City of Carson
Report to Mayor and City Council

November 7, 2012
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION NO. 12-118 APPROVING GENERAL PLAN AMENDMENT NO. 91-12, CHANGING THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO LOW DENSITY RESIDENTIAL AND TO CONSIDER ORDINANCE NO. 12-1501 APPROVING ZONE CHANGE CASE NO. 167-12 CHANGING THE ZONING FROM CG TO RS FOR A PROPERTY LOCATED AT 606 AND 608 EAST REALTY STREET (APN 7404-016-044)

Submitted by Clifford W. Graves
Director of Community Development

Approved by David C. Biggs
City Manager

I. SUMMARY

On September 25, 2012, at a noticed public hearing, the Planning Commission considered and recommended approval of General Plan Amendment (GPA) No. 91-12 and Zone Change Case (ZCC) No. 167-12 (Exhibit Nos. 1, 2, and 3). The City Council is asked to consider an amendment to the General Plan Land Use Element changing the land use designation from General Commercial to Low Density Residential and to consider a ZCC changing the zoning from CG (Commercial, General) to RS (Residential, Single Family). The property is located at 606 and 608 East Realty Street. (Exhibit No. # 6)

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. 12-118, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 91-12, CHANGING THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR A PROPERTY LOCATED AT 606 AND 608 EAST REALTY STREET (APN 7404-016-044)."
3. WAIVE further reading and INTRODUCE Ordinance No. 12-1501, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING ZONE CHANGE CASE NO. 167-12 TO CHANGE THE ZONING FROM CG (COMMERCIAL, GENERAL) TO RS (RESIDENTIAL, SINGLE FAMILY) FOR A PROPERTY LOCATED AT 606 AND 608 EAST REALTY STREET (APN 7404-016-044)."

III. ALTERNATIVES

1. DENY the request.

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date_____ Action_____

_____

6.	**INSTRUCTIONS TO WITNESSES**	Chairman Faletogo requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7.	**SWEARING OF WITNESSES**	Assistant City Attorney Sunny Soltani
8.	**ORAL COMMUNICATIONS**	For items **NOT** on the agenda. Speakers are limited to three minutes. None.

9. NEW BUSINESS DISCUSSION

10. CONTINUED NEW BUSINESS DISCUSSION

11. CONSENT CALENDAR

12. CONTINUED PUBLIC HEARING None

13. PUBLIC HEARING

B) Conditional Use Permit No. 909-12, Zone Change Case No. 167-12, and General Plan Amendment No. 91-12

Applicant: Panida Rojanasupya
131 Chantilly
Irvine, CA 92620

Request: To consider a Conditional Use Permit to legalize an existing second dwelling unit, a zone change changing the zoning from Commercial General to Residential, Single-Family (RS), and a General Plan Amendment to the Land Use Element changing the land use designation from General Commercial to Low Density Residential

sn Property Involved: 606-608 East Realty Street (APN 7404-016-044)

Staff Recommendation: Approve

Planning Commission Decision:

Vice-Chair Verrett moved, seconded by Commissioner Brimmer, to approve the applicant's request, with the amended Condition No. 18. Motion carried, 6-0 (absent Commissioners Goolsby, Schaefer, Williams).

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14. WRITTEN COMMUNICATIONS None

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15. MANAGER'S REPORT

EXHIBIT NO. 4

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CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 25, 2012

SUBJECT: Conditional Use Permit No. 909-12, Zone Change Case No. 167-12, and General Plan Amendment No. 91-12

APPLICANT: Panida Rojanasupya
131 Chantilly
Irvine, CA 92620

REQUEST: To consider a General Plan Amendment to the Land Use Element changing the land use designation from General Commercial to Low Density Residential, a change to the zoning from Commercial General to Residential, Single-Family (RS), and Conditional Use Permit to legalize an existing residential property with a second dwelling unit.

PROPERTY INVOLVED: 606-608 E. Realty Street (APN 7404-016-044)

Vice-Chair Verrett moved, seconded by Commissioner Brimmer, to approve the applicant's request, with the amended Condition No. 18; and moved to adopt Resolution No. 12-2446. Motion carried, 6-0 (absent Commissioners Goolsby, Schaefer, Williams).

