

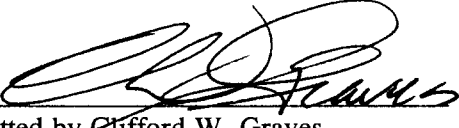


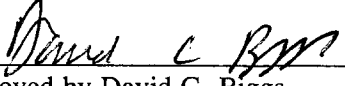
City of Carson

Report to Mayor and City Council

August 7, 2012
Unfinished Business

SUBJECT: CONSIDER RESOLUTION NO. 12-075 MODIFYING THE DECISION OF THE PLANNING COMMISSION FOR CONDITIONAL USE PERMIT NO. 898-12 FOR PROPERTY LOCATED AT 2712 AND 2714 EAST ADAMS STREET


Submitted by Clifford W. Graves
Economic Development General Manager


Approved by David C. Biggs
City Manager

I. SUMMARY

On July 17, 2012, the City Council conducted a public hearing and stated its intended action to grant the appeal and to allow the accessory living quarters to remain in its current condition provided a covenant is entered into with the City by the applicant that the property would never be rented out to a third party (Exhibit Nos. 1 and 2).

Upon further review and discussion with the City Attorney, a resolution has been prepared to provide a final action by the City Council. The proposed resolution allows the storage room to be temporarily converted into an accessory living quarters provided the appealing party enters into an express covenant that restricts rental to a third party and stipulates that the authorization contained in the resolution does not run with the land and terminates upon any change of tenancy.

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 12-075, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, MODIFYING THE DECISION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 898-12 BY ESTABLISHING AN EXTENDED ABATEMENT PERIOD TO REMOVE AN UNAUTHORIZED ACCESSORY LIVING QUARTER."

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

On May 22, 2012, the Carson Planning Commission approved Resolution No. 12-2434 (Exhibit No. 3) approving Conditional Use Permit No. 898-12 for a second dwelling unit on a site zoned RS (Residential, Single-Family) and located at 2712 and 2714 E. Adams Street. Pursuant to Carson Municipal Code (CMC) Section 9125.6.A.3 (Exhibit No. 4), a second dwelling unit is permitted provided there are no "accessory living quarters" on the same property. The Planning Commission approved the second unit with the addition of a condition requiring the unauthorized accessory living quarters connected to the garage be converted back to a storage room within 90 days.

The applicant appealed the Planning Commission decision to request authorization to retain the room addition which is attached to the garage and to obtain the necessary building permits to allow for the conversion from a storage room to accessory living quarters (Exhibit Nos. 5 and 6). The applicant testified that the violation associated with the use of the storage room as a residential use had been in place for many years; that a hardship would occur if the mother of the young family renting the house was forced to move; and that the property owner would agree to a covenant to make sure the room was not rented as a separate unit.

The City Council questioned the provisions of the Carson Municipal Code prohibiting accessory living quarters on properties with second units, confirmed the history associated with the unpermitted room addition and illegal conversion to a residential use and discussed the potential impacts to the current residents if the room is converted back to storage only. The City Council expressed an interest in finding an equitable solution.

The City Attorney clearly stated that approval to convert the storage room to accessory living quarters was problematic since CMC Section 9125.6.A.3 prohibited such accessory living quarters for properties containing second units. The City Attorney further explained that in order to approve the accessory living quarters, the CMC must provide criteria for allowing exceptions or the CMC must be modified to allow as a permitted accessory use.

After much deliberation, the City Council approved a substitute motion to grant the appeal and to allow the accessory living quarters to remain in its current condition provided a covenant is entered into with the City by the applicant that the property would never be rented out to a third party. The City Attorney has advised that the City Council action must be narrowly interpreted to be consistent with the legal standards established in the CMC. As such, a resolution has been prepared to allow the storage room to be temporarily converted into an accessory living quarters, to provide a covenant that restricts

rental to a third party and stipulates that the authorization terminates upon any change of tenancy.

The applicant requested that the covenant run with the land and be binding on their heirs and assigns. The City Attorney found this request to be in conflict with the existing provisions of CMC Section 9125.6.A.3 and establishes a *de facto* variance that would grant a privilege to this property owner that is not enjoyed by any other property with a second dwelling unit.

Therefore, staff and the City Attorney recommend that the legally appropriate and equitable solution is to provide a covenant that allows the correction of the violation upon the change of tenancy. This allows the property owner to continue to rent the home and accessory dwelling unit and allows the current residents to be undisturbed. A building permit will be required to assure that applicable codes are addressed and that the structure is safe for the temporary residential use of the storage room.

A resolution has been prepared to approve CUP No. 898-12 and to modify the following conditions:

11. The existing “accessory living quarters” attached to the garage of the main dwelling unit located at 2714 E. Adams Street violates CMC Section 9125.6.A.3 and must be converted back to a storage use ~~or demolished within 90 days.~~ An agreement shall be executed by the applicant providing that the temporary use of the storage room shall be abated upon the change of tenancy for the residential unit associated with the garage and storage room located at 2714 E. Adams.
12. A building use restriction covenant shall be recorded with the Los Angeles County Recorder’s Office that restricts the use of the existing 12’ x 18’, 216-square-foot area next to the garage behind the main dwelling located at 2714 E. Adams to storage use only and restricts rental of the building independently from the main dwelling unit.
15. All building improvements shall comply with City of Carson Building and Safety Division requirements. The applicant shall obtain a building permit for the room addition and shall complete all necessary corrections to provide the temporary residential use.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Excerpt of City Council Minutes dated July 17, 2012, Item No. 12. (pgs. 5-6)
2. City Council Staff Report (without exhibits) dated July 17, 2012. (pgs. 7-10)
3. Planning Commission Resolution No. 12-2434. (pgs. 11-16)
4. Carson Municipal Code (CMC) Section 9125.6.A.3. (pg. 17)
5. Appeal Request dated June 5, 2012. (pgs. 18-22)
6. Appeal Supplemental Information dated June 28, 2012. (pgs. 23-26)
7. Draft Resolution No. 12-075. (pgs. 27-33)

Prepared by: Sheri Repp Loadsman, Planning Officer

TO:Rev03-08-12

Reviewed by:

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

Action taken by City Council

Date_____ Action_____

ITEM NO. (12) PUBLIC HEARING TO CONSIDER AN APPEAL OF PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT NO. 898-12 FOR A SECOND DWELLING UNIT ON A SITE ZONED RS (RESIDENTIAL, SINGLE FAMILY) LOCATED AT 2712 AND 2714 E. ADAMS STREET (ECONOMIC DEVELOPMENT)

RECOMMENDATION for the City Council:

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. 12-075, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 898-12 AND DENYING THE APPEAL TO RETAIN AN UNAUTHORIZED ACCESSORY LIVING QUARTER."

