



City of Carson Report to Mayor and City Council

July 19, 2011
Special Orders of the Day

SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER RESOLUTION NO. 11-057 CONCERNING THE PLANNING COMMISSION'S DECISION TO DENY CONDITIONAL USE PERMIT NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, AND 828-10 FOR 10 EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET, IN LIGHT OF NEW INFORMATION SUBMITTED FOR REVIEW AND CONSIDERATION, INCLUDING AN OPERATIONS MANAGEMENT PLAN AND A SCHEDULE FOR PROPERTY REHABILITATION.

Submitted by Clifford W. Graves
Economic Development General Manager

Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

City Council resolved on May 9, 2011, to continue this public hearing to July 19, 2011, directing the appellant to provide specific information (Exhibit No. 1) for staff review and Council consideration. On July 5, 2011, the appellant submitted an informational packet which contains, among other things, an Operations Management Plan (OMP) in the form of Best Management Practices (BMP) and a phased implementation plan for property rehabilitation (Exhibit No. 2). A comprehensive long-term plan for the property, which involves potentially adding new auto repair uses, has also been discussed with staff. While the information submitted has some merit, certain aspects warrant a thorough review of the details. Therefore, staff recommends that the City Council remand all of the CUP applications back to the Planning Commission for additional review and consideration.

II. RECOMMENDATION

TAKE the following actions:

- a. OPEN the continued Public Hearing, TAKE public testimony, and CLOSE the continued Public Hearing.
- b. WAIVE further reading and ADOPT Resolution No. 11-057, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REMANDING TO THE PLANNING COMMISSION CONDITIONAL USE PERMIT REQUEST NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, AND 828-10 FOR 10 EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET, IN LIGHT OF NEW INFORMATION SUBMITTED FOR REVIEW AND CONSIDERATION, INCLUDING AN OPERATIONS

MANAGEMENT PLAN AND A SCHEDULE FOR PROPERTY REHABILITATION.”

III. ALTERNATIVES

1. AFFIRM the decision of the Planning Commission.
2. REVERSE decision of the Planning Commission.
3. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

As was noted in the previous report concerning this appeal (Exhibit No. 3), past performance has shown that this appellant and property owner provides only the minimal level of management with the primary focus on rent collection. Also, in the past, there has been repeated serious code enforcement violations associated with the auto repair businesses. Staff has consistently advised that the tenants need to be monitored so that inappropriate auto repair businesses are removed. Staff stated there was no evidence that the management has the capability to monitor the property to minimize code enforcement issues associated with auto repair businesses.

During this appeal process, the appellant has seemingly taken this criticism seriously. Since the May 9, 2011 Council meeting, the appellant has embarked upon a campaign of property maintenance, interior repairs of existing occupied tenant spaces pursuant to inspection reports submitted to the city, regular towing of inoperable or illegally parked vehicles, implementation of a program of BMP for the auto repair tenants, and frequent visits from property management to ensure compliance.

The appellant has expressed a desire to retain the auto repair businesses onsite and implement a plan to rehabilitate the property to the satisfaction of the city. The appellant has submitted plans for improvements, which include resurfacing, reslurry, and restriping of the parking areas, and installation of landscaping (Exhibit No. 5). Staff met with the property owner onsite to discuss additional near-term improvements to the building façade fronting Carson Street and the entryway onto the property, including removal of the existing brickwork, window repair, wall resurfacing and repainting, and the installation of decorative cornices, window framing, lighting, and landscaping. Staff advised the appellant to obtain cost estimates for these additional improvements, which have yet to be submitted.

On May 9, 2011, certain tenants stated that it is very difficult to get in touch with the appellant and noted that there is no help or assistance from the appellant to keep them in business at this location. In response to these complaints, the appellant has frequently visited the site to conduct property maintenance, rectify

building inspection issues, and formulate an OMP and schedule for rehabilitating the property. The appellant's OMP plan includes the installation of a management office on the subject site in a portion of one of the vacancies.

As a longer-term goal, the appellant wishes to occupy the existing vacant tenant spaces onsite with additional auto repair uses and has submitted a conceptual plan for modifying the zoning code to allow for such expansion. This request is inconsistent with the general goals and objectives for Carson Street. However, due to the unusual characteristics of the property, such a proposal may be appropriate if the OMP and BMP are successful.

With the infusion of new management on the property and continuance of the rehabilitation program, the appellant believes that the property can be revitalized and brought into conformance with operation and development standards found in the zoning code and set forth in Planning Commission direction as provided in their 2009 workshops concerning auto repair.

This item came before the Council as an appeal of the Planning Commission's decision to deny the CUP requests. The Planning Commission denied the requests on the basis of insufficient evidence to show that the existing uses on the property could be managed effectively. The appellant also failed to submit a plan to rehabilitate the site consistent with Carson Street Master Plan development standards and the Mixed-Use Carson Street Zone. Furthermore, the Planning Commission found that the continued operation of auto repair businesses at the subject property is inconsistent with the General Plan and goals and objectives for the Carson Street Corridor. However, with implementation of a proper plan for rehabilitation and effective management, and a mix of responsible tenants, the auto repair businesses could potentially be found consistent with the Carson Street corridor and be appropriately suited for the subject property.

Therefore, in light of the information recently submitted by the appellant, staff is requesting that the Council remand this item back to the Planning Commission to enable an opportunity to reconsider the CUP applications.

V. FISCAL IMPACT

The existing auto repair businesses do not significantly contribute to sales tax generation.

VI. EXHIBITS

1. Letter to Applicant dated May 16, 2011. (pgs. 5-6)
2. Figueroa Media Group (FMG) Packet, submitted July 5, 2011. (pgs. 7-33)
3. Staff Report to Council (without exhibits) dated May 9, 2011. (pgs. 34-38)
4. Resolution No. 11-057. (pgs. 39-41)
5. Development Plans (under separate cover)

Prepared by: Steven Newberg, AICP, Associate Planner

TO:Rev010511

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council	
Date _____	Action _____



CITY OF CARSON

Botach Management
Attn: Mr. Shlomo ("Sammy") Botach
5011 W. Pico Boulevard
Los Angeles, CA 90019

Re: City Council Direction Concerning Auto Repair Mall, 336-338 E. Carson Street, Carson, CA 90745

Dear Mr. Botach,

At a public hearing held May 9, 2011, the City of Carson City Council provided specific direction to you concerning your appeal for continuing the existing auto repair and service uses on your property located at 336-348 E. Carson Street. City Council outlined a required course of action for you to take over the next 60 days in order to potentially receive favorable consideration of your appeal request to reverse the Planning Commission's decision to deny your tenants' conditional use permit (CUP) applications. City Council continued the matter until July 19, 2011.

City Council is expecting your active participation in this process during the next two months. Improvements to the buildings, as a whole, are anticipated, such as new roofing, service bay doors, windows, landscaping, façade enhancement and repairs, paint, parking lot repairs, etc. to bring them up to current standards for the zone. Such repairs provide benefit to you, the property owner, more than each individual tenant – given the current 45% occupancy rate.

The City Council resolved that you work with all ten applicants to develop a plan that provides for property enhancement and adheres to the following requirements:

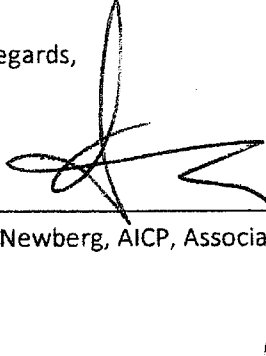
1. A schedule to mitigate known building code, fire code, and any other code deficiencies as identified in inspection reports submitted May 5, 2011 and as may be required by the Building and Safety Division;
2. Identification of a property management plan which proactively reviews the operation of auto repair businesses to ensure that the business activities are appropriate and consistent with quality standards established for the property and in substantial compliance with applicable laws, including but not limited to conditions that may apply to the conditional use permit, business license, Los Angeles County Fire Department and other regulatory agencies. Furthermore, the plan must address steps to be taken to remove and replace the auto repair businesses that are found to be inappropriate and not in compliance with the above, including a contingency for potential relocation assistance - as provided by the Property Owner;



3. Consideration of any and all opportunities necessary for upgrading the property to provide for uses consistent and compatible with the General Plan, the Carson Street Corridor Master Plan, and the Mixed-Use Carson Street zoning code.

Staff recommends that you act expeditiously, per City Council's direction, to provide the requested information in order to allow sufficient time for review. Please be advised that it is your responsibility to coordinate with the various applicants and prepare a comprehensive plan that will assist in setting appropriate standards for the ten pending conditional use permit applications. We look forward to hearing from you soon.

