements.

Commissioner Saenz agreed with the friendly amendment.

Vice-Chairman Gordon commented on the need to be consistent with the decisions being made for these businesses on Main Street and stated that the Commission should adhere to 12 months as was given at the last meeting to the business at 20922 South Main Street.

Commissioner Saenz stated that because this use has a large number of violations to address, they should be given more time to complete the improvements.



Commissioner Saenz moved, seconded by Commissioner Brimmer, to prepare a resolution of approval for this applicant. (This motion was ultimately superseded.)

City Attorney Wynder clarified that if the Commission's intent is to approve the applicant's request and to put a stop to the use of the residential unit, the motion should be to direct staff to prepare a resolution of approval, along with conditions of approval, and that evidence be presented to prove the residential unit is not being used.

Chairman Faletogo moved, seconded by Commissioner Verrett, to direct staff to prepare a resolution for approval, along with conditions; and that this applicant be given 12 months to correct the violations. (This motion was ultimately amended.)

By way of a substitute motion, Commissioner Diaz moved to concur with staff recommendation for denial, stating that if the property owner is able to immediately remove the residential use, address all code enforcement issues, and adequately correct violations, they may be eligible to reapply for a conditional use permit for an auto repair use at a later time. (This motion died due to the lack of a second).

City Attorney Wynder stated that further clarification is needed on the motion, asking if it is the Commission's intent that the applicant be given 12 months to complete the improvements and that a resolution of approval, with conditions, be drafted once the residential use has ceased.

Chairman Faletogo and Commissioner Verrett indicated yes and accepted City Attorney Wynder's clarification on the motion.

Senior Planner Signo suggested that a performance schedule be implemented for that 12-month period, noting that several of the improvements can be done within the span of those 12 months.

Chairman Faletogo and Commissioner Verrett accepted Senior Planner Signo's suggestion for a performance schedule for that 12-month period.

The motion carried as follows:

AYES:	Brimmer, Faletogo, Goolsby, Gordon, Saenz, Schaefer, Verrett
NOES:	Diaz
ABSTAIN:	None
ABSENT:	Williams

12. NEW BUSINESS DISCUSSION	None.
------------------------------------	-------

13. WRITTEN COMMUNICATIONS	None.
-----------------------------------	-------

14. MANAGER'S REPORT	
-----------------------------	--

Senior Planner Signo distributed to the Commission a memo regarding quality assurance conditions for the 2535-2569 East Carson Street condo project, and commented on the possibility of applying quality assurance conditions to future condominium projects.

Planning Officer Repp stated that staff would allow an additional 60 days for the removal of the storage container.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Diaz, to approve the applicant's request, thus adopting Resolution No. 11-2411. Motion carried, 8-0 (absent Commissioner Williams).

11. PUBLIC HEARING

B) Conditional Use Permit No. 831-10

Applicant/Property Owner:

The applicant, Mariechelle Guinto, is requesting to approve an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The subject property is located at 21012 South Main Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to DENY Conditional Use Permit No. 831-10; and WAIVE further reading and ADOPT Resolution No. 11-2412, entitled, "A Resolution of the Planning Commission of the city of Carson denying Conditional Use Permit No. 831-10 for this continued vehicle service and repair use located at 21012 South Main Street."

Chairman Faletogo highlighted the applicant's letter (of record) to the Commission which addresses the applicant's belief they have been unfairly treated by city staff.

Associate Planner Song listed and addressed each item the applicant has yet to complete, including those processes required by the Building and Safety Department. She added that the applicant also failed to obtain permits for some of the work they undertook; and noted that the violations are outlined in a table on Page 14 of staff report.

Planning Officer Repp explained that it is always difficult when a property owner/business owner has a number of violations that need to be addressed and struggling to come up with the financing to comply. She reminded the Commission that the auto repair use ordinance was first adopted in 2009 and that there have been several property owners who have complied with the new ordinance; however, there are still some businesses and property owners who have not fully complied. She stated that there have been several workshops and code enforcement actions in order to gain compliance; and that when a more assertive approach becomes necessary, sometimes the property owners/business owners become protective and defensive. Planning Officer Repp stated that Associate Planner Song has been diligent in doing her job, and that she believes staff has done everything this Commission has deemed necessary in order to gain compliance; and she encouraged the Commission to maintain the adopted standards for compliance. She pointed out the issues concerning the safety standards on this site, noting that allowing these issues to go on for another 12 months is considered very lenient and generally not a good policy.