ACTION: It was moved to extend the transition period from 90 days to 180 days to make transition to the home and vacate the unit on motion of Santarina and seconded by Davis-Holmes.

During discussion of the motion, Council Member Gipson inquired about what could be done to address in the near future for other properties and to modify the code so that other families would not have to go through as in this case, whereupon, City Manager Biggs stated that he would look into as an option to apply to future cases with Council to provide direction.

Upon inquiry, City Attorney Wynder stated that the substitute motion would be to grant the appeal and to allow the unit to remain in its current condition provided a covenant is entered into with the city by the applicant that the property would never be rented out to a third party.

Substitute Motion

Council Member Gipson offered a substitute motion to grant the appeal and to allow the unit to remain in its current condition provided a covenant is entered into with the city by the applicant that the property would never be rented out to a third party and seconded by Santarina.

During discussion of the substitute motion, Council Member Davis-Holmes and Mayor Pro Tem Ruiz-Raber offered comments in support of the staff recommendation.

The substitute motion failed to carry by the following vote:

Ayes:	Mayor Dear and Council Member Gipson
Noes:	Mayor Pro Tem Ruiz-Raber, Council Member Davis-Holmes, and Council Member Santarina
Abstain:	None
Absent:	None

Council Member Santarina requested a revote since he seconded the substitute motion.

Vote on Substitute Motion

The substitute motion was carried by the following vote:

Ayes:	Mayor Dear, Council Member Gipson, and Council Member Santarina
Noes:	Mayor Pro Tem Ruiz-Raber and Council Member Davis-Holmes
Abstain:	None
Absent:	None

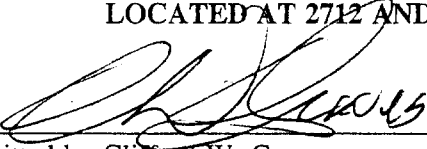


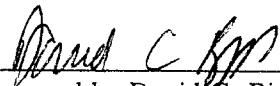


City of Carson Report to Mayor and City Council

July 17, 2012
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER AN APPEAL OF PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT NO. 898-12 FOR A SECOND DWELLING UNIT ON A SITE ZONED RS (RESIDENTIAL, SINGLE FAMILY) LOCATED AT 2712 AND 2714 E. ADAMS STREET


Submitted by Clifford W. Graves
Economic Development General Manager


Approved by David C. Biggs
City Manager

I. SUMMARY

On May 22, 2012, the Carson Planning Commission approved Resolution No. 12-2434 approving Conditional Use Permit No. 898-12 for a second dwelling unit on a site zoned RS (Residential, Single Family) and located at 2712 and 2714 E. Adams Street. Pursuant to Carson Municipal Code (CMC) Section 9125.6.A.3, a second dwelling unit is permitted provided there are no "accessory living quarters" on the same property. The Planning Commission approved the second unit with the addition of a condition requiring the unauthorized accessory living quarters connected to the garage be converted back to a storage room (Exhibit Nos. 1, 2, and 3). The applicant has appealed the Planning Commission decision to request authorization to retain the accessory living quarters (i.e., bedroom), which is attached to the garage, and to obtain the necessary building permits to allow for the conversion from a storage room (Exhibit No. 4 and Exhibit No. 5).

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. 12-075, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 898-12 AND DENYING THE APPEAL TO RETAIN AN UNAUTHORIZED ACCESSORY LIVING QUARTER."

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

On November 21, 2003, Ordinance No. 03-1290 went into effect requiring all property owners of legal, nonconforming second dwelling units to obtain Planning Commission approval by December 4, 2008. Prior to this amendment, legal, nonconforming second dwelling units were subject to abatement. The amendment requires property owners to obtain approval either by meeting certain design and development standards described in Sections 9122.8 (Second Dwelling Units) (Exhibit No. 6) and 9125.6 (Second Dwelling Unit Development Standards, i.e., Section 9125.6.A.3) of the Carson Municipal Code (CMC) (Exhibit No. 7), or obtaining a conditional use permit (CUP). The latter option is discretionary and requires a public hearing with the Planning Commission.

The CMC provides standards for the retention of legal, nonconforming second dwellings units so as to preserve the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhoods. CMC Section 9182.3 (Nonconforming Residential Densities) (Exhibit No. 8) requires the Planning Commission to consider the adequacy of on-site parking and applicable development standards contained in Section 9125.6. The Planning Commission is authorized to require modifications designed to bring the property and structure more nearly into compliance with second dwelling standards. As such, the Planning Commission has allowed certain deviations from the development standards to allow for existing, legally constructed buildings and structures to remain.

On May 22, 2012, the Planning Commission held a public hearing to consider Conditional Use Permit No. 898-12. The Planning Commission approved deviations from certain setback requirements, the size of parking spaces and the provision that the property must be owner occupied for a property containing a second dwelling unit. The Planning Commission specifically denied the applicant's request to retain an accessory living quarters (i.e., bedroom) attached to the garage pursuant to the requirement of CMC Section 9125.6.A.3 providing that the property shall not contain an accessory living quarters or other structures used for living purposes. The Planning Commission determined that the requested accessory living quarters was never legally permitted and, as such, could not be considered for a deviation.