Best regards,



Steve Newberg, AICP, Associate Planner

3/11/11
Date

cc: address file; property cup files



FMG

Finding a Way to Get Things Done
A Figueroa Media Group Company

July 5th, 2011

Honorable Jim Dear
Mayor
City of Carson
City Hall
701 E. Carson Street
Carson, CA 90749

Subject: Request for Approval of Conditional Use Permits (CUP's) via Appeal
Resolution 11-057 of the Planning Commission

Property: 336-348 Carson Street

Dear Mayor Dear:

Relative to the above, and transmitted herewith, please find our formal response to City Council Direction Concerning Auto Repair Mall, with respect to the granting of a sixty (60) day extension at your regularly scheduled meeting of May 9th 2011. Along with the response, this is a formal request to grant the appeal as noted above. In addition to granting the appeal, we respectfully request that the City Council instruct the planning department to accept a Zone Variance (ZV) application from the property owner to allow for the continued use, operation and maintenance of the site for auto repair (and related) uses, with appropriate Operating Conditions. It is understood that filing the Variance application does not infer the approval of same, and that required Findings will have to be made per provisions of the Zoning Code. A Variance would allow the owner to sign new and better tenants, improve cash flow, and acquire funding (bank loans, etc.) for site improvements/enhancements.

Respectfully,

Dante Charleston, Partner
FMG

Los Angeles
3600 Wilshire Boulevard, Ste. 2020
Los Angeles, CA 90010
213-220-0170 (c)

EXHIBIT NO. 32



FMG

City of Carson Council Direction Concerning
Carson Auto Repair Center
336-348 E. Carson Street, Carson CA 90745

Requested Conditional Use Permit (CUP) Findings
And
Supplemental Documents, Plans & Photos

Prepared For:

City of Carson
Members of the City Council
Department of City Planning

Prepared By:

Dante Charleston, Sr. Partner - FMG
Nathan Freeman, MGP - FMG
Mark Surdam, Architect

On Behalf of Botach Management

July 19, 2011



FMG

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RE: City Council Direction Concerning Auto Repair Mall, 336-348 E. Carson Street, Carson CA 90745

The content of this submittal is in response to a public hearing held on May 9, 2011, of the City of Carson City Council which provided specific direction concerning the appellant's appeal for continuing the existing auto repair and service uses on the property located at 336-348 E. Carson Street. The City Council outlined a required course of action to take over the next 60 days in order to potentially receive favorable consideration of the appeal request, reversing the Planning Commission's decision to deny Conditional Use Permits (CUP's) requested by tenants of the subject property. Upon a receiving a presentation by the property owner's representative, and public testimony, the City Council continued the matter until July 19, 2011.

This submittal will consist of the following elements as identified by City of Carson's letter dated May 11, 2011 from the Planning Department, and represents specific information required thereof.

1. A schedule to mitigate known building code, fire code, and any other code deficiencies as identified in inspection reports submitted on May 5, 2011, and as may be required by the Building and Safety Division.
2. Identification of a property management plan which proactively reviews the operation of auto repair businesses to ensure the business activities are appropriate and consistent with quality standards established for the property, and in substantial compliance with applicable laws, including but not limited to conditions that may apply to the Conditional Use Permit, business license, Los Angeles County Fire Department and other regulatory agencies.

The plan must address steps to be taken to remove and replace the auto repair businesses that are found to be inappropriate and not in compliance with the above, including a contingency for potential relocation assistance - as provided by the Property Owner.

3. Consideration of any and all opportunities necessary for upgrading the property to provide for uses consistent and compatible with the General Plan, the Carson Street Corridor Master Plan, and the Mixed-Use Carson Street zoning code.

Documentation attached with this letter is identified numerically as above. Additional to the above, the CUP application information needed at minimum is also attached as follows:

- Site Plans
- Floor Plans
- Elevations
- Photographic Location Map and Photographs
- Color/Material Board
- Conceptual Landscaping Plans
- Color Elevations
- Appropriate Findings



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RE: City Council Direction Concerning Auto Mall, 336-348 E. Carson Street, Carson, CA 90745
Response to question No. 3

Consideration of any and all opportunities necessary for upgrading the property to provide for uses consistent and compatible with the General Plan, the Carson Street Corridor Master Plan, and the Mixed-Use Carson Street Zoning code.

The opportunities, relative to development and redevelopment of the subject property are very limited due to the site's physical constraints; therefore, a creative approach is needed and appropriate for the improvement of the site, relative to maintaining its current use with regard to potential job creation and business development, combined with an educational component. Moreover, the development of this site has financial constraints due in part to changes to zoning that prohibit the owner from leasing the remaining units (causing cash flow problems), general economic conditions nationwide and, with respect to the Carson General Plan, the Carson Master Plan, and the Mixed-Use Carson Street Zone, that requires individual CUP applications in lieu of a site specific Zone Variance or Zone Change.

The appellant proposes a number of components and timeframes to accomplish the overall goals of the aforementioned planning codes and plans as requested by the City Council at the appeal hearing. Said components will achieve the goal of fostering a vibrant, pedestrian friendly corridor, by adopting the design and streetscape standards, while maintaining/creating jobs, job training and business development. As discussed in the attached Findings, maintaining, improving and expanding said services, is also a neighborhood amenity, providing a convenience and necessity typically expected along a mixed use corridor. This is critical to the future growth of the City of Carson.

Phase I

Obtain approval of the previously denied CUP's to continue the use and maintenance of the existing businesses, providing employment for the current tenants, which in turn, provides income to their families. Equally as important, provide revenue to the property owner to assist with the continued upgrades of the site. It should be noted that the property owner currently has a negative cash flow, and even with the approval of the ten (10) Conditional Use Permits, said property will continue to sustain a negative cash flow. This makes it difficult to properly manage the property, make timely repairs/replacements, and improvements. Thus, as part of the short-term plan, the appellant will seek a Variance for the entire property to permit remaining available spaces to be leased for automotive related uses. This will establish site specific Conditions of Operations, and future tenants would only be required to submit plans to the Department Building and Safety to ensure that they comply with said Conditions and applicable codes. Moreover, management through oversight (see attached - Management Operations Plan) will maintain a standard protocol and criteria that is consistent with the overall long-term plan included herein.

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Phase II

This phase will create the opportunity to rent the available spaces, create revenue for property owner and in turn provide more jobs in the community. More importantly, the property will continue to be enhanced per the General Plan, Carson Street Corridor Master Plan and the Mixed-Use Carson Street Zoning Code.

Phase III

This concept, "thinking outside the box", will be to utilize a portion of this site to facilitate an incubator training component for automotive trades for young adults. This concept will solicit synergistic relationships with local community colleges, local City programs and cooperative relationship with local unions, e.g. UAW. This program would provide training in the automotive industry which is becoming more technical and the opportunity for middle class income and growth with transferable skills. Moreover, Phase III will allow for the exploration of the new "Automotive Green Technology." During this Phase, the owner will seek to provide incentives to individuals and companies that will be servicing the new electric, hybrid and alternate fuel (hydro) vehicles.