City Attorney Wynder added that this site is a chronic code violation property, expressing his belief that staff has exercised remarkable restraint and that, in his opinion, they do not deserve to do business at this location if they continue to not comply with these standards. He added that another remarkable showing of restraint is the prosecutor has only charged them with a misdemeanor. He added that staff has done its job and because of the chronic nature of these violations, staff is reminding them of each of the steps in the process. He stated that the applicant cannot go halfway through the list of violations and think the problems at this site are cured and that acting without the benefit of permits is not the way an orderly development in a community exists. He stated he is troubled by this applicant's nonconforming activities. He pointed out that a letter from staff stating that if they do not comply with the law, they will face legal action is not considered a threat, it is a letter that is sent to obtain compliance with the City's codes; and that giving an applicant a deadline with which to comply is a legal standard by which a legal prosecutor enforces the law.

City Attorney Wynder also added that Carson's businesses must comply with the National Pollutant Discharge Elimination System (NPDES) permit program, which controls water pollution by regulating point sources that discharge pollutants into waters of the United States. He added there are some serious consequences to violating this program, not only for the businesses but also for the city of Carson.

Commissioner Saenz stated there are a lot of businesses on Main Street that are not complying with the City's codes and that this applicant feels this is selective enforcement.

City Attorney Wynder pointed out that every city is facing the impacts of limited financial resources to bring businesses into compliance, but added that when the City finds violations, it must address those violations; and concluded this has all been done appropriately with this site.

Commissioner Verrett stated that the most serious violations should be dealt with as soon as possible and that the applicant should be given adequate time to comply with the nonconformities.

Commissioner Diaz stated that the Commission directed staff at the prior meeting to return with a resolution the Commission could vote on; that the Commission gave clear direction and instructions to staff to prepare a performance schedule to complete the conditions of approval in the next 12 months; he expressed his belief that what staff has presented this evening has concisely met what the Commission asked of staff; and he stated that this matter should move forward.

Commissioner Schaefer expressed her belief staff is doing exactly what the Commission directed staff to do as residents of the community and stated she feels uncomfortable with the applicant's letter; and expressed her belief that staff deserves the Commission's compliments for the work they have done to get this property into compliance.

Associate Planner Song reiterated that staff is continuing to recommend denial of the CUP because of lack of compliance and a lack of good faith effort to meet the standards.



Commissioner Diaz advised he visited with the business operator who showed him around the site, noting his appreciation of the operator's time.

Commissioner Goolsby stated that he also visited the site and looked from the front, noting this site looks better than most on Main Street.

Commissioner Verrett noted she would support extending the time given to the applicant to complete any necessary improvements.

Chairman Faletogo opened the public hearing.

Mariechelle Guinto, property owner, stated it is her intent to comply and fix the violations that were presented to her from the last meeting, but stated that there are additional items on the performance schedule she was not aware of and that she feels she needs more time to determine the cost to fix those violations, such as the roof. She stated she is overwhelmed with the number of violations that need to be fixed; advised that she does not know how much all of this will cost; and that she feels uncomfortable in saying what she will ultimately be able to complete given her finances. She stated that the largest expense will likely be to fix or remove the roof structure; and stated that while she will agree to fix the nonconformities, she is not sure if she will have the finances to complete the list. She also addressed her concern that many unforeseen things can happen within the next 12 months and that if she needs a little additional time, she would like to ask for that extension if need be.

Ms. Guinto noted for Commissioner Brimmer that her father operated the business from this site for many years up until last year and confirmed that she is now the property owner. She reiterated that she became aware of all these issues about four to five months ago and that she feels overwhelmed. She stated that she received a letter from the City's prosecutor's office after the last hearing and that she is confused with the timing of that letter. She advised that no one is living on site at this time. She reiterated that her biggest concern is the cost of bringing the roof structure into compliance and believes she hasn't been given enough time to research how much all of these repairs are going to cost her.

Planning Officer Repp pointed out that the roof is a very large unpermitted structure that must be brought up to code, and if the applicant does not have the funds to bring it up to code, then the next option would be to remove the structure.