In 1989, a code enforcement investigation revealed that a room was constructed and attached to a garage without benefit of a building permit. The unauthorized room was being used as a living unit with kitchen and bathroom facilities. On August 14, 1989, the former property owner requested a "miscellaneous application" from the Building and Safety Division to legalize the unpermitted



structure. The property owner identified the use of the structure as a "guest quarters." However, the Planning Division denied the use as a "guest quarters" and clearly marked the permit application for "storage room only" since the property was legal, nonconforming due to the second dwelling unit and CMC Section 9182.02 (Changes and Alterations) prohibited the intensification of the non-conforming residential use (Exhibit No. 9).

In approving CUP No. 898-12, the Planning Commission conditioned the second dwelling approval by requiring that the "accessory living quarters" attached to the garage of the main dwelling unit be converted back to a storage use or be demolished within 90 days. Furthermore, it required that a building use restriction covenant shall be recorded with the Los Angeles County Recorder's Office that restricts the use of the existing 12' x 18', 216-square-foot room attached to the garage to storage use only.

The current property owner assumed ownership of the property due to a default on a mortgage. The storage room was used as a bedroom at that time. The Planning Commission recognized that the current property owner may have been unaware of the violation related to the illegal conversion of the storage room. In considering the CUP application, the Planning Commission reviewed CMC Section 9125.6.A.3 which states that the property shall not contain an accessory living quarters or other structures used for living purposes. Since the property was never legally permitted to have an accessory living quarters, the Planning Commission could not allow for a deviation that would allow the storage room to be converted.

Approving the requested appeal would set a zoning precedent that would allow the intensification of residential density for second dwelling properties in single-family residential areas. The Planning Commission has been very careful to ensure that properties containing second dwelling units are restricted from expansion if the properties do not meet the development standards contained in CMC Section 9125.6. Furthermore, the facts associated with this property clearly show that the subject room attached to the garage was initially constructed without a permit and has historically been used as an illegal residential use. The Planning Commission decision to not permit the conversion of the storage room to an accessory living quarters is consistent with the policy to minimize potential negative impacts associated with the approval of second dwelling units. The Planning Commission used appropriate judgment and consideration of the CMC in approving CUP No. 898-12.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission Staff Report (with exhibits)
dated May 22, 2012. (pgs. 5-13)
2. Planning Commission Resolution No. 12-2434. (pgs. 14-19)
3. Excerpt of Planning Commission Minutes dated May 22, 2012. (pgs. 20-22)
4. Appeal Request dated June 5, 2012. (pgs. 23-27)
5. Appeal Supplemental Information dated June 28, 2012. (pgs. 28-31)
6. Carson Municipal Code Section 9122.8. (pgs. 32-33)
7. Carson Municipal Code Section 9125.6. (pgs. 34-35)
8. Carson Municipal Code Section 9182.3. (pg. 36)
9. Carson Municipal Code Section 9182.02. (pg. 37)
10. Draft Resolution No. 12-075. (pgs. 38-44)

Prepared by: Zak Gonzalez II, Associate Planner

TO: Rev03-08-12

Reviewed by:

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

Action taken by City Council

Date _____ Action _____



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-2434

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 898-12 FOR A SECOND DWELLING LOCATED AT 2712
AND 2714 E. ADAMS 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 the applicant, Lloyd Anastasi, with respect to real property located at 2712 and 2714 E. Adams Street, and described in Exhibit "A" attached hereto, requesting the approval of an existing 839-square-foot second dwelling unit located within the RS (Residential, Single Family) zone district.

A public hearing was duly held on May 22, 2012, 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.

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

Section 3. The Planning Commission finds that:

- a) The proposed project is identified in the General Plan as a permitted use for this land use category subject to Conditional Use Permit approval. There is no specific plan for this area. The surrounding properties are developed with residential single family dwellings and the proposed project is compatible with the neighborhood.
- b) The project is compatible in architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.
- c) The property's front dwelling is developed with a detached two car garage and an attached two car carport used by the rear dwelling unit. The site is considered nonconforming with respect to parking; however, the nonconformities are allowed to continue provided there is no intensification. The project is not anticipated to generate significant adverse effects to the circulation on the adjacent public street.
- d) There are no signs intended for the proposed project site.
- e) The proposed project conforms to all applicable design standards and guidelines that have been adopted pursuant to Section 9172.15 of the Carson Municipal Code.



- f) The existing second dwelling meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. All of the required findings pursuant to Section 9171.21(d), "Conditional Use Permit, Approval Authority and Findings and Decision" can be made in the affirmative.

Section 4. The Planning Commission further finds that the use permitted by the proposed Conditional Use Permit will not have a significant effect on the environment. The proposed use will not alter the predominantly residential single family character of the surrounding area and meets or exceeds all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under the CEQA Guidelines, Section 15301 (Existing Structures or Facilities).

Section 5. Based on the aforementioned findings, the Commission hereby approves the categorical exemption and grants Conditional Use Permit No. 898-12 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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 22nd DAY OF MAY, 2012.


CHAIRMAN

ATTEST:


SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION

EXISTING PARCELS

PARCEL 'A'

LOT 607, TRACT NUMBER 6720, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 71, PAGES 79 AND 80, OF MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

PARCEL 'B'

LOT 608, TRACT NUMBER 6720, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 71, PAGES 79 AND 80, OF MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

PARCEL 'C'

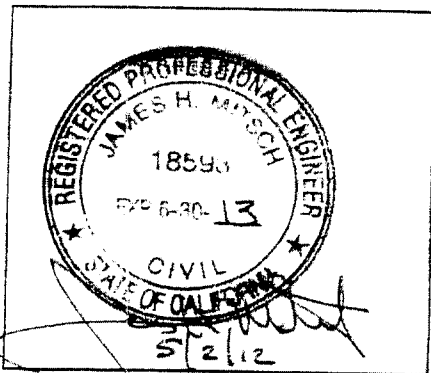
LOT 609, TRACT NUMBER 6720, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 71, PAGES 79 AND 80, OF MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

ASSESSOR PARCEL NUMBER: 7316-005-020

PROPOSED PARCEL

PARCEL "A"

LOTS 607, 608 AND 609, INCLUSIVE, TRACT NUMBER 6720, IN THE CITY OF CARSON COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 71, PAGES 79 AND 80, OF MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY.