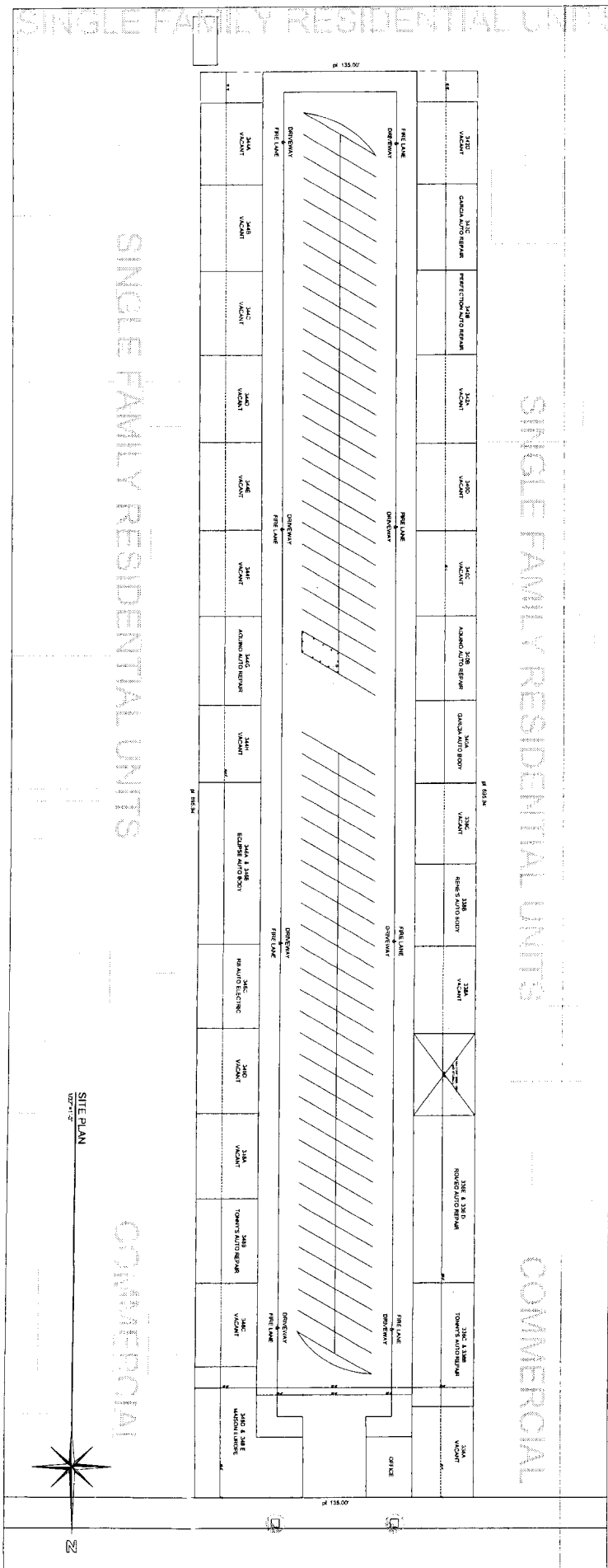
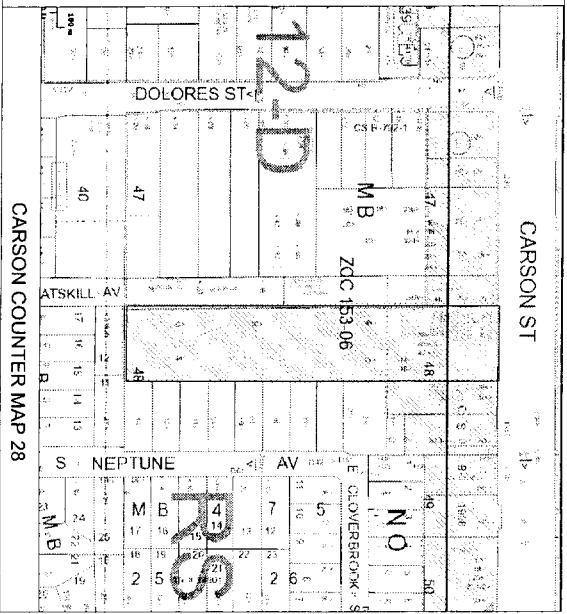
CONDITIONAL USE APPLICATIONS

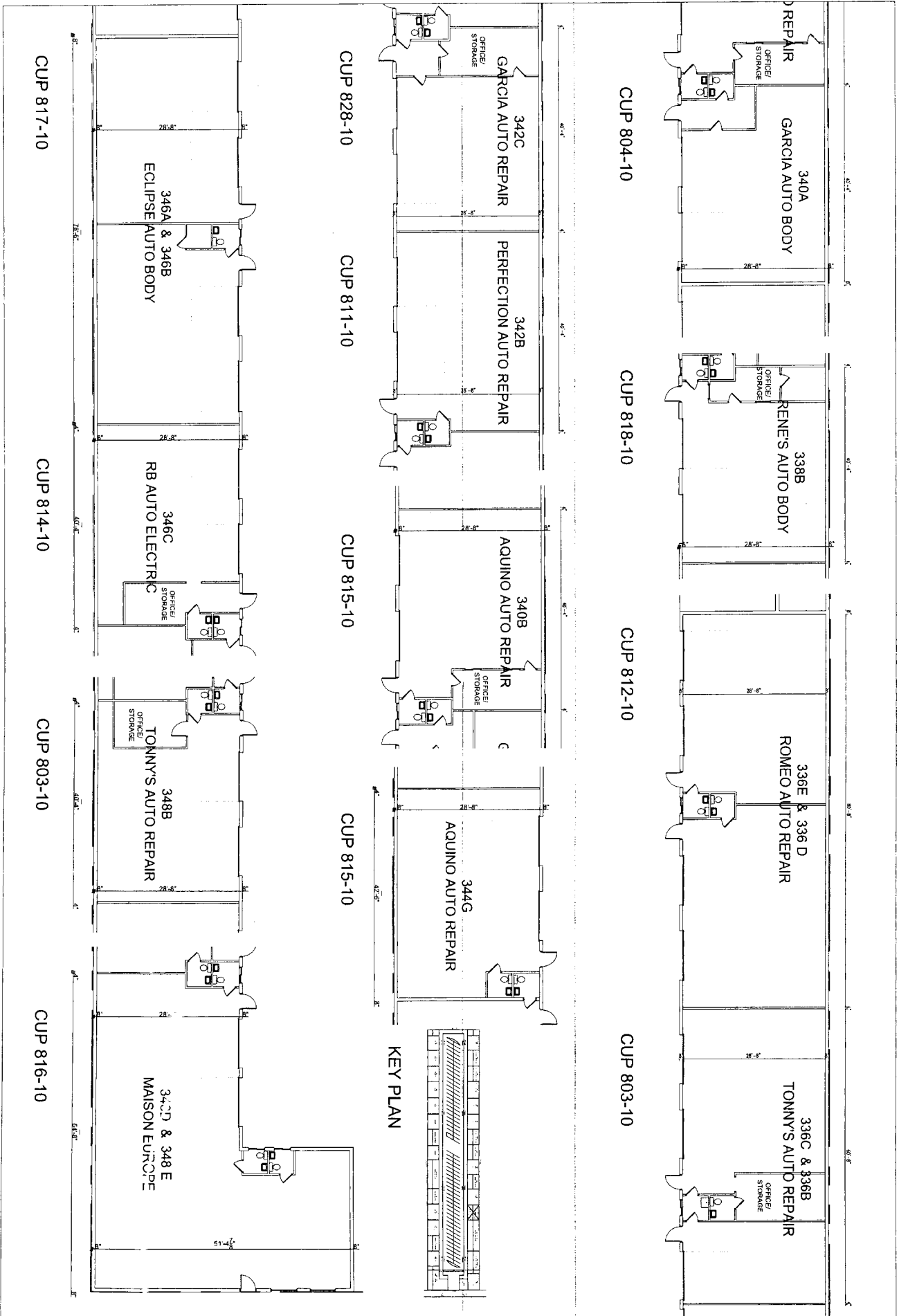
PROJECT INFORMATION

APPLICANT INFORMATION

ADDRESS: 336-348 E. CARSON STREET
 ASSESSOR ID NUMBER (AHN): 7335-005-049
 LEGAL DESCRIPTION: POR 48 TRACT 7982 M83/91
 ZONE: MU-C5
 GENERAL PLAN: MIXED USE/RESIDENTIAL
 OWNER: SHILOMO BOTOACH
 5011 W. PICO BLVD.
 LOS ANGELES, CA 90019
 EXISTING USE: AUTO REPAIR SHOPS (GENERAL & AUTO BODY)
 GROUP OCCUPANCY: S-1 MOTOR VEHICLE REPAIR GARAGES COMPETING WITH THE MAXIMUM ALLOWABLE QUANTITIES OF HAZARDOUS MATERIALS LISTED IN TABLE
 TYPE OF CONSTRUCTION: 154C
 BUILDING HEIGHT: 15'4"
 LOT SIZE: 135,000 x 695.94
 90.45 / 79.57 (2.07 ACRES)
 EXISTING BUILDING AREA: BLDG. A 6,300 SF
 BLDG. B 13,500 SF
 BLDG. C 21,000 SF
 PAVED PARKING AREA: 50,000 SF
 PARKING SPACES PROVIDED: 105 SPACES

CUP 803-10 UNIT 335-B & 335-C
 CUP 812-10 UNIT 335-D
 CUP 818-10 UNIT 336-B
 CUP 804-10 UNIT 340-A
 CUP 815-10 UNIT 340-B & 344-G
 CUP 811-10 UNIT 342-B
 CUP 828-10 UNIT 342-C
 CUP 817-10 UNIT 346-A & 346-B
 CUP 814-10 UNIT 346-C
 CUP 816-10 UNIT 346-D & 346-E
 IONN'S AUTO REPAIR / LUIS SANDOVAL
 ROMEO AUTO REPAIR / ROMEO SAILOBA
 RENES AUTO BODY / RENEE TACUBI
 GARCIA AUTOBODY / ISBDO DUARTE
 AQUINOS AUTO REPAIR / VINCENTE AQUINO
 PERFECCION AUTO REPAIR / OSCAR MACIAS
 GARCIA AUTO REPAIR / TOMAS GARCIA
 EQUIPSE AUTO BODY / JUAN GARCIA
 RB AUTO ELECTRIC / RAMIRO BERNILDEZ
 MANSON EUROPE / KRISFOR BILKLIAN