Commissioner Diaz asked the applicant if she is in concurrence with the conditions of approval and the performance schedule.

Ms. Guinto stated she is in concurrence with everything except with the roof structure because of its unknown cost to bring it into conformance.

Vice-Chairman Gordon asked staff why the applicant was only notified of the roof a few weeks ago.

Associate Planner Song explained that the applicant was made aware that any unpermitted structure would need to be addressed and has been included in the performance schedule. She added that up to a certain time, staff was working with her father, who was aware of the roof condition.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Diaz, to adopt Resolution of Approval No. 11-2412 to approve the applicant's request for a conditional use permit. (This motion ultimately carried.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Commissioner Saenz, to adopt Resolution of Approval No. 11-2412, giving the applicant 18 months to comply with the roof requirements. (This motion was ultimately withdrawn.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Chairman Faletogo, to adopt Resolution of Approval No. 11-2412, allowing the applicant to return to the Planning Commission with a request for extension of time if the roof is still not in full compliance. (This motion was ultimately withdrawn.)

Planning Officer Repp advised that anyone may seek an extension of a discretionary permit.

The original motion to approve carried, 8-0 (absent Commissioner Williams).

11. PUBLIC HEARING

C) Design Overlay Review 1428-11

Applicant's Request:

The applicant, Vintage Real Estate, LLC, is requesting to construct a new 7,537-square-foot restaurant building on the Sears parcel at the South Bay Pavilion shopping center. The subject property is located at 20700 South Avalon Boulevard.

Staff Recommendation:

Senior Planner Signo presented staff report and the recommendation to RECOMMEND APPROVAL of Design Overlay Review No. 1428-11 to the Redevelopment Agency, subject to the conditions attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 11-2314, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval to the Carson Redevelopment Agency of Design Overlay Review No. 1428-11 for the design and development of a new restaurant building at the Southbay Pavilion located at 20700 South Avalon Boulevard."

Commissioner Verrett stated that some of the signage lighting at this mall needs attention, noting that several are not working properly.

Chairman Faletogo opened the public hearing.

Jerry Garner, representing the applicant, commented on the Sears shopping center upgrades that will take place at the same time this restaurant is being built. He noted there is likely going to be another restaurant chain applying for the second pad.

Planning Officer Repp advised that the valuation threshold issue will be presented at a separate public hearing later this year.

Chairman Faletogo opened the public hearing.

Pilar Hoyos, representing Watson Land Company, addressed her concern with the Edison easement that runs the entire length of Watson Industrial Center South; advised that DWP recently optioned those properties for lease; and given Watson's investments in this area and concern for compatible uses with all of these properties along this corridor from the north end of the DWP strip to the south end along Sepulveda, Watson is requesting that this entire easement area be included in the design overlay zone, from 223rd to Sepulveda. She expressed concern that DWP could potentially allow a use that would negatively impact Watson's ability to market those adjoining properties. She stated that while Watson Land Company is not completely on board with this change to its properties, Watson understands staff's interest and desire to protect the residential areas across the street from those properties. She stated that Watson Land Company has high standards and that the company is here for the long term and doesn't want to jeopardize Watson's interest with the community, but stated they understand and will not object to this proposed change. She reiterated that Watson is concerned with delays in having to go through this design review process in being able to deliver a building for the desired user in an efficient timeframe. She reiterated her request to have the DWP easement property included in this change. She mentioned that their buildings are designed to respond to commercial needs.

Rev. Joe Hernandez, representing Mission Eben-Ezer Family Church, asked if his church property is included in this change.

Planning Officer Repp advised that Project Area 1 has never been exempt and is not part of this proposal.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Williams, to concur with staff recommendation, including the addition of all Department of Water and Power easement property between 223rd Street and Sepulveda Boulevard; and moved to adopt Resolution No. 12-2439. Motion carried, 8-0 (absent Commissioner Diaz).

11. PUBLIC HEARING

C) Conditional Use Permit No. 831-10

Applicant's Request:

The applicant, Reggie Guinto, is requesting to consider revocation of 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. The subject property is located at 21012 South Main Street.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to 1) REVOKE Conditional Use Permit No. 831-10 and WAIVE further reading and ADOPT Resolution No. 12-___, entitled, "A Resolution of the Planning Commission of the city of Carson revoking approval of Conditional Use Permit No. 831-10 for a vehicle service and auto repair use located at 21012 South Main Street"; or 2) Modify Resolution No. 11-2412 by adding a condition to require the removal of the unpermitted canopy and to continue the public hearing until August 14, 2012, to allow the applicant to demolish the canopy and demonstrate compliance with all outstanding conditions of approval.