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

EXHIBIT NO. 02

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I. Introduction

The proposal is to consider a General Plan Amendment (GPA) to the Land Use Element changing the land use designation from General Commercial to Low Density Residential and to consider a Zone Change (ZC) changing the zoning from Commercial, General (CG) to Residential, Single Family (RS). In addition, the proposal includes a Conditional Use Permit (CUP) to legalize the existing second dwelling unit on the property.

The residential structure is located on two lots totaling 6,412 square feet with two identical dwelling units totaling approximately 1,944 square feet (972 square feet for each dwelling). Each dwelling is developed as a one bedroom unit. The structure is best described as a duplex. Both units are currently vacant and cannot be occupied until the proposed applications are approved and the project complies with all conditions of approval.

II. Background

The single story structure was relocated to the site via a building relocation permit in 1956 and has since been used as a residence. The property was purchased by the current owner earlier this year. The Residential Property Report (RPR) identified the requirement for the GPA, ZC, and CUP to address the inconsistency of the residential use with the general commercial designation and zoning. It is customary for projects to comply with all requirements of the RPR process prior to change of ownership. However, since this property required several discretionary permits, the applicant was permitted to purchase the property and required to apply for the subject applications discussed in this staff report. There are no previously approved discretionary permits for this site and no known open code enforcement cases for the subject property.

III. Analysis

General Plan Amendment and Zone Change

The applicant is proposing a GPA to change the General Plan land use designation from General Commercial to Low Density Residential and to change the Zoning from CG to RS. These changes are necessary to legalize the residential use on the property which has continued since the structure was relocated to the property in 1956. The General Plan land use designation and zoning of the property have been commercial since the incorporation of the city. The County of Los Angeles used to permit residential structures on commercially zoned property. However, upon incorporation, the City of Carson no longer allowed single family residential uses to be a permitted use in the CG zone district. Changing the land use designation and zoning to residential makes sense for the area because adjacent properties are designated and zoned for single-family residential use and a commercial use would not be the highest and best use for the subject property.

The proposed residential use is compatible with surrounding single family uses to the east, north, and southeast. The properties along Avalon Boulevard to the west are zoned CG. It is the general characteristic of the immediate area to have commercially zoned properties along Avalon Boulevard followed by residential properties to the east of the commercial areas. The proposed GPA and ZC will make the property consistent with the surrounding neighborhood since it does not have frontage onto Avalon Boulevard. Therefore, staff recommends approval of the GPA to change the land use designation to Low Density Residential and the ZC to change the zoning to RS.

Conditional Use Permit

Originally, the applicant requested to obtain approval for a duplex since there are two attached and identical units on the property. However, duplexes are considered multi-family units and require a conditional use permit in the multi-family zones. Multi-family zoning would be considered spot-zoning since all the properties in the immediate vicinity are either CG or RS. Therefore, Staff informed the applicant that the only way to legalize the two units is to change the zoning to RS and consider one unit the main unit and the other unit an attached second dwelling unit. The applicant has complied and applied for a second dwelling unit conditional use permit pursuant to Section 9122.8 of the Carson Municipal Code (CMC).

This section states that all second units need to meet the following location criteria:

- One second dwelling unit may be located on any residentially zoned lot that principally allows single-family dwellings and contains only a legal, single-family detached dwelling.

- Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.

- Second dwelling units are not required to meet the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.

The proposed second unit meets all three criteria. In addition, Section 9122.8 of CMC states that if all the requirements of Section 9125.6 of CMC cannot be met a CUP is required for the second unit. The following table provides a summary of compliance of the proposed project with Section 9125.6 of CMC:

Requirements for the Second Unit	Meets Requirement	Notes
Property must contain one single-family residence	Yes	--
No more than one second dwelling unit shall be located on a single lot	Yes	--
Subject lot shall not contain an accessory living quarters or other structure used for living purposes	Yes	--
Minimum lot size shall be 7,500 square feet within the RS Zone	No	Lot size 6,412
Maximum unit size shall be 650 square feet and shall not exceed 40% of existing dwelling unit's living area	No	Size 972 square feet
Maximum building height shall be thirty (30) feet/ two (2) stories	Yes	--
1 parking space within either a garage or carport shall be provided (Main unit 2 spaces within a garage)	Yes	--
The second unit shall have substantially similar architectural features, building materials and colors as the main dwelling unit	Yes	--
The second unit shall be on permanent foundation	Yes	--
Either the main residence or second dwelling unit shall be occupied by owner of the property	No	Both units will be rentals
Deed restriction shall include: the second dwelling unit shall not be sold separately; the second dwelling unit is restricted to the maximum size allowed per the development standards; the second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property; the restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner	Yes	Conditions of Approval has been included to ensure compliance

As the above table demonstrates, the second unit does not meet all the required criteria to be approved administratively. Therefore a CUP is required pursuant to CMC 9172.21 and be subject to the provisions of CMC 9182.3.

Carson Municipal Code Section 9172.21

This section requires the Planning Commission to make the following findings:

a. The proposed use and development will be consistent with the General Plan.

The proposed project is consistent with the General Plan of the City of Carson in that the subject property will be designated for Low Density Residential and will be zoned RS. The adjacent properties to the east share the same zoning designation. The properties along Avalon Boulevard (west side) and properties immediately to the north and south are zoned CG. It is the general characteristic of the immediate area to have commercially zoned properties along Avalon Boulevard followed by residential properties to the east of the commercial areas.

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

With the recommendations stated in the conditions of approval, the site and building is adequate in size, shape, topography, location, and utilities to accommodate the proposed use.

c. There will be adequate street access and traffic capacity.

Adequate driveway widths are provided on-site. Appropriate access is available for circulation and to ensure safety for pedestrians and motorists. The project will not affect or impact the safe circulation of either pedestrians or vehicular traffic.

d. There will be adequate water supply for fire protection.

The second dwelling unit and primary structure are existing, therefore adequate water supply for fire protection already exists.

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

The existing two residential units were relocated to the site in 1956 and have been continuously used as residential units. The property will remain as residential therefore no change is proposed to the intended character of the area. The existing use is compatible with the intended character of the area.

f. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).
The proposed project is subject to the requirements in CMC Section 9182.3, "Nonconforming Residential Density" and Section 9125.6, "Second Dwelling Unit Development Standard". The specific requirements of these sections are discussed in this staff report.

Carson Municipal Code Section 9182.3

This section authorizes the Commission at its discretion to require additional improvements, to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;

2. Exterior changes to promote compatibility of buildings and structures with surrounding development;

3. General repairs to vehicular maneuvering or parking areas;

4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for second dwelling units.

The general appearance of the structure is acceptable and consistent with surrounding residential structures in the vicinity. The front yard landscaping is conditioned to be revitalized as required by the conditions of approval. Otherwise, staff believes no additional requirements or improvements are needed.

In addition, this section authorizes the Commission to require a property inspection report be submitted by the applicant to provide and include plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. A condition of approval has been added to require a property inspection report.

Issues of Concern and Conditions of Approval

Parking

The property includes a long drive way along the west property line with a secured gate. CMC requires the main unit and second dwelling units with over 700 square feet to have two spaces within a garage for a total of four spaces. However, the applicant is proposing a two-car garage with an attached carport in the back yard. The addition of the car garage and carport limits the back yard area for the two units. It would be very difficult to provide a fourth space within a garage. However, it is possible to provide a covered garage instead of the carport.

Lot Merger

The structure is built on a lot line; therefore, a condition has been added to merge the lots into one.

Street Dedication

The required street right of way is 60 feet. The project is conditioned to dedicate a maximum of 10 feet along the frontage of the property to provide 30 feet from the center line of the street to the property line.

Front Yard Landscaping

The project lacks adequate front yard landscaping. A condition has been added to require a landscape plan and upgrade the landscaping.

Property Inspection Report

The applicant will be required to submit a Property Inspection Report and correct all deficiencies as recommended by the report.

IV. Environmental Review

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures or Facilities, the City's approval of the proposed project is "Categorically Exempt".