PREPARED BY: BAY CITIES ENGINEERING		OWNER INFORMATION		EXHIBIT "A"	
CONTACT NAME: JAMES HENRY MITSCH, RCE		NAME: LLOYD R AND LAURENE T ANASTASI		SITE ADDRESS:	
ADDRESS: 101 AVENIDA VERACRUZ		ADDRESS: 1250 8TH STREET		2712 AND 2714 E. ADAMS STREET CARSON, CA 90810	
CITY STATE ZIP: ANAHEIM, CA 92808-1090		PHONE: (310)850-7048		CITY STATE ZIP: MANHATTAN BCH, CA 90268	
		PHONE: (310)717-8011		SCALE: 1" = 20.0' 1 OF 3	

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 898-12

GENERAL CONDITIONS

1. If Conditional Use Permit No. 898-12 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
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.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
5. 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.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or 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.
7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 898-12. 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.

SECOND DWELLING EXPANSION/ALTERATIONS/AESTHETICS

8. Any changes to the second dwelling shall be limited to minor alterations, improvements, repairs, or changes of use which do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
9. Any minor alterations, improvements and or repairs shall require review and approval (where applicable) by the Planning Division and issuance of a building permit.
10. A property inspection report was prepared by a qualified/certified property inspector that includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. The deficiencies described in the property inspection report shall be eliminated or mitigated within 90 days. The Planning Division shall inspect the property for compliance with the corrective measures. An extension of time to complete necessary corrective measures may be granted for up to an additional 90 days, subject to the discretion of the Planning Division.
11. The existing "accessory living quarters" attached to the garage of the main dwelling unit located at 2714 E. Adams Street violates CMC Section 9125.6 A. 3. and must be converted back to a storage use or demolished within 90 days.
12. A building use restriction covenant shall be recorded with the Los Angeles County Recorder's Office that restricts the use of the existing 12' x 18', 216 square-foot area next to the garage behind the main dwelling located at 2714 E. Adams to storage use only.
13. All building setback areas shall remain clear for fire prevention safety.

PARKING

14. The existing garage and carport shall be used for parking of vehicles and not for storage only or for habitable space. There shall be no parking of in-operable automobiles on any garage, carport or driveway. Further, there shall be no unauthorized dwelling expansion or alteration that will intensify potential hazards associated with not having sufficient off-street parking.

BUILDING & SAFETY

15. All building improvements shall comply with City of Carson Building and & Safety Division requirements.



ENGINEERING

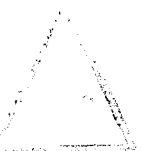
16. In accordance with CMC Section No. 9207.28 Merger of Parcels Requested by Subdivider, (a) the applicant is processing Lot Merger No. 225-12 with the Engineering Division. Approval of this conditional use permit contained herein is contingent upon said lot merger approval.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

17. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

18. 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.



Division 5. Site Requirements

9125.6 Second Dwelling Unit Development Standards.

A second dwelling unit permit shall be issued per CMC 9122.8 (Second Dwelling Units) only if the unit complies with the following development standards:

A. Lot Criteria.

1. Must contain one (1) single-family residence.
2. No more than one (1) second dwelling unit shall be located on a single lot.
3. Subject lot shall not contain an accessory living quarters or other structure used for living purposes.



Jim Marquez Planning and Design

796 West 27th Street
San Pedro, CA 90731
310 547-1511 Phone 310 547-1556 Fax 310 748-8726 Mobile
E-mail: jimmarquez@att.net

RECEIVED
CITY CLERK

12 JUN -5 PM 2:33

CITY OF CARSON

June 4, 2012

Ms. Donesia L. Gause, City Clerk
City of Carson
701 East Carson Street
Carson CA 90749

Re: Appeal on CUP 898-12, approved 05-21-2012
2712-2714 East Adams Street

DISTRIBUTION	
COPIES TO:	
Mayor/Council	✓
City Manager	✓
City Attorney	✓
<i>John H. Gause</i>	
<i>Yak Gause</i>	
Date:	6-5-12

Dear Honorable Donesia L. Gause, City Clerk:

This is an appeal on behalf of the property owner Lloyd R. Anastasi, to the City of Carson City Council on Conditional Use Permit No. 898-12 adopted by the Planning Commission on May 21, 2012 to allow a second dwelling located within the RS (Residential Single Family) zone classification.

1.0 Approval of this appeal is being requested to permit:

1.1 The 'continued use' of the existing 12' x 18' guest quarters, serving 2714 East Adams Street and having a 216 square foot floor area; and,

1.2 The property owner to file for after the fact building permits to legalize the location and occupancy of the guest quarters

1.3 The acceptance of all other aspects of the Second Dwelling Unit Conditional Use Permit filing, as reported and approved by the planning commission other than CMC 9125.6.A.3, are acknowledged to be satisfactory and present no adversity.

2.0 The reason the owners have filed this appeal is:

2.1 To exercise the property owners rights to file for a conditional use permit as the proper method to provide flexibility and alleviate hardship in approving a second dwelling conditional use permit. *Upton v. Gray, 269 Cal. App.2nd 352 (1969); Groch v. City of Berkley*. The applicant further acknowledges the understanding that CUP's are tools of the zoning code and are taken very seriously. The decision to allow a second dwelling through a conditional use

permit is an issue of vital public interest. It is shown in this case, by eliminating the owner from processing of obtaining an after the fact building permit as the administrative responsibility they assumed upon becoming the new property owners. Vital public interest is being focused on ensuring the property owners rights under the Real Property regulations of the State of California. The planning commission had questions seeking other approaches to be taken. There was no opposition. Staff presented no substantiation of the true physical conflict(s) other than that would befall the occupants' or the neighbors should the second dwelling unit be disallowed; but, it does affect the quality of life for the owners, the occupants and the community. Such actions are outside the central idiom of or in a word fair and objective decision making.