Chairman Faletogo opened the public hearing.

Senior Planner Signo explained for Chairman Faletogo that the restrictive covenant would allow the applicant to continue to do auto repair on site and to keep the canopy that has been constructed without the benefit of permits as long as the applicant completes the permit process on this canopy; noted that if the use ever changes on site, the parking requirements must meet code or parking must be provided offsite no more than 400 feet from this property; and if that parking can't be accomplished, the canopy will need to be removed. He stated the 1,400-square-foot canopy requires an additional 3 parking spaces.

Chairman Faletogo stated that the Commission received a letter dated June 27, 2012, from the applicant highlighting a list of 14 improvements he has made on site.

Commissioner Saenz stated that the residential neighbor at the back of this property has built their garage to the fence line of this business's property, noting this property owner currently has an 8-foot setback to that rear fence. He stated that the main reason for the applicant not signing the covenant is that Associate Planner Song will not release the site plan and permit for the canopy until the applicant signs the restrictive covenant. He stated that the applicant cannot get the permits until he has an approved site plan from planning and that this has caused him to get behind in the timeline to complete the work.

Senior Planner Signo stated that staff is holding off on the site plan until the restrictive covenant is signed, pointing out that the site plan currently indicates the canopy is permitted, which is not correct.

Planning Officer Repp advised that residential property owners are allowed by code to build garages within the rear yard setback/property line by one inch or 3 feet in this zone; and that the code requires a 10-foot setback for any industrial buildings that are adjacent to residential. She added that this property has had a series of buildings that have filled the entire rear yard and are not permitted, noting the 10-foot setback requirement must be maintained. She explained that it is only through this CUP process that they can allow for a deviation on the parking requirements; that once this use changes, more parking will be required to meet code; and that as long as this site remains an auto use, this site can maintain the parking deviation through the CUP.

Commissioner Saenz stated that a lot of businesses use Main Street for their parking and noted that business is slow during this economy.

Commissioner Goolsby questioned why staff is recommending to revoke the CUP, noting his understanding this applicant had one year to comply with the performance standards.

Chairman Faletogo opened the public hearing.



Reggie Guinto, applicant/owner, stated that he is not able to comply with the performance standards because his site plan is being held up pending his signing the restrictive covenant, noting he is willing to get the necessary permits. He stated the canopy area is now being used for parking and not a work area since business has been very slow.

Chairman Faletogo highlighted the applicant's letters to the Commission wherein he states he has spent nearly \$50,000 trying to comply with the requirements of the performance standards; stated that the letter also addresses that the work has been put on hold because the site plan has not been approved; and he asked the applicant why he has not signed the restrictive covenant.

Mr. Guinto stated that his lawyer told him that if he signs that covenant, a lien will be placed on his property and that he will then need the City's permission to change the business on this property and be forced to tear down the canopy, noting his concern with the City not agreeing to any proposed change. He noted for Chairman Faletogo that this site is completely auto repair related.

Chairman Faletogo noted that should the Commission give the applicant more time to complete the requirements, how much more time would the applicant need.

Mr. Guinto stated that he is currently out of money and that he would now have to seek financial assistance from his family members; and added that he is only making enough money to pay the mortgage on this property. He stated he needs additional time to seek financial assistance from his family.

Chairman Faletogo asked if the applicant would be able to make the improvements one year from now.

Mr. Guinto stated that is a good timeline for him.

Vice-Chairman Gordon stated that at issue is the applicant's unwillingness to sign the restrictive covenant, noting that this can't move forward until that document is signed.

Justin Benson, applicant's nephew, explained that his uncle's reluctance in signing the restrictive covenant is because his uncle was instructed by an attorney friend against signing the document, stating they believe it is similar to placing a lien on the property and also his concern with the future use of this property should he change the use.