V. Recommendation

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 909-12, subject to the conditions of approval attached as Exhibit "B" to the Resolution;

- **RECOMMEND APPROVAL** of Zone Change Case No. 167-12 and General Plan Amendment No. 91-12 to the City Council for the property located at 606-608 E. Realty Street (APN 7404-016-044); and

- **WAIVE** further reading and **ADOPT** Resolution No._____, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 909-12 FOR AN EXISTING SECOND DWELLING UNIT AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE CHANGE CASE NO. 167-12 TO CHANGE THE ZONING FROM CG TO RS AND OF GENERAL PLAN AMENDMENT NO. 91-12 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR A PROPERTY LOCATED AT 606-608 E. REALTY STREET (APN 7404-016-044)."

VI. Exhibits

1. Draft Resolution
2. Site Map
3. Development Plans (Under Separate Cover)

Prepared by: _____
Saied Naaseh, Associate Planner

Reviewed by: _____
John F. Signo, AICP, Senior Planner

Approved by: _____
Sheri Repp, Planning Manager

ZG: srCUP898-12

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 909-12 FOR AN EXISTING SECOND DWELLING UNIT AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE CHANGE CASE NO. 167-12 TO CHANGE THE ZONING FROM CG TO RS AND OF GENERAL PLAN AMENDMENT NO. 91-12 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR A PROPERTY LOCATED AT 606-608 E. REALTY STREET (APN 7404-016-044).

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, Panida Rojanasupya , with respect to real property located at 606-608 Realty Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 909-12 to legalize an existing second dwelling unit, a Zone Change changing the zoning from Commercial General To Residential, Single Family, and a General Plan Amendment No. 91-12, to the amending the Land Use Element by changing the land use designation from General Commercial to Low Density Residential, located at 606-608 East Realty Street (APN 7404016044).

A public hearing was duly held on September 25, 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. In approving the Conditional Use Permit, the Planning Commission finds that:

a) One second dwelling unit may be located on any residentially zoned lot that principally allows single-family dwellings and contains only a legal, single-family detached dwelling.

b) Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.

c) Second dwelling units are not required to meet the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.

d) The proposed use and development will be consistent with the General Plan.

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

f) There will be adequate street access and traffic capacity.

EXHIBIT NO. 1 -

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g) There will be adequate water supply for fire protection.

h) The proposed use and development will be compatible with the intended character of the area.

i) Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

Section 4. In approving the Zone Change, the Planning Commission finds that:

a) Approval of the zone change will establish a consistency between the General Plan land use designation and zoning.

b) The proposed change of zone will not adversely affect adjoining property as to value or precedent and will not be detrimental to the area.

c) The zone change is necessary to make the existing residential use consistent with other similar properties in the vicinity.

d) The approval of such a change of zone will not adversely affect the comprehensive General Plan so adopted by the City.

e) The proposed zone change will have positive effects on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available.

f) That the granting of such Zone Change will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity in which the property is located.

g) That the granting of such Zone Change will not adversely affect the Comprehensive General Plan.

h) That no deed restrictions or easements prohibit reclassification and/or any uses permitted under the proposed zoning on the property in question.

i) That this particular property is more suitable for the uses permitted in the proposed zone than for the uses permitted in the present zone.

j) A change of zone will be in the interest or furtherance of the public health, safety, and general welfare.

Section 5. In approving the General Plan Amendment, the Planning Commission finds that:

a) The proposed General Plan Amendment is consistent with other elements of the City's General Plan pursuant to section 65300.5 of the State Government Code.

b) The notification procedures for the proposed General Plan Amendment are consistent with Section 65091 of the State Government Code.

c) The proposed General Plan Amendment will not be detrimental to the public health, safety and welfare of the community.

d) The proposed General Plan Amendment will be consistent with the existing zoning designation and the ordinance.

e) The proposed General Plan Amendment will allow orderly use of the property consistent with the surrounding areas.

f) The proposed use and development will be consistent with the General Plan as amended.

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

h) There will be adequate street access and traffic capacity.

i) There will be adequate water supply for fire protection.

j) The proposed use and development will be compatible with the intended character of the area.

k) The proposed General Plan Amendment will be in the interest or furtherance of the public health, safety, and general welfare.

Section 6. The Planning Commission further finds that the proposed use will not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures or Facilities, the City's approval of the is "Categorically Exempt".