2.2 To protect the occupants of the main house at 2714 East Adams Street from the imposition or having to move the occupant from the guest quarters into the main house. The move results in conflicts because the household expected to live differently. Can they live this way without conflict? Is it fair that the letter of the code is more important than it's stakeholders?

2.3 The planning commission erred in concluding that CMC 9125.6.A.3, cannot be waived. But simultaneously accepted waivers of the development standards pertaining to unit floor areas, setbacks, parking standards, width of driveway, parking facilities and distances between structures under the flexibility provisions of the Conditional Use Permit. No yardstick or other justification was provided by the planning commission to demonstrate how and why the greater weight was placed against the applicant and not provide assistance in alleviating the problems.

3.0 Justification for the Appeal:

3.1 The planning commission erred in not exercising their full authority in considering any and all administrative mechanisms that allow the planning commission to deliberate the intent, difference and applicability of different development standards related to accessory living quarters as prescribed in CMC 9125.6A.3. Weight should have been given to not just the lay language of the code; but, the challenge that will befall the people involved as well as the physical improvements that will become for the most part under used for the conditions.

3.2 The planning commission erred in approving CUP 898-12 by their choice to stand firm and not allow the guest quarters; but, openly accepted numerous physical nonconformities related to the property. The items they accepted include but are not limited to:

- the absentee ownership of the property,
- the guest quarter use is allowed by right and by conditional use permit in more sensitive zones,
- the setbacks,
- the distances between structures,
- the width of the driveway, and
- the size and location of parking;



3.3 The staff erred by bearing false witness in advising the planning commission they have the power to modify development standards in approving a second dwelling unit application, but held that the requirement of in CMC 9125.6.A.3 cannot be waived. Serious discussion ensued over this aspect at the planning commission hearing. The commission wanted adjustment and the staff advised the commission they can't you do that. The commission asked if the city Attorney could speak with the applicant at the microphone over this, and the chairman declined to allow the dialogue, citing the staff has spoken. Such representation is in conflict with the property owner's right under the conditional use permit regulations and its improper under the rules for a fair and impartial hearing.

3.4. The planning department erred in furnishing absolutely no objective consideration to the benefits to keeping the existing guest quarters (bedroom), versus eliminating it from the housing stock.

- Eliminating the room from the housing stock causes the occupants disruption by having to double up with the occupants inside the main house.
- The room becomes less beneficial to the property owner and tenants of the main house.
- The use of the room is non invasive to surrounding properties.
- Accessory living quarters are permitted by right on all properties abutting the subject properties per CMC 9122.1.
- The owner is requesting parity to these conditions and objects.

3.5 Permits for the guest quarters onto the garage were filed for with the building department and approved on August 14, 1989 but never finalized.

3.6 Section 9122.1, Accessory Living Quarters of the city of Carson Municipal Code specifies that accessory living quarters are permissible.

➤ The CMC provides: "As part of a single-family dwelling use, accessory living quarters may be provided, within a main building or in a accessory building, for family members, guests, servants, and not more than six (6) roomers or boarders, provided no separate kitchen facilities are provided and such quarters are not occupied or rented as a separate dwelling.

➤ Accessory living quarters shall not exceed five hundred (500) square feet of floor area. Accessory living quarters exceeding five hundred (500) square feet of floor area, shall be subject to a conditional use permit. The accessory living quarter shall incorporate the same or substantially similar architectural features, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. (Ord. 03-1290, § 8)"

3.7 The planning departments' insistence that accessory living quarters are not allowed for in conjunction with new second dwelling units, CMC 9122.2.A, provides discretionary approval through a companion section 'Other accessory facilities customary to



residential uses.' It is fair to say the cod in its wisdom provides relief through the CUP process. We ask that the city council incorporate this in their deliberation.

4.0 Comments:

The property owner is seeking relief from the hardship created from the loss of value by not being able to continue the use of the 216 s.f. accessory quarters in conjunction with the main house at 2714East dams Street.

The owner did not purchase the property, they acquired ownership when the former owners couldn't maintain their payments and lost the property through foreclosure.

As part of the conditional use permit process the planning commission granted exception and waived compliance with several code sections pertaining to development of a new second dwelling unit because the property is fully improved. The buildings at 2712 and 2714 and their parking facilities were built before the city was incorporated. It is logical to deduce that the side yards, rear yards, distance between buildings, floor areas, and garage parking stall facilities are also inconsistent to some measure with the CMC. Accordingly the approval grated waiver to all inconsistencies except CMC 9125.6A.3. The accessory room does not have a certificate of occupancy because the prior owners allowed the permit obtained in 1989 to lapse. None the less it was issued and has been occupied for 23years.

The property owner needs a rational conclusion to the improvements.

5.0 Recommendation:

5.1 Based on the findings and justifications by the appellant it is clear that the approval for two dwellings on the same property in conjunction with the detached guest quarters in conjunction with the main dwelling at 2714East Adams Street has merit:

- i. It is consistent with the scale, arrangement and age of single family developments in the neighborhood.
- ii. The guest quarters and attached garage are safely arranged on the land.
- iii. Separate sleeping quarters posses no adversity to the occupants.
- iv. Separate sleeping rooms detached from the main residence fit the eclectic site setting and pose no adversity to the scale or tranquility of the neighborhood.
- v. To implement compliance with the intent of code a covenant is recommended to be recorded to run with the property that declares the 12' x 18', 216 square foot guest room attached to the garage will not be rented as a separate living unit.
- vi. Density is consistent with the general plan.


5.2 Recommended conditions:

- i. The owner shall be responsible for recording a covenant to run with the land that is binding on their heirs, and assigns.
- ii. The covenant shall specify that the guest room attached to the garage would not be rented as a separate living unit.



iii. An after the fact building permit shall be obtained by the owner from the building department for the addition onto the garage.