Assistant City Attorney Sultani explained that the covenant is very clear and stated that it is not a lien on the property; that it clearly states the property shall be restricted to the use of an auto repair business unless additional onsite parking is provided to accommodate an alternate or additional use in accordance with the parking requirements; noted that the restriction is binding on all successive businesses, as it runs with the land; reiterated that it is not a lien; and stated that if a user of the property wants to do anything other than auto repair, then they have to comply with Carson's Municipal parking requirements.

Vice-Chairman Gordon asked the applicant if he showed his attorney the paperwork he received from the City.

Mr. Guinto indicated that no, he did not show any of the documents to his lawyer friend; and stated he is concerned with using/selling this property in the future if he signs the agreement and the City not removing the covenant in the future.

Staff reiterated that if the auto repair business goes away in the future, that canopy has to come down if parking cannot be provided.

30

Planning Officer Repp stated that as long as the requirements are met, it would not come before the Planning Commission unless there are going to be exterior modifications that require design review.

Mr. Benson stated that given this evening's explanation of this covenant, his uncle will sign the agreement.

Senior Planner Signo stated there is an issue with the performance standards timeline now that this has been held up pending the applicant's signature, stating the deadlines are off because of this delay and as a result, those deadline dates will need to be altered.

Assistant City Attorney Soltani stated that the Commission could recommend staff bring this matter back in 2 weeks to allow the applicant time to file the covenant and that it return to staff to alter the dates of the timeline in accordance with the delay timeframe.

Planning Officer Repp stated that staff recognizes the applicant now wishes to sign the covenant after this evening's meeting and because of the applicant's misunderstanding of the covenant, out of fairness, the Commission may want to modify the timeline due to this delay; and she advised that staff can shift the deadlines forward to match what he should have accomplished by now.

Chairman Faletogo closed the public hearing.

Vice-Chairman Gordon noted his desire to see the required work completed along this stretch of Main Street.

Chairman Faletogo stated that this applicant has misunderstood the intent of the covenant; that the applicant has done a lot of work on site to conform to code; pointed out that this economy has been rough on businesses; and stated that he'd like to give this applicant a year to make the necessary changes.

Commissioner Williams stated that it should be made clear this delay was not a delay because of staff, that it was due to this applicant getting incorrect advice from an attorney friend who was not provided adequate information from this applicant. He pointed out that staff did the right thing in holding back the site plan for leverage in the event things did not work out.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Saenz, to not revoke Conditional Use Permit No. 831-10, allowing the applicant one year to complete the performance standards. (This motion was ultimately amended.)

Assistant City Attorney Soltani asked for clarification on when the Chair wants the year to commence given the performance standards have been in place for a while.

Chairman Faletogo stated from when the site plan is released.

The motion carried but ultimately was amended and voted on again:

AYES: Faletogo, Goolsby, Gordon, Saenz, Schaefer, Verrett
NOES: None
ABSTAIN: Williams
ABSENT: Brimmer, Diaz

Commissioner Williams stated that he voted to abstain because he does not understand the motion.

Commissioner Verrett stated that the applicant should be signing the covenant tomorrow.

Planning Officer Repp explained that the performance standards guidelines were set in motion last year.

Chairman Faletogo re-opened the public hearing.

Mr. Guinto stated that he will sign the covenant this week.

Chairman Faletogo closed the public hearing.

Commissioner Goolsby stated it's necessary to be more lenient in these poor economic times.

Planning Officer Repp stated that staff would recommend starting off with where the applicant left off on the list, but adding a couple of months to the deadline timeframe.

Commissioner Verrett stated that staff should work with the applicant to get this work done in the next year.

Chairman Faletogo pointed out that the applicant stated he has limited funding and suggested the applicant be able to first complete the remaining projects on the list that he can afford to accomplish, doing the projects out of deadline order. He stated that as long as he completes the work in one year, staff should be working closely with the applicant to completion.

By way of an amended motion, Chairman Faletogo moved, seconded by Commissioner Saenz, to not revoke Conditional Use Permit No. 831-10, allowing the applicant one year to complete the performance standards, starting with the release of his site plan; and moved that staff revise the timeline appropriate with this delay. This motion carried as follows:

AYES: Faletogo, Goolsby, Gordon, Saenz, Schaefer, Verrett, Williams
NOES: None
ABSTAIN: None
ABSENT: Brimmer, Diaz

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT :

- Construction contract for the commercial façade improvement project located at 225 East Carson Street, Carson Carwash

Planning Officer Repp advised that City Council approved the use of Community Development Block Grant (CDBG) monies that have been given to the City to address blighted areas; and advised that these funds will be used for a commercial façade improvement project for Carson Carwash located at 225 East Carson Street.