Section 7. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 909-12 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and recommends approval of a Zone Change (ZC No. 167-12) changing the zoning from Commercial General (CG) to Residential, Single Family (RS) and General Plan Amendment (GPA No. 91-12) to the Land Use Element changing the land use designation from General Commercial to Low Density Residential on the property as shown in Exhibit "A", and approves the Categorical Exemption.

Section 8. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 9. 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 25th DAY OF SEPTEMBER, 2012.

_____
CHAIRMAN

ATTEST:

_____
SECRETARY

EXHIBIT A

LEGAL DESCRIPTION

Lots 33 and 34, Block 13, Factory Center Tract, in the City of Carson, County of Los Angeles, State of California, as per map recorded in book 23, Pages 18 and 19 of Maps, in the office of the County Recorder of Los Angeles County.

606-608 East Realty Street, Carson, CA 90745

APN: 7404-016-044

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CITY OF CARSON

DEVELOPMENT SERVICES

PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 909-12

GENERAL CONDITIONS

1. If Conditional Use Permit No. 909-12 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 within 90 days of receiving approval by the Planning Commission, if applicable.

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 this application. 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.

8. The driveway leading to the garage shall remain clear, except for automobiles, to facilitate automobile parking and access.

9. The second unit shall not be permitted to be converted to a two bedroom unit since a two car garage is required for second units with 2 bedrooms or over 700 square feet.

Prior to Issuance of any Building Permits

10. A property inspection report shall be prepared by a qualified/certified property inspector that includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies.

11. Per Carson Municipal Code Section 9125.6.8 (L)(1), the applicant shall submit a deed restriction stating that:

    a. The second dwelling unit shall not be sold separately;

    b. The second dwelling unit is restricted to the maximum size allowed per the conditional use permit;

    c. Any expansion/addition of the secondary unit or primary unit will constitute as an intensification of use and the nonconforming parking privilege for the second unit will not longer be continued. The site must meet the parking requirements stated in CMC Section 9162.21 prior to the approval of any expansions to the second unit or primary unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage; and

    d. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.

12. The applicant/property owner shall coordinate with the Engineering Division to provide a 10-foot dedication of the property.

Prior to Occupancy of the Units

13. The deed restriction shall be recorded at the County Recorder's Office after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.

14. The street dedication process shall be completed.

15. A two-car garage with a carport shall be constructed in the backyard. The architecture of the structure shall be consistent with the main structure. The structure shall have a minimum setback of 3 feet to the back and side property lines. Subject to Planning Division approval, a one inch setback may be approved if the design is found to be compatible with the structure and neighboring properties.

16. The applicant shall apply, obtain approval, and record a Lot Merger.

17. The applicant shall prepare and obtain approval a landscape plan, and install the landscaping and the automatic irrigation system.

18. The deficiencies described in the inspection report shall be eliminated or mitigated to the satisfaction of the Planning Division. The Planning Division shall inspect the property for compliance with the corrective measures.

BUILDING & SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

20. All requirements by the Los Angeles County Fire Department shall be met.

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

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

22. 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.

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 12-2446

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 909-12 FOR AN EXISTING SECOND DWELLING UNIT AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE CHANGE CASE NO. 167-12 TO CHANGE THE ZONING FROM CG TO RS AND OF GENERAL PLAN AMENDMENT NO. 91-12 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR A PROPERTY LOCATED AT 606-608 E. REALTY STREET (APN 7404-016-044).

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, Panida Rojanasupya , with respect to real property located at 606-608 Realty Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit No. 909-12 to legalize an existing second dwelling unit, a Zone Change changing the zoning from Commercial General To Residential, Single Family, and a General Plan Amendment No. 91-12, to the amending the Land Use Element by changing the land use designation from General Commercial to Low Density Residential, located at 606-608 East Realty Street (APN 7404016044).

A public hearing was duly held on September 25, 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. In approving the Conditional Use Permit, the Planning Commission finds that:

a) One second dwelling unit may be located on any residentially zoned lot that principally allows single-family dwellings and contains only a legal, single-family detached dwelling.

b) Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.

c) Second dwelling units are not required to meet the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.

d) The proposed use and development will be consistent with the General Plan.

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

f) There will be adequate street access and traffic capacity.