CARSON STREET AUTO MALL LANDSCAPE PLAN

PLANTER AREA 1: CONSTRUCT PLANTER BOX FOR CLIMBING VINE AND SEASONAL DISPLAY AT CARSON STREET ELEVATION

1. 1' X 30' X 18" h
2. 1' X 20' X 18" h
3. 1' X 30' X 18" h
4. 1' X 20' X 18" h

PLANTER AREA 2 & 3: CONSTRUCT CURBED PLANTER AREA AT EACH SOUTH FACE OF BUILDING WING ADJACENT TO DRIVEWAY

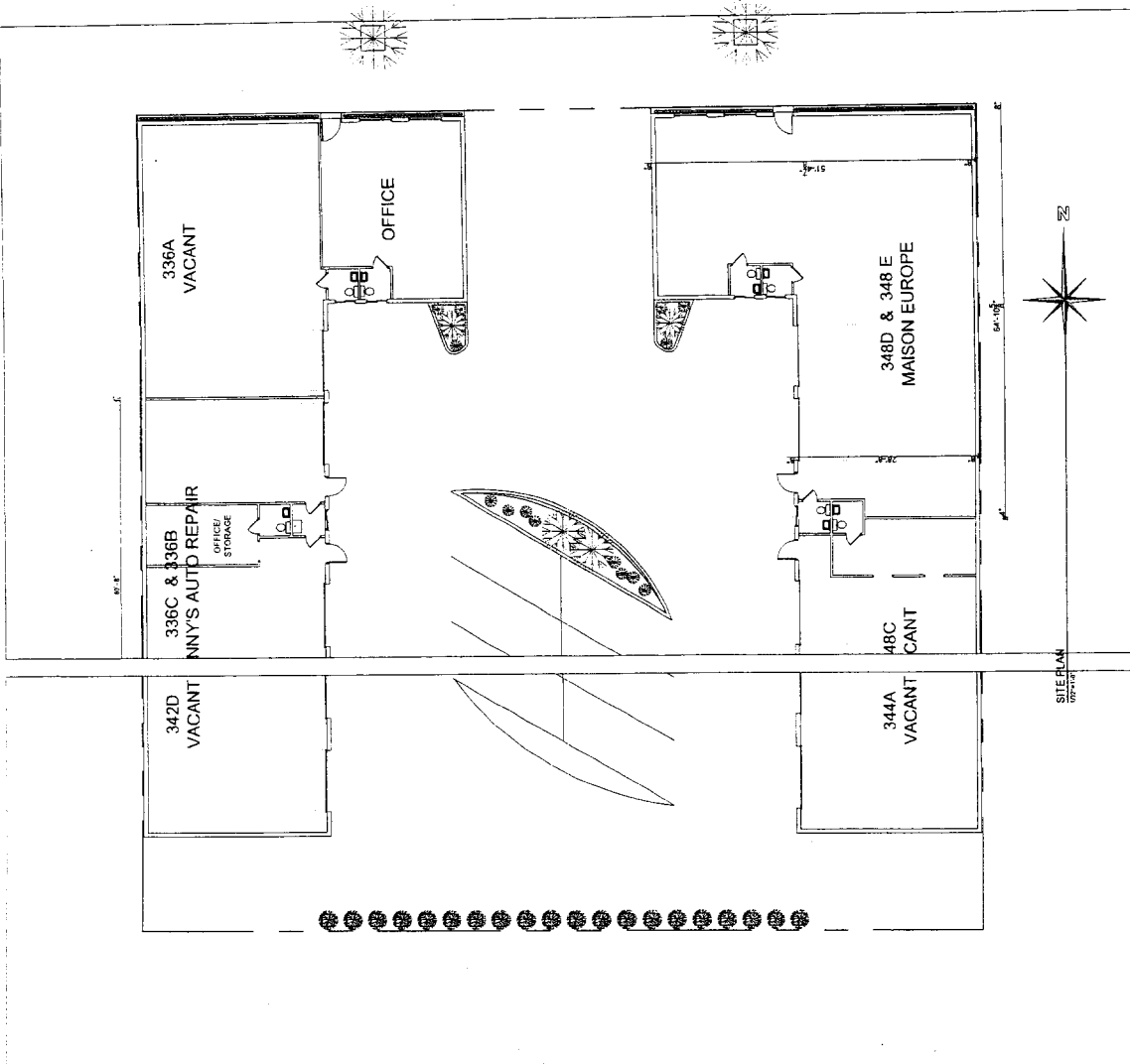
5. 26 LINEAR FEET OF 5" CURB
6. 30 SQUARE FEET OF PLANTED AREA

PLANTER AREA 4: CONSTRUCT CRESCENT SHAPED CURBED PLANTER AREA AT NORTH END OF PARKING AREA:

7. 85' LINEAR FEET OF 5" CURB
8. 160 SQUARE FEET OF PLANTED AREA

REAR WALL: INSTALL ITALIAN CYPRESS TREES AT 4'-6" ON CENTER BETWEEN BUILDINGS (18 TREES)

CARSON STREET



FMG

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RE: City Council Direction Concerning Auto Mall, 336-348 E. Carson Street, Carson, CA 90745 - Response to question No. 1

A schedule to mitigate known building code, fire code, and any other code deficiencies as identified in inspection reports submitted may 5, 2011, and as may be required by the Building & Safety Division.

<u>Permit(s)/Issued</u>	<u>Description of Work</u>	<u>Inspected/Final</u>	<u>Exhibit No.</u>
BL 1205 1106200040 - 06/20/11	Drywall		B
EL 1205 1106200018 - 06/20/11	Replace Light Fixture(s)		B
PL 1205 1106200006 - 06/20/11	Replace Sink		B

<u>Cost Estimate(s) - Description</u>	<u>% of Completion</u>	<u>Exhibit No.</u>
<u>Exterior</u>		
Replace rotted wood fascia		A
Sand & scrape all loose paints on wood fascia, primer et al		A
Unit 340 D - Drywall office ceiling, Paint all		A
Unit 342 A - Drywall one piece and paint all walls and doors		A
Unit 342 B - Drywall one pieces and paint wall and doors		A
Unit 342 D - Office, bathroom - patch and paint wall, ceiling		A
Unit 344 B - Patch and paint brick wall, bathroom and office		A
Unit 344 C - Patch and paint brick wall, bathroom and office		A
Unit 344 F - Patch and paint brick wall, bathroom and office		A
Unit 344 G - Drywall and patch ceiling in office; patch/paint wall		A
Unit 344 H - Patch and paint brick wall, bathroom and office		A
Unit 346 A - Remove trash	100	A
Unit 346 D - Patch and paint brick wall, bathroom and office	100	A
Unit 348 A - Patch and paint brick wall, bathroom and office	100	A
Unit 336 - Front Office - Scrape loose paint, plaster damaged Wall, remove wall paper and patch as needed, primer and paint with Swiss Coffee Eggshell finish		A

Estimated Cost - Short-term/Building & Safety Items

Total Exhibit A	\$23,648.85
Total Exhibit B	<u>691.90</u>
Total	\$24,340.75

Schedule To Complete - Reporting Requirements

Estimate six (6) months to complete items noted in Exhibit A - Monthly Reporting To Planning Depart

- ** All exterior fascia boards are replaced, patched and painted.
- ** Frontside area painted
- ** All vacant units are patched and painted (except 336-C, 346-A & 348-C)
- ** Plumbing & Electrical scheduled for completion in sixty (60) days



E-A

CW Maintenance

208 S Oxford Ave
 Los Angeles, CA 90004
 213 761 3221 323 605 1042
 CA St. Lic#330827
 Bill To:

ESTIMATE

Number: E101
 Date: May 17, 2011

Ship To:

Slomo
 Botach Management
 5011 W Pico Blvd
 Los Angeles, CA 90064

Botach
 Commercial Property
 336 E Carson Blvd
 Carson, Ca

PO Number	Terms	Project
	Deposit and progress	336 E Carson

Date/Area	Description	Unit/Size	Rate	Amount
5-16-2011	Unit 336 Front offic Scrape loose paints, plaster damaged wall, remove wall papers and patch as needed, Primer and paint with Swiss Coffee eggshell finish	1,650.00	1.25	2,062.50
All Carson tenants are verbably notified to clean up their shop for Safty Hazards until May 21,2011.				
Total				2,062.50

Things not done

- Exterior : Frontside painting (repair on wood done)
 parking lot potholes & parking lane + fire lane
- Interior : Plumbing not done (not included)
 #346A patch & paint
 #346D " "
 #348A " "
- Garage door Electrical (not included)



E-A

CW Maintenance

208 S Oxford Ave
Los Angeles, CA 90004

213-761-3221 323 605 1092

CA St. Lic#330827
Bill To:

Slomo
Botach Management
5011 W Pico Blvd
Los Angeles, CA 90064

ESTIMATE

Number: E101

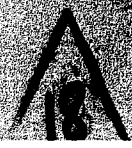
Date: May 17, 2011

Ship To:

Botach
Commercial Property
336 E Carson Blvd
Carson, Ca

PO Number	Terms	Project
	Deposit and progress	336 E Carson

Date/Area	Description	Unit/Size	Rate	Amount
Unit 344 B	Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,100.00	0.85	935.00
Unit 344 C	Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,150.00	0.85	977.50
Unit 344 F	Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,110.00	0.85	943.50
Unit 344 G	Drywall and patch ceiling in office Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,222.00	0.90	1,099.80
Unit 344 H	Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,100.00	0.85	935.00
✓ UNit 346 A	Need to remove trash by John(310 904 4552 Patch and paint brick wall, bathroom and office wall, ceiling, doors	850.00	0.85	722.50
✓ Unit 346 D	Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,100.00	0.85	935.00
✓ Unit 348 A	Patch and paint brick wall, bathroom and office wall, ceiling, doors	1,043.00	0.85	886.55



E-B

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY / LAND DEVELOPMENT

CITY OF CARSON # 1205
701 CARSON
CARSON CA 90745
PHONE: (310) 952-1766 EXT:

ELECTRICAL PERMIT
EL 1205 1106200018

LEGAL ID: TR: 2982 ASSESSOR INFORMATION NUMBER: 7335-005-049 TENANT:	FEES PAID FEE DESCRIPTION: QUANTITY: UOM: AMOUNT: A1 PERMIT ISSUANCE FEE 39.90 G1 OUTLETS-LGT, SW, RECP 40.00 OUT 103.90 TOTAL FEES 143.80	BUILDING ADDRESS: 336 CARSON ST E CRSN CA 907452708 NEAREST CROSS STREET: THOMAS PASE: 764 GRID: D6 LOCALITY: CARSON ISSUED ON: PROCESSED BY: PLAN BY: 06/20/11 JTY
OWNER: BOTACH SHLOMO 5037 PICO BL LOSA 900194129		FINAL DATE: FINAL BY: CODE: DESCRIPTION OF WORK REPLACE LIGHT FIXTURE
APPLICANT: YANG, KEITH TEL. NO: (323) 605-1042-		SPECIAL CONDITIONS:
CONTRACTOR: BLOB OCEAN CONSTRUCTION AND DEV. 930 S. BONNIE BRAB ST #305 LOS ANGELES, CA 90006		APPROVALS: DATE: INSPECTOR SIGNATURE
ARCHITECT OR ENGINEER: LIC. NO:		TEMPORARY POWER POLE UNDERGROUND CONDUIT UFER GROUND ROUGH CONDUIT ROUGH WIRING MAIN WAYER LINE PLASTIC Y/N METAL Y/N UTILITY COMPANY NOTIFIED
	REPORT ID: DPR265 ROUTE TO: BS1205	



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY / LAND DEVELOPMENT

CITY OF CARSON
701 CARSON
CARSON CA 90745
PHONE: (310) 952-1766 EXT:

1205

BUILDING PERMIT
TENANT IMPROVEMENT
SL 1205 1106200040

LEGAL ID: TR: 2982 ASSASSOR INFORMATION NUMBER: 7335-005-049 TENANT:	LT: 48 UN: .004 ASSASSOR INFORMATION NUMBER: 7335-005-049	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
OWNER: BOTACH SHLOMO 5037 PICO BL LOS 900194129	SO. FT BLDG USE: AUTO EXIST OCC GRP: S1 BLDGS. NOW ON LOT. VALUATION: 1,200	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
APPLICANT: YANG, KELTH	TEL. NO: (323) 605-1042	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
CONTRACTOR: BLUE OCEAN CONSTRUCTION AND DEV. 930 S. BONNIE BRAE ST #305 LOS ANGELES, CA 90006	TEL. NO: (213) 761-9480- LIC. NO 827150B	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
ARCHITECT OR ENGINEER:	TEL. NO: LIC. NO:	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
MAP NO. SEWER MAP BOOK: PAGE: X FIRE ZONE: 3 CMP: 04	NO. OF FAMILIES: DWELLING UNITS: APT/COND: STAT CLASS: 0 . NO 22	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
AIR QUALITY: NO SCHOOL WITHIN 1000 FEET HAZARDOUS MATERIALS NO	METHANE Y N	NO. OF STORIES 1 CONST TYPES III- USE ZONE:	NEW GROUP OCCUP GROUP S1
BUILDING ADDRESS: 336 CARSON ST E CRSN CA 907452708 NEAREST CROSS STREET: THOMAS PAGE, 764 GRID: D6 LOCALITY: CARSON			
ISSUED ON: 06/20/11 PROCESSED BY: JLY FINAL DATE: FINAL BY: CODE:			
DESCRIPTION OF WORK DRYWALL			
SPECIAL CONDITIONS: APPROVALS DATE INSPECTOR SIGNATURE			
LOCATION AND SETBACKS SOILS ENGINEER APPROVAL FOUNDATION/TRENCH FORMS SLAB/UNDER FLOOR RAISED FLOOR FRAMING UNDERFLOOR INSULATION FLOOR SHEATHING ROOF SHEATHING SHEAR PANELS FRAME INSPECTION FIRE SPRINKLER HANGERS INSULATION/WEATHER STRIP INTERIOR LATH/DRYWALL EXTERIOR LATH RATED FLOOR/CEIL ASSEM. RATED WALL ASSEMBLIES RATED SHAFTS/OPENINGS T-BAR CEILINGS LOT DRAINAGE			
FEES PAID QUANTITY: UOM: AMOUNT: AA BLDG PERMIT ISSUANCE 39.90 AB STATE GREEN BLDG FEE 1.00 AE STRONG MOTION OTHER 0.50 D2 PERMIT W/O EN-HC 118.30 TOTAL FEES 159.70			REPORT ID: DPR261 ROUTE TO: BS1205

E-B



Best Management Practice (BMP) Plan

Carson Auto Center
336-348 East Carson Street
Carson, California 90745

Owned and Operated by:
Botach Management

BMP Plan prepared by:
FMG
2020 Wilshire Blvd, Suite 2020 - Los Angeles CA 90010
June 2011

B M P P l a n

Carson Auto Center

336-348 East Carson Street
Carson, California 90745

Definition of BMP:

Best Management Practices (BMP), in various forms, are the procedures and guidelines businesses follow to ensure their operations are efficient, comply with legal requirements and prevent negative impacts on the surrounding properties. BMP's are developed for specific business types, and in this case, designed as a flexible tool for the purpose of managing an existing auto repair facility.

Goals:

- To create and maintain a safe, clean and secure environment within and around the Botach Auto Center facility for all businesses, customers and the surrounding neighbors.
- To create and maintain an attractive facility that blends in with the surrounding neighborhood, per design standards of Ordinance No. 04-1322 and the Carson Consolidated Redevelopment Project Area, within the MU-CS (Mixed Use – Carson Street) Zone
- To limit and/or mitigate contaminants associated with the use from entering the environment by full compliance with Standard Urban Stormwater Management Plan (SUSMP), recycling of materials and appropriate regulatory codes (fire, building & safety and sanitation).

Introduction:

Carson Auto Center is located East Carson Street along the Carson Street Mixed-Use Zone Corridor within the boundaries of the City of Carson, California. The subject site is also located in the Carson Redevelopment Project Area. This section East Carson Street is designated a Major Highway, where the subject site is in close proximity to the 405 Freeway. The surrounding interior streets, south (south and east of the property line) of the subject site are improved single-family residences are prevalent and commonly found. To the west and east along the corridor, the uses are commercial; and the north is improved with a senior citizen and community care residential facility. It appears that most, if not all of the existing structures were permitted and built between 1963 and 1975. In its current configuration, there are thirty-three (33) individual tenant spaces, with two (2) buildings of approximately 40, 000 sq. ft.



Operational Structures:

Auto Center Hours: & AM to & PM (Mon – Sat)
Closed (Sundays)

On-site manager during operating hours

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied within the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan/floor plans and site elevations submitted with the application(s) and marked Exhibit “C”, except as may be revised as a result of this action.
3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. A copy of the requested approval of the CUP’s and all Conditions and/or letters of clarification shall be printed on any building plans submitted to the Department of city Planning and the Department of Building and Safety for purposes of having any required building permits issued.
5. A copy of the aforementioned grant will be maintained on the premises of each individual tenant, along with a copy of a signed statement acknowledging that they have read and understand said grant. Copies of each will be maintained in the property’s management’s office.
6. All spray painting shall be conducted within designated buildings containing no doors or windows except those to the entrance. Said buildings shall be fully enclosed during all sanding and spray activity.
7. All exterior lighting on the property shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any residential property. This shall not preclude the installation of low-level security lighting.
8. Noise from activities on the subject site shall be in compliance to the CMC.
9. No public address system is permitted on the property.
10. At least one hundred five (105) parking spaces shall be provided and maintained on-site for the use of customers and tenants/employees.