- August 26, 2012 Planning Commission meeting proposed to go dark for summer schedule

11. CONTINUED PUBLIC HEARING

B) Conditional Use Permit No. 831-10

Applicant's Request:

The applicant, Reggie Guinto, is before the Planning Commission to consider revocation of 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. The subject property is located at 21012 South Main Street.

Commissioner Saenz noted that a letter from the applicant indicates that watering his minimal landscaping only takes two to three minutes and that he does not feel an irrigation system is necessary.

Commissioner Goolsby noted his concern that businesses are struggling in this poor economy and stated that the City should be more lenient and flexible, suggesting this applicant be given more time to comply.

Senior Planner Signo stated that the applicant will have a year from this evening to complete the requirements.

Reggie Guinto, property owner, stated that he signed the covenant agreement; advised that his tenant uses the canopy for auto use; and asked if they can keep the second restroom on the east side for the use of the workers who typically have grease on them, noting he'd like to keep the main restroom clean as possible.

Commissioner Diaz stated that the bathroom on the east side needs to be removed because it does not comply with code; and noted his concern with the applicant not meeting the deadlines for compliance. He advised that he received the applicant's letter and noted that he does not agree with everything the applicant wrote.

Senior Planner Signo noted for Commissioner Goolsby that the tenant is allowed to use the canopy for auto related purposes.

Mr. Guinto stated that the full bath is for use by the caretaker of the property.

Commissioner Schaefer stated that she also received the letters from the applicant and stated that from what he has written, she questions his sincerity in his intent to comply. She stated that both staff and this Commission have worked with the applicant, yet the applicant has continued to write another letter.

Mr. Guinto stated that he plans on complying and that he only voiced his opinions in his letters.

Senior Planner Signo stated that this property has historically been used as a residence/caretaker unit, as mentioned by the applicant this evening; and stated that staff does not want it converted back to a residence.

Commissioner Williams pointed out the need for an applicant to seek professional advice when dealing with code compliance issues they do not understand.

Chairman Faletogo closed the public hearing. Chairman Faletogo reopened the public hearing.

Chairman Faletogo asked the applicant if the direction is clear on what he needs to do to be in compliance.

Mr. Guinto stated that yes, he does now understand.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Schaefer, to approve 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. Motion carried as follows:

AYES: Goolsby, Gordon, Faletogo, Saenz, Schaefer, Verrett
 NOES: Diaz, Williams
 ABSTAIN: None
 ABSENT: Brimmer

12. PUBLIC HEARING

**A) Design Overlay Review No. 1454-12 and
 Conditional Use Permit Nos. 907-12**

Applicant's Request:

The applicant, WIN Hyundai, is requesting to construct a new WIN Hyundai Automotive dealership building and remove an existing freeway pylon sign to be replaced with an electronic message center sign located in the CA (Commercial, Automotive) zoning district. The property is located at 2201 East 223rd Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 12-2442, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1454-12 and Conditional Use Permit No. 907-12 for a new Win Hyundai automotive dealership and a new electronic message center pylon sign to be located at 2201 East 223rd Street." He highlighted the following changes to the Conditions of Approval: delete Condition Nos. 26, 29, 43, 44, 47; amend Condition No. 45, "The owner shall annex the area to the L.A. County Lighting Maintenance District, for the purpose of operating and maintaining the streetlights to be installed. The annexation shall be to the satisfaction of L.A. County and shall be completed prior to the issuance of Certificate of Occupancy. Additional streetlight installation or upgrade to existing streetlights may be required as part of the annexation. (*annexation procedure is approximately 12 months*) Contact LACDPW Traffic Lighting Joaquin Herrera (626) 300-4770. *If Certificate of Occupancy is requested prior to the completion of the annexation procedure, the City may issue a Temporary Certificate of Occupancy (Typically good for six months). A final Certificate of Occupancy will be issued when the annexation procedure is completed*"; and amend Condition No. 49, "Paint curbs red a minimum of 20 feet east of