Respectfully submitted,


Jim Marquez, Principal Planner



RECEIVED

Jim Marquez Planning and Design

2012 JUN 28 PM 3:31

796 West 27th Street

San Pedro, CA 90731

310 547-1511 Phone 310 547-1556 Fax 310 748-8726 Mobile

E-mail: jimmarquez@att.net

ENGINEERING SERVICES
CITY OF CARSON

June 28, 2012

Ms. Donesia L. Gause, City Clerk
City of Carson
701 East Carson Street
Carson CA 90749

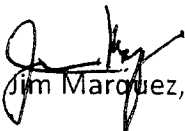
Re: Petition of support
Appeal on CUP 898-12, approved 05-21-2012
2712-2714 East Adams Street

Dear Honorable Donesia L. Gause, City Clerk:

Please find additional support information on an appeal obtained by the property owner Lloyd R. Anastasi, on Conditional Use Permit No. 898-12 adopted by the Planning Commission on May 21, 2012 to allow a second dwelling located within the RS (Residential Single Family) zone classification.

The petition identifies surrounding properties in front to the sides and behind the property at 2712 and 2714 East Adams Avenue, Carson, CA 90810.

Respectfully submitted,


Jim Marquez, Principal Planner

DISTRIBUTION	
COPIES TO:	
Mayor/Council	✓
City Manager	✓
City Attorney	✓
John Signo	
Zak Gonzalez	
Date	6/28/12

EXHIBIT NO. 6-



PETITION OF SUPPORT TO THE CARSON CITY COUNCIL
SECOND DWELLING CONDITIONAL USE PERMIT, CUP 898-12
SUBJECT PROPERTY: 2712 AND 2174 EAST ADAMS STREET
CARSON CA 90810

THIS IS A PETITION IN SUPPORT OF AN APPEAL BY LLOYD ANASTASI FILED ON JUNE 5, 2012, ON CONDITIONAL USE PERMIT NO. 898-12 ADOPTED BY THE PLANNING COMMISSION ON MAY 21, 2012 TO ALLOW A SECOND DWELLING LOCATED IN THE RESIDENTIAL SINGLE FAMILY, (RS), ZONE. THE REQUEST IS TO MODIFY CONDITION NUMBER 11, APPROVED BY THE PLANNING COMMISSION DISALLOWING THE NEW OWNERS ANY ABILITY TO OBTAIN BUILDING PERMITS TO LEGALIZE THE EXISTING STORAGE ROOM WITH THE BUILDING DEPARTMENT AND TO USE IT AS ONE ADDITIONAL BEDROOM FOR THE 2-BEDROOM HOUSE AT 2714 EAST ADAMS STREET, CARSON, ON THE SAME CONFORMING PARCEL.

WE THE UNDERSIGNED RESIDENTS AND PROPERTY OWNERS FIND MERIT IN THE WAY THE PROPERTY IS IMPROVED AND SUPPORT THE CITY COUNCIL IN MODIFYING THE DECISION OF THE PLANNING COMMISSION IN APPROVING AN APPEAL TO PERMIT THE TWO DWELLINGS TO BE USED IN CONJUNCTION WITH THE DETACHED 12' X 18' STORAGE ROOM WITH EXPIRED BUILDING PERMIT AND ALLOWING THE OWNERS AN ADMINISTRATIVE REMEDY TO OBTAIN AN AFTER THE FACT BUILDING PERMIT TO USE IT AS A BEDROOM IN CONJUNCTION WITH THE MAIN DWELLING AT 2714 EAST ADAMS STREET:

- i. THE IMPROVEMENTS AND USES ARE CONSISTENT WITH THE SCALE, ARRANGEMENT AND AGE OF SINGLE FAMILY DEVELOPMENTS IN THE NEIGHBORHOOD.
- ii. THE GUEST QUARTERS AND ATTACHED GARAGE ARE SAFELY ARRANGED ON THE LAND.
- iii. SEPARATE SLEEPING QUARTERS POSE NO ADVERSITY TO THE OCCUPANTS.
- iv. SEPARATE SLEEPING ROOMS DETACHED FROM THE MAIN RESIDENCE FIT THE ECLECTIC SITE SETTING AND POSE NO ADVERSITY TO THE SCALE OR TRANQUILITY OF THE NEIGHBORHOOD.
- v. TO ENSURE THAT THE ROOM WILL NOT BE RENTED SEPARATELY, A COVENANT IS RECOMMENDED TO BE RECORDED TO RUN WITH THE LAND SPECIFYING THAT THE 12' X 18', 216 SQUARE FOOT GUEST ROOM ATTACHED TO THE GARAGE WILL NOT BE RENTED AS A SEPARATE LIVING UNIT.

Leland McCarthy
Name

2718 E. Adams St Carson CA 90810
Address

[Signature]
Name

2718 E. Adams St
Address

[Signature]
Name

2737 ADAMS ST
Address

Lena Peterson
Name

2737 Adams St.
Address

[Signature]
Name

2721 E Adams St
Address

Auto Cornel
Name

2717 Adams St Carson 90810
Address

LOUIS ZAMUDIO
Name

2725 ADAMS ST. 90810
Address

[Signature]
Name

[Signature]
Name

2711
Address

2771 ADAMS
Address

Eric Sell Jr
Name

2711 Adams St
Address




PETITION OF SUPPORT TO THE CARSON CITY COUNCIL
SECOND DWELLING CONDITIONAL USE PERMIT, CUP 898-12
SUBJECT PROPERTY: 2712 AND 2174 EAST ADAMS STREET
CARSON CA 90810

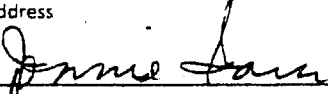
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Name Elizabeth Garcia

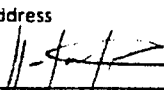
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Address