EXHIBIT NO. 03

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g) There will be adequate water supply for fire protection.

h) The proposed use and development will be compatible with the intended character of the area.

i) Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

Section 4. In approving the Zone Change, the Planning Commission finds that:

a) Approval of the zone change will establish a consistency between the General Plan land use designation and zoning.

b) The proposed change of zone will not adversely affect adjoining property as to value or precedent and will not be detrimental to the area.

c) The zone change is necessary to make the existing residential use consistent with other similar properties in the vicinity.

d) The approval of such a change of zone will not adversely affect the comprehensive General Plan so adopted by the City.

e) The proposed zone change will have positive effects on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available.

f) That the granting of such Zone Change will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity in which the property is located.

g) That the granting of such Zone Change will not adversely affect the Comprehensive General Plan.

h) That no deed restrictions or easements prohibit reclassification and/or any uses permitted under the proposed zoning on the property in question.

i) That this particular property is more suitable for the uses permitted in the proposed zone than for the uses permitted in the present zone.

j) A change of zone will be in the interest or furtherance of the public health, safety, and general welfare.

Section 5. In approving the General Plan Amendment, the Planning Commission finds that:

a) The proposed General Plan Amendment is consistent with other elements of the City's General Plan pursuant to section 65300.5 of the State Government Code.

b) The notification procedures for the proposed General Plan Amendment are consistent with Section 65091 of the State Government Code.

c) The proposed General Plan Amendment will not be detrimental to the public health, safety and welfare of the community.

d) The proposed General Plan Amendment will be consistent with the existing zoning designation and the ordinance.

e) The proposed General Plan Amendment will allow orderly use of the property consistent with the surrounding areas.

f) The proposed use and development will be consistent with the General Plan as amended.

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

h) There will be adequate street access and traffic capacity.

i) There will be adequate water supply for fire protection.

j) The proposed use and development will be compatible with the intended character of the area.

k) The proposed General Plan Amendment will be in the interest or furtherance of the public health, safety, and general welfare.

Section 6. The Planning Commission further finds that the proposed use will not have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures or Facilities, the City's approval of the is "Categorically Exempt".

Section 7. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 909-12 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and recommends approval of a Zone Change (ZC No. 167-12) changing the zoning from Commercial General (CG) to Residential, Single Family (RS) and General Plan Amendment (GPA No. 91-12) to the Land Use Element changing the land use designation from General Commercial to Low Density Residential on the property as shown in Exhibit "A", and approves the Categorical Exemption.

Section 8. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 9. 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 25th DAY OF SEPTEMBER, 2012.

9/25/12

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT A

LEGAL DESCRIPTION

Lots 33 and 34, Block 13, Factory Center Tract, in the City of Carson, County of Los Angeles, State of California, as per map recorded in book 23, Pages 18 and 19 of Maps, in the office of the County Recorder of Los Angeles County.

606-608 East Realty Street, Carson, CA 90745

APN: 7404-016-044

CITY OF CARSON

DEVELOPMENT SERVICES

PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 909-12

GENERAL CONDITIONS

1. If Conditional Use Permit No. 909-12 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 within 90 days of receiving approval by the Planning Commission, if applicable.

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 this application. 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.

8. The driveway leading to the garage shall remain clear, except for automobiles, to facilitate automobile parking and access.

9. The second unit shall not be permitted to be converted to a two bedroom unit since a two car garage is required for second units with 2 bedrooms or over 700 square feet.

Prior to Issuance of any Building Permits

10. A property inspection report shall be prepared by a qualified/certified property inspector that includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies.

11. Per Carson Municipal Code Section 9125.6.8 (L)(1), the applicant shall submit a deed restriction stating that:

    a. The second dwelling unit shall not be sold separately;

    b. The second dwelling unit is restricted to the maximum size allowed per the conditional use permit;

    c. Any expansion/addition of the secondary unit or primary unit will constitute as an intensification of use and the nonconforming parking privilege for the second unit will not longer be continued. The site must meet the parking requirements stated in CMC Section 9162.21 prior to the approval of any expansions to the second unit or primary unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage; and

    d. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.

12. The applicant/property owner shall coordinate with the Engineering