11. Tenants and their employees are prohibited from parking on residential streets during the hours they are working at the subject facility. Vehicles related to the use/operation of the businesses, including tow trucks, are prohibited from parking on any of the surrounding streets.
12. Vehicles brought to the site for repair and vehicles which have been serviced are not allowed to be parked on residential streets.
13. Damaged or wrecked vehicles stored for purposes other than repair is prohibited.
14. The salvaging of damaged or wrecked vehicles is strictly prohibited
15. All trash and debris shall be placed in trash containers or dumpsters within designated areas of the site.
16. Each tenant is responsible for keeping the unit under their control clean, safe; free of trash, debris and auto related materials. At a minimum, each tenant must comply with the following:
 - a) Remove trash/debris from unit and place in designated receptacles as needed
 - b) When cleaning floor, use Dry Floor Cleaning Methods (DFCM), e.g. sweeping & vacuuming
 - c) Keep floor(s) clean of all liquids
 - d) Place tools in appropriate cabinets/containers/trays
 - e) Maintain tools/machinery in good working conditions (replace parts)
 - f) If spills occur, clean up immediately with industrial/environmentally safe absorbent material or shop towels (never hose down with water)*
 - g) Place discarded shop towels labeled metal safety containers
 - h) Never throw dirty or used towels into a dumpster or trash can
 - i) Flammable and combustible materials (including towels) must be stored in fireproof containers and cabinets
 - j) Collect and recycle all petroleum-based fluids (oil, transmission/brake fluid, anti-freeze, etc.)
 - k) When possible, use non-solvent cleaners
 - l) Report spills and/or other hazards to property manager



17. Environmental Plan:

a. Air Pollution (Auto Repair Garage).

- 1) All spray painting, shall be conducted within enclosed buildings that have been designed with appropriate pollution controls and ventilation systems. Doors and windows shall be kept closed during spray painting.
- 2) Certification of compliance with South Coast Air Quality Management District (SCAQMD) air pollution regulations will be posted on-site.

b. Objectionable Odors. No window openings shall be permitted on any building façade which abuts a residential use or zone.

c. Objectionable Odors (Air Quality).

- a) All waste will be disposed of properly per CMC
- b) Leaks, drips and spills will be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c) Pavement shall not be hosed down at material spills. DFCM will be used whenever possible, and is the preferred method of the center.
- d) Dumpsters shall be covered and maintained.
- e) All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. Drip pans or drop clothes shall be used to catch drips and spills, and discarded/stored as noted above.

d. Stormwater and Urban Runoff Pollution Control.

- 1) Compliance with the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board
- 2) Implementation of stormwater BMPs to retain or treat the runoff from a storm event producing $\frac{3}{4}$ inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the *Development Best Management Practices Handbook Part B Planning Activities*, relative to automotive repair shops.
- 3) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area (per city codes/requirements).

- 4) Store trash dumpsters either under cover, or with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
- 5) Reduce and recycle wastes, including oil and grease.
- 6) Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Use drip pans or absorbent materials whenever grease containers are emptied.
- 7) Storage tanks should be inspected and tested once a year to prevent spills and leakage.
- 8) During vehicle/equipment repair and maintenance, the draining and replacement of lubricants, coolants, and other fluids should be done.
- 9) Do not pour liquid waste to floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections. Used or leftover cleaning solutions, solvents are to be recycled at authorized recycling facilities or via licensed certified pick up service. Automotive fluids and oil are toxic are to be discarded in the same manner.
- 10) Reduce the use of hazardous materials and waste by using detergent-based or water-based cleaning systems, non-caustic detergents for parts cleaning, and or non-chlorinated solvents.
- 11) Conduct all repair/maintenance activities inside the building to prevent exposure to rainfall. Exceptions to this requirement include the following activities: electrical diagnostics, battery charging and changing, and tire removal as permitted by municipal code.
- 12) Repair/maintenance bays must be indoors or designed in such a way that doesn't allow stormwater run-on or contact with stormwater runoff.
- 13) Vehicle/equipment wash areas must be self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer.



***Spill Clean up Kit:**

- 1) Salvage drums/containers such as high density polyethylene, polypropylene or polyethylene sheet lined steel**
- 2) Polyethylene disposal bags or equivalent**
- 3) Emergency response guidebook**
- 4) Safety gloves/cloths/equipment**
- 5) Shovels or other soil remove equipment**
- 6) Absorbent pads and oil containment booms, stored in an impervious container**
- 7) Granular or powdered materials for neutralizing acids or alkaline liquids**

The signatures below attest to the approval and acceptance of the BMP Plan by the tenants of 336-348 E. Carson Street and the owner/operator of Botach Auto Center

Botach Management

_____, Date _____

Tenant Unit _____

_____, Date _____



CW Maintenance

208 S Oxford Ave
Los Angeles, CA 90004

213-761-3221 *323 6051042*

CA St. Lic#330827
Bill To:

Slomo
Botach Management
5011 W Pico Blvd
Los Angeles, CA 90064

ESTIMATE

Number: E101

Date: May 17, 2011

Ship To:

Botach
Commercial Property
336 E Carson Blvd
Carson, Ca

PO Number	Terms	Project
	Deposit and progress	336 E Carson

Date/Area	Description	Unit/Size	Rate	Amount
Exterior	Replace rotted wood fascia - <i>& paint</i>	800.00	4.50	3,600.00
	Sand and scrape all loose paints on wood fascia, primer completely and finish coat with Semi Gloss Enamel with same color as is. Scrape loose paints on exterior masonry walls and touch up as is	1,200.00	3.25	3,900.00
	Front side wood deco beam - patch all rotted area and paint same color as is	14.00	65.00	910.00
Unit 340 D	Drywall office ceiling 4 pieces and patch	4.00	85.00	340.00
	Paint - office wall and ceiling, all doors, brick wall area with Swiss Coffee Eggshell finish. Patch as needed	2,250.00	0.95	2,137.50
	Close door way to outside with Plywood and paint to exterior color			120.00
Unit 342 A	Drywall one piece and paint all wall and doors	1,220.00	0.95	1,159.00
Unit 342 B	Drywall one pieces and paint wall and doors	1,150.00	0.95	1,092.50
Unit 342 C	OK			
Unit 342 D	Office, bathroom - patch and paint wall, ceiling Swiss Coffee Eggshell	1,050.00	0.85	892.50

CONDITIONAL USE PERMIT (CUP)

(Pursuant to Section 9172.21 of the CMC)

336-348 E. Carson Street
Carson, CA 90745
Carson Consolidated Redevelopment Project Area (1C)
Mixed-Use Carson Street Zone
MU-CS
APN: 7335005049
General Plan: Mixed-Use Residential
Census Tract: 543820

Request: Pursuant to Section 9172.21 of the Carson Municipal Code (CMC), a CUP to allow for the continued use and maintenance of an existing 40,000 sq. ft. (approx) auto repair center (Carson Auto Mall), for ten (10) currently operating businesses, with hours of 7 AM to 7 PM Monday – Saturday (closed on Sunday's) and one hundred twelve (112) on-site parking spaces, on a 90,000 sq. ft. (approx.) lot in the MU-CS zone within the Carson Consolidated Redevelopment Project Area.

CUP No's.:

- 1) *Conditional use Permit No. 803-10*
- 2) *Conditional use Permit No. 804-10*
- 3) *Conditional use Permit No. 811-10*
- 4) *Conditional use Permit No. 812-12*
- 5) *Conditional use Permit No. 814-10*
- 6) *Conditional use Permit No. 815-10*
- 7) *Conditional use Permit No. 816-10*
- 8) *Conditional use Permit No. 817-10*
- 9) *Conditional use Permit No. 818-10*
- 10) *Conditional use Permit No. 828-10*

Background:

The property is comprised of a single parcel approximately 2.07 acres in size and is occupied by three multi-tenant commercial buildings constructed between 1963 and 1975. The parcel is essentially a flat, narrow, deep and rectangular parcel that measures 135 feet in width by 695 feet in depth. The buildings occupy space on the east and west edges of the property with an open space parking area between them. They are essentially symmetrical, long, narrow single-story structures each approximately 20,000 square feet and 18,500 square feet in size. The reason for one building being smaller than the other is because one of them was split at about 2/3 of its length to provide an approximately 1,500-square-foot trash and recycling area and one parking space. There is a total of 33 individual tenant spaces, the vast majority identified by a manual lift-up, metal, grade-level access door. Some of the tenants occupy multiple spaces, including some not contiguous.