Name Jennie Garcia

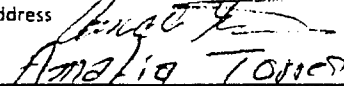
2701 E Adams St
Address


Name David Balle

21502 S. Prospect Ave
Address


Name Hector Torres

2708 E Adams St.
Address


Name Amalia Torres

2708 E Adams
Address

Name

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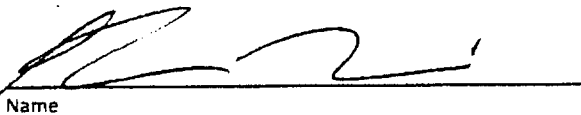
Name

PETITION OF SUPPORT TO THE CARSON CITY COUNCIL
SECOND DWELLING CONDITIONAL USE PERMIT, CUP 898-12
SUBJECT PROPERTY: 2712 AND 2174 EAST ADAMS STREET
CARSON CA 90810

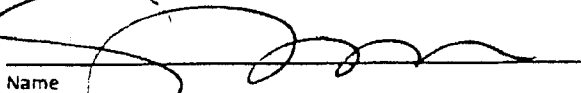
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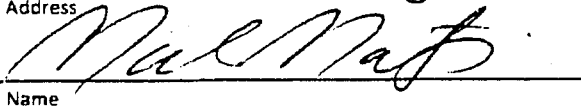
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Name

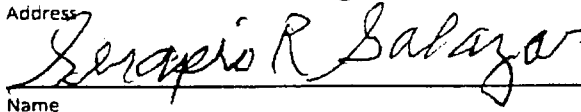
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Address


Name

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Address


Name

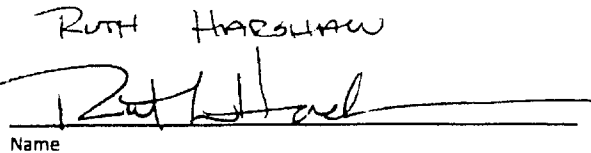
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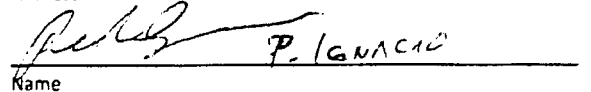
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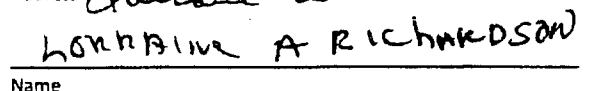
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Address

Ruth Harsman

Name

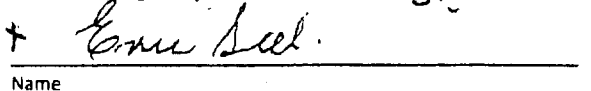
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Name

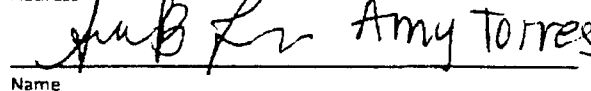
21526 S. PROSPECT AVE.
Address


Name

2711 E Adams St.
Address


Name

2711 E Adams St
Address


Name

2708 E Adams St
Address



RESOLUTION NO. 12-075

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, MODIFYING THE DECISION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 898-12 BY ESTABLISHING AN EXTENDED ABATEMENT PERIOD TO REMOVE AN UNAUTHORIZED ACCESSORY LIVING QUARTER.

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

Section 1. On May 22, 2012, the Planning Commission adopted Resolution No. 12-2434 on a 7-0 vote (two absent) approving Conditional Use Permit (CUP) No. 898-12 for a second dwelling unit located at 2712 and 2714 E. Adams Street.

Section 2. On June 5, 2012, an appeal was filed by Jim Marquez on behalf of the property owner, Lloyd Anastasi pursuant to the requirements of Carson Municipal Code (CMC) Section 9173.4.

Section 3. A public hearing was duly held on July 17, 2012, at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notice of the time, place, and purpose of the aforesaid meetings was duly given in accordance with law. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 4. The City Council hereby finds that:

- a) On November 21, 2003, Ordinance No. 03-1290 went into effect requiring all property owners of legal nonconforming second dwelling units to obtain Planning Commission approval by December 4, 2008. Prior to this amendment, legal nonconforming second dwelling units were subject to abatement. The amendment requires property owners to obtain approval either by meeting certain design and development standards described in Sections 9122.8 (Second Dwelling Units) and 9125.6 (Second Dwelling Unit Development Standards) of the Carson Municipal Code (CMC) (Exhibit No. 3), or obtaining a conditional use permit (CUP). The latter option is discretionary and requires a public hearing with the Planning Commission.
- b) The project site is located on an 8,182-square-foot parcel with two dwelling units totaling approximately 2,337 square feet (front dwelling being 2714 E. Adams Street with 1,498 square feet & second rear dwelling being 2712 E. Adams Street with 839 square feet). Each dwelling is developed with two bedrooms.
- c) Pursuant to Carson Municipal Code (CMC) Section 9125.6.A.3, a second dwelling may be approved provided there is no accessory living quarters on the

[MORE]

EXHIBIT NO. 7 -



same property. The Planning Commission approved the second unit with a condition that no accessory living quarters be permitted.

- d) CMC Section 9182.3 (Nonconforming Residential Densities) requires the Planning Commission to consider the adequacy of on-site parking and applicable development standards contained in Section 9125.6. The Planning Commission is authorized to require modifications designed to bring the property and structure more nearly into compliance with second dwelling standards. As such, the Planning Commission has allowed certain deviations from the development standards to allow for existing, legally constructed buildings and structures to remain.
- e) In approving CUP No. 898-12 on May 22, 2012, the Planning Commission conditioned the second dwelling approval by requiring that the unauthorized accessory living quarters attached to the garage of the main dwelling unit be converted back to a storage use or be demolished within 90 days. Furthermore, it required that a building use restriction covenant shall be recorded with the Los Angeles County Recorder's Office that restricts the use of the existing 12' x 18', 216 square-foot room attached to the garage to storage use only. The Planning Commission determined that the requested living quarter was never legally permitted and, as such, could not be considered for deviation.
- f) The appellant requests special consideration to convert the storage room to an accessory living quarters and offers to record a covenant that stipulates that the structure would not be rented as a separate living unit.
- g) The appellant testified that a financial hardship will be created from the loss of value by not being allowed to utilize the 216 square foot room attached to the garage as a bedroom utilized in conjunction with the house located at 2714 East Adams Street.
- h) The facts associated with this property clearly show that the subject room attached to the garage was initially constructed without a building permit and has historically been used as an illegal residential use. The Planning Commission properly determined that the property was never legally permitted to have an accessory living quarters and, therefore, the Planning Commission could not allow for a deviation from CMC Section 9125.6 that would allow the storage room to be converted.
- i) The General Plan designates the property as Low Density Residential which is compatible with the proposed use. The second dwelling use will be consistent with the surrounding uses, is appropriate for the subject property and will be compatible with the intended character of the area.
- j) The circulation and street parking on the adjacent public streets will not be adversely impacted since there is adequate vehicular circulation and parking

[MORE]



spaces provided for the existing two dwelling units. Safety and convenience of vehicular and pedestrian access is provided.

- k) The second dwelling use meets the goals and objectives of the General Plan, is consistent with applicable zoning and design regulations and will preserve the supply of smaller and affordable housing while ensuring compatibility with the existing neighborhoods.
- l) The subject property is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed second dwelling use. The surrounding land uses are Low, Density residential uses with which the proposed project is compatible. The site is 0.19 acres, relatively flat, and is located in a RS, Single Family Residential zone.
- m) Approving the request to provide a covenant that runs with the land and allows future heirs and assigns to maintain an accessory living quarters would set a zoning precedent that would allow for the intensification of residential density for second dwelling properties in single family residential areas, and is otherwise inconsistent with the requirements of the CMC.
- n) However, with the attached conditions, the appeal can be granted provided that a separate covenant is entered into whereby the property owner would be granted an extended abatement period to convert the room addition from accessory living quarters to a storage use. Such a covenant will be embodied in a separate agreement that will provide for a return to the storage use upon change of tenancy of the dwelling unit located at 2714 Adams Street.

Section 5. Based on the aforementioned findings, the City Council hereby modifies the Planning Commission decision set forth in Resolution No. 12-2434 which grants Conditional Use Permit No. 898-12, with respect to the property described in Exhibit "A" attached herewith, and subject to the conditions set forth in Exhibit "B" attached hereto;

Section 6. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED and ADOPTED this 7th day of August, 2012.

Mayor Jim Dear

ATTEST:

City Clerk, Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

[MORE]

29

CITY OF CARSON
CITY COUNCIL
EXHIBIT "A"
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NO. 898-12;

Property Address: 2712 and 2714 E. Adams Street

Parcel Identification Number: 7316-005-020

Existing Parcels:

Parcel "A"

Lot 607, Tract Number 6720, in the City of Carson, County of Los Angeles, State of California as per map recorded in Book 71, Pages 79 and 80, of maps in the Office of the Recorder of said County.

Parcel "B"

Lot 608, Tract Number 6720, in the City of Carson, County of Los Angeles, State of California as per map recorded in Book 71, Pages 79 and 80, of maps in the Office of the Recorder of said County.

Parcel "C"

Lot 609, Tract Number 6720, the City of Carson, County of Los Angeles, State of California as per map recorded in Book 71, Pages 79 and 80 of maps in the Office of the Recorder of said County.

Proposed Parcel:

Parcel "A"

Lots 607, 608, and 609, inclusive, Tract Number 6720, in the City of Carson County of Los Angeles, State of California as per map recorded in Book 71, Pages 79 and 80 in the Office of the Recorder of said County.

CITY OF CARSON

CITY COUNCIL

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 898-12

GENERAL CONDITIONS

1. If Conditional Use Permit No. 898-12 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
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.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
5. 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.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or 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.
7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 898-12. 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

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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.

SECOND DWELLING EXPANSION/ALTERATIONS/AESTHETICS

8. Any changes to the second dwelling shall be limited to minor alterations, improvements, repairs, or changes of use which do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
9. Any minor alterations, improvements and or repairs shall require review and approval (where applicable) by the Planning Division and issuance of a building permit.
10. A property inspection report was prepared by a qualified/certified property inspector that includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. The deficiencies described in the property inspection report shall be eliminated or mitigated within 90 days. The Planning Division shall inspect the property for compliance with the corrective measures. An extension of time to complete necessary corrective measures may be granted for up to an additional 90 days, subject to the discretion of the Planning Division.
11. The existing "accessory living quarters" attached to the garage of the main dwelling unit located at 2714 E. Adams Street violates CMC Section 9125.6 A. 3. and must be converted back to a storage use. An agreement shall be executed by the applicant providing that the temporary use of the storage room shall be abated upon the change of tenancy for the residential unit associated with the garage and storage room located at 2714 E. Adams.
12. A building use restriction covenant shall be recorded with the Los Angeles County Recorder's Office that restricts the use of the existing 12' x 18', 216 square-foot area next to the garage behind the main dwelling located at 2714 E. Adams to storage use only and restricts rental of the building independently from the main dwelling unit.
13. All building setback areas shall remain clear for fire prevention safety.

PARKING

14. The existing garage and carport shall be used for parking of vehicles and for habitable space. There shall be no parking of in-operable automobiles on any garage, carport or driveway. Further, there shall be no un-authorized dwelling expansion or alteration that will intensify potential hazards associated with not having sufficient off-street parking.

BUILDING & SAFETY

15. All building improvements shall comply with City of Carson Building and & Safety Division requirements. The applicant shall obtain a building permit for the room addition and shall complete all necessary corrections to provide the temporary residential use.

ENGINEERING

16. In accordance with CMC Section No. 9207.28 Merger of Parcels Requested by Subdivider, (a) the applicant is processing Lot Merger No. 225-12 with the Engineering Division. Approval of this conditional use permit contained herein is contingent upon said lot merger approval.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

17. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

18. 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.