Adjacent to the west side of the subject property is a restaurant use and legal, non-conforming multi-family residential development. To the east is an insurance office converted from a residence originally constructed in 1949. To the south along the subject property's east and south property lines is single-family residential development. Across Carson Street to the north is a high-density senior living and community care residential complex.



As noted above, the size, dimensions and location of the subject site along the corridor limits development and redevelopment opportunities. However, with respect to same, the site and its use can transition from a traditional auto repair facility to a Vehicle Technology Center. As fuel prices increase, the demand for vehicles that are more fuel efficient will also increase. This will range from Hybrid, Hydro, Electric and Biofuel vehicles. This demand will mean more employment opportunities (including the self employed) for technicians skilled in these emerging trends. These technicians are highly skilled in computers, electronics and electrical engineering. According to the Bureau of Labor Statistics (www.bls.gov), the annual salary of a Hybrid/Electric Vehicle Technician is projected at \$31,200. The Carson Auto Center, as currently developed, is a perfectly suited for the creation of these types of emerging technologies. Additionally, it would provide an opportunity to partner with leading institutions in the field, in developing an on-site training and mentoring program for at risk youth. In order for this to be accomplished, in addition to granting the requested ten (10) CUP's, the owner/appellant would need to be allowed to file a Zone Variance (ZV), at a later date over the entire site, permitting the use and maintenance of same as a auto repair facility. A Variance would establish a set of Conditions of Operation that any future tenants of the center would be required to meet, prior to the approval of building plans and the issuance of a CofO through the Department of Building and Safety. This would not require a new application or action by the planning department.

In the meantime, submitted with these Findings is a Best Management Practice (BMP) Plan. The BMP will establish proper procedures for the operation, maintenance and upkeep of the facility. Lastly, on this point, once the BMP has been fully implemented, owner/management will seek certification from the State of California Green Station Program for Vehicle and Service Repair (VSR) facilities.



Conditional Use Permit (CUP) Findings:

1. The propose use and development will be consistent with the General Plan

Carson Street is a four-lane arterial Major Modified Highway with raised medians connecting two State Highways (see photos). The corridor is also served by 3 transit lines with 24 transit stops. The current roadway Levels of Service (LOS) ranges from A to C (AM Peak) and B to D (PM Peak). The General Plan (GP) map designates the property for Mixed-Use land uses with a corresponding zone of MU-CS within the Mixed Use Carson Street zone. The property is not within the area of any specific plans or interim control ordinances. The General Plan text does not specifically address the requested Conditional Use for auto related uses. However, the CMC authorizes the Planning Commission and/or City Council to grant the requested Conditional Use in the zones corresponding to the Plan's land use designation. The General Plan promotes the provision of services throughout the city in locations that are convenient to the public yet do not impact nearby properties. The economic welfare of the community largely depends on the availability of a variety goods and services to create and maintain viable commerce. The existing use not only provides local jobs, participation in the tax base, but also has a multiplier affect with respect to related goods and services. The auto repair business in the mixed use designation is not in conflict with the GP or the MU-CS zone in that it provides the general public with a convenience and necessity within the community that is needed and required. Mixed Use zones are exactly that, mixed use, allowing for a mix of uses ranging from commercial, retail, services and residential. The current use, as auto repair, is a service related business. Nevertheless, there is nothing inherently prohibitive about the current uses that cannot be integrated within the design and streetscape guidelines of the GP and MU-CS zone, to create a beautiful, vibrant, "Main Street," reflecting the community's vision of a livable, pedestrian friendly downtown corridor. With respect to same, submitted with these Findings are site and elevation plans that illustrate how the current use can follow said guidelines. Hence, the subject request is in harmony with the various elements and objectives of the General Plan and the Mixed Use Carson Street zone.

2. The site is adequate in size, shape topography, location, utilities, and other factors to accommodate the proposed use and development

As stated above, the auto repair business has been operating at said location for a number of years, and is oriented within a "U" shape configuration (See site plan). There is a 15' (approx.) driveway (ingress/egress) to the site that is located in the middle/front of the property. There are two (2) store front buildings to the east and west of the site respectively. This unique configuration allows for the current use to be shielded from the general public, but gives the owner an opportunity to create an attractive "main street" appearance with signage, façade, window treatments and decorative lighting along the street frontage of the store front(s). Hanging, potted or window-seal planter boxes or canopies can also enhance the attractiveness of the property by making it visually interesting and pedestrian friendly.

Therefore, the minimum setback along the street frontage does not prevent the property from implementing various elements of the GP or MU-CS. In fact, it is the very nature of the size, shape, topography, location, and other factors that makes it and ideal location for its current and future use. With respect to utilities, it should be noted that the subject use has been in existence for a number of years and is not a new use. The site is improved with all necessary infrastructures for its continued use and maintenance of same, including fully leasing out the remaining units (via a Variance process). Hence, given the above, the continued use is, and will be harmonious and attractive for the area.



3. **There will be adequate street access and traffic capacity**

The subject use is located on Carson Street, designated a Major Modified Highway and is accessed from same. A total of one hundred five (105) parking spaces are provided on the site for patrons and employees of the auto repair businesses. No evidence of vehicular or parking overflow has been reported by residents living on nearby residential streets. The adjoining residential area is located to the south along the easterly and southerly property line of the subject property, and is not affected by either vehicular or parking overflow from the subject property onto nearby residential streets. Moreover, access to the site from the east is via a left turn lane, preventing the slowing or stopping of west bound traffic. Also, per the submitted site plan and Best Management Practice (BMP), provisions have been made to restripe the parking lot to bring it into conformance with the CMC. Hence, the current and future use is adequate for street access and traffic capacity.

4. **There will be adequate water supply for fire protection**

As stated herein, the site currently operates with ten (10) auto related service uses, and this request is for the continued operation and maintenance of same. Previously, the site had up to thirty (30) tenants, without any issues relative to water supply for fire protection. Nevertheless, the property owner improvements and upgrades to the site's infrastructure to ensure compliance with appropriate fire regulatory agencies with respect to the current and future auto related uses. Moreover, combined with the strict implementation of the submitted BMP, there is and will be adequate water supply for fire protect.

5. **The proposed use and development will be compatible with the intended character of the area**

As stated above, the auto repair use is located on and contained in an interior lot, and is effectively buffered from residential and other uses via the "U" shaped orientation of the build(s). Additionally, parking for the site is also self contained and shield from public view. This unique configuration is ideal for this type of use in that it allows a needed service to exist for the benefit of the community, without sacrificing their desire to create a vibrant pedestrian friendly corridor, replete with a "main street" charm. As described herein, both can be accomplished within the noted GP and MU-CS zone. Hence, combined with the implementation of the BMP and various elements of said GP, the current and future use (as noted in the **Background** section) of the auto service facility can, and will be compatible with the intended character of the area, corridor and neighborhood.

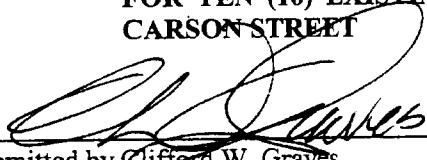




City of Carson Report to Mayor and City Council

May 9, 2011
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION NO. 11-057 AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY CONDITIONAL USE PERMIT NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, AND 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET


Submitted by Clifford W. Graves
Economic Development General Manager


Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

On February 22, 2011, the Planning Commission adopted Resolution No. 11-2380, denying Conditional Use Permit (CUP) Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, and 828-10 for ten (10) existing auto repair facilities located in multi-tenant, single-story buildings at 336-348 E. Carson Street (Exhibit No. 1). On March 8, 2011, an appeal of the Planning Commission decision to deny the ten CUP applications was filed by the property owner, Botach Management (Exhibit No. 2).

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony and CLOSE the Public Hearing.
2. WAIVE further reading and ADOPT Resolution No. 11-057, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY CONDITIONAL USE PERMIT REQUESTS NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 FOR TEN (10) EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET."

III. ALTERNATIVES

1. REVERSE the decision of the Planning Commission.
2. REFER the item back to Planning Commission for reconsideration.
3. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

An appeal of the Planning Commission decision to deny the ten CUP applications was filed by the property owner, Botach Management, on March 8, 2011, pursuant

EXHIBIT NO. 33



May 9, 2011

to Section 9173.4 of the Carson Municipal Code (CMC) (Exhibit No. 3). However, the correct appeal fee was not paid at the time of appeal submittal. The City Clerk notified the appellant, who then submitted proper payment on March 17, 2011 (Exhibit No. 4). A public hearing was posted on the subject site and proper notification given to property owners within 500 feet of the subject property, pursuant to CMC Section 9173.22 (Exhibit No. 5).

The grounds for the appeal suggest various errors and omissions the appellant claims were committed by Planning staff in accepting and processing incomplete CUP applications. Contrary to the explicit requirements of Ordinance No. 04-1322 (Exhibit No. 6), the applicant also believes that the city can not require existing auto repair businesses to obtain a conditional use permit (CUP). In essence, staff believes that the appeal lacks substance, confirms the inadequacy of the 10 CUP applications and reflects the applicant's misunderstanding of the CUP process.

Permit Requirement

On October 5, 2004, the City Council passed Ordinance No. 04-1322, which requires a CUP for any auto repair use located within one hundred (100) feet of a residential zone or within the CR (Commercial, Regional) zoning district. The ten existing auto repair businesses under consideration for a CUP are all within the MU-CS zone and adjacent to a residential zone. The property management company, property owner, and all tenants were informed of the CUP requirement by mail in August 2005 and January 2009. The deadline for submitting CUP applications was November 1, 2009. There were no CUP applications submitted for the subject property by the deadline. Code enforcement cited the property owner and tenants for not complying with the requirement to obtain a CUP to authorize continued operations of the auto repair uses.

Application Acceptance

In late April 2010, CUP applications were received from all auto repair tenants currently occupying the site with valid business licenses. The applications were incomplete but the Planning Division accepted them as a good will gesture to preserve the tenants' opportunity to work with the property owner to submit the missing requirements. Each tenant was advised of incompleteness at the time of application submittal and encouraged to work collectively in addressing the missing items.

Application Processing

A status of application letter sent to the applicants in August 2010 identified missing application materials, including but not limited to, elevation plans, a title report, and the inspection report for building conditions required by Section 9138.2 of the CMC.



May 9, 2011

The applicants were given 90 days to produce the necessary information to continue processing of the applications. No information was submitted prior to the November 18, 2010, deadline for submittal.

A follow-up letter was sent January 11, 2011, indicating that the application remained incomplete due to failure to submit the requisite information. The applicants were advised of a tentative Planning Commission public hearing date at which time the applications would be considered and recommended for denial. Staff invited the applicants and property owner to attend a meeting to discuss ways in which the project site could possibly be brought into compliance with applicable zoning codes in order to gain a favorable recommendation.

The meeting occurred on January 26, 2011, with the applicants and the property owner in attendance. Various issues were discussed at the meeting, including ways in which the property owner could improve the overall aesthetics of the property by installing new roll-up doors, fixing broken windows, repairing cracked walls, splintered wood, broken concrete, failed asphalt, repaint, add architectural trim, re-roof, and patch holes in interior walls and ceilings, upgrade electrical and plumbing systems. Tenants were reminded of their responsibility to maintain a clean area for customers, including interior office areas, parking areas, trash areas, and basic maintenance of their tenant spaces. The property owner was reminded of the need for a building inspection report and that the new auto repair businesses could not occupy the empty tenant spaces, and that only the tenants who had submitted CUP applications would be considered to possibly stay.

Planning Commission Public Hearing

On February 22, 2011, the Planning Commission conducted the public hearing to consider all ten CUP applications (Exhibit No. 7). Questions were raised by the Commission as to why this property has continued to be in violation for many years. Staff explained that this property is a good example of why the auto repair CUP process was necessary, noting that each application could be considered on a case-by-case basis, and added that it is not staff's intent to displace businesses.

Certain tenants stated that it is very difficult to get in touch with the property owner and noted that the landlord is not providing them with any assistance or helping to keep them in business at this location.

A Catskill Avenue resident, whose property is adjacent to the subject property stated that for the last 13 years he has lived on this street, the operations from this property have created a nuisance, advising that he can smell paint fumes and hear loud music and air tools at all hours of the day and night. He added that music plays at 3:00 A.M. and that empty bottles were thrown onto his driveway. He mentioned that he has complained to the Sheriff's Department on several occasions.



The motion to deny was approved 5-1, with one abstaining, and two absent. Planning Commission Resolution No. 11-2380 denying all ten CUP requests was thereby adopted (Exhibit No. 8).

Appeal

Numerous meetings between staff and the appellant have taken place since the appeal was submitted. The appellant has expressed a desire to retain the auto repair businesses onsite and implement a plan to rehabilitate the property to the satisfaction of the city. As of the writing of this report, the appellant has failed to provide additional information or a plan demonstrating responsible management of the auto repair businesses.

Past performance has shown that this appellant and property owner provides only the minimal level of management with the primary focus on rent collection. There has been repeated serious code enforcement violations associated with the auto repair businesses. Staff has consistently advised that the tenants need to be monitored so that inappropriate auto repair businesses are removed. There is no evidence that the management has the capability to monitor the property to minimize code enforcement issues associated with auto repair businesses. The continued operation of auto repair businesses at the subject property is inconsistent with the General Plan and goals and objectives for the Carson Street Corridor.

V. FISCAL IMPACT

The existing auto repair businesses do not significantly contribute to sales tax generation.

VI. EXHIBITS

1. Planning Commission Staff Report and Disposition Dated February 22, 2011. (pgs. 6-13)
2. Statement of Appeal Dated March 7, 2011. (pgs. 14-15)
3. Section 9173.4 of the Carson Municipal Code. (pgs. 16-17)
4. Receipt for Appeal Fee Payment Dated March 17, 2011. (pg. 18)
5. Section 9173.22 of the Carson Municipal Code. (pgs. 19-20)
6. Ordinance No. 04-1322. (pgs. 21-28)
7. Excerpt of Planning Commission Minutes of February 22, 2011. (pgs. 29-30)
8. Planning Commission Resolution No. 11-2380. (pgs. 31-33)
9. Draft Resolution No. 11-057. (pgs. 34-38)

Prepared by: Steven Newberg, AICP, Associate Planner



TO:Rev010511

Reviewed by:

City Clerk	City Treasurer
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____



RESOLUTION NO. 11-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REMANDING TO THE PLANNING COMMISSION CONDITIONAL USE PERMIT REQUESTS NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 FOR 10 EXISTING AUTO REPAIR FACILITIES LOCATED AT 336-348 E. CARSON STREET IN LIGHT OF NEW INFORMATION SUBMITTED FOR REVIEW AND CONSIDERATION, INCLUDING AN OPERATIONS MANAGEMENT PLAN AND A SCHEDULE FOR PROPERTY REHABILITATION

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. On February 22, 2011, the Planning Commission adopted Resolution No. 11-2380 on a 5-1 vote denying Conditional Use Permit (CUP) Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 for 10 individual tenants operating existing auto repair businesses on real property located at 336-348 E. Carson Street. The denial was largely based upon a lack of substantial evidence to promote an adequate property management plan necessary to support automotive repair businesses on the subject property and a failure to develop a plan to correct building deficiencies and to upgrade the property in a manner compatible with the surrounding area.

Section 2. On March 8, 2011 an appeal was filed by Botach Management, pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4. The appeal was initially deemed insufficient by the City Clerk. The appeal was reconsidered and accepted by the City Clerk on March 17, 2011.

Section 3. Public Hearings were duly held by the City Council on May 9, 2011, and July 19, 2011 at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meetings was duly given. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearings.

Section 4. On May 9, 2011, the City Council resolved to continue the appeal until July 19, 2011, directing the appellant to provide specific information for staff review prior to Council reconsideration.

Section 5. The applicant submitted additional information on July 5, 2011, including an operations management plan in the form of best management practices (BMP) and a phased implementation plan for property rehabilitation. This information has been deemed sufficient to warrant a thorough investigation of the details. By

[MORE]

EXHIBIT NO. 4 -



submitting such information, the appellant has complied with City Council direction given on May 9, 2011.

Section 6. The Planning Commission has not been given the opportunity to review the CUP applications in light of this new information, therefore the City Council hereby remands the requests for Conditional Use Permit Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10, with respect to the property described in Exhibit "A" attached herewith, back to the Planning Commission for further review and reconsideration.

Section 7. The City Clerk shall certify to the adoption of the Resolution and shall transmit copies of the same to the appellant.

PASSED, APPROVED and ADOPTED this 19th day of July, 2011.

Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney

[MORE]



CITY OF CARSON
CITY COUNCIL
EXHIBIT "A"
LEGAL DESCRIPTION

**CONDITIONAL USE PERMIT NOS. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10,
816-10, 817-10, 818-10, 828-10**

Property Address: 336-348 E. Carson Street

Parcel Identification Number: 7335-005-049

Lot 48 of Tract Map 2982, in the City of Carson, County of Los Angeles, State of California as per Map recorded in a Book of Maps in the Office of the County Recorder of Said County.

[MORE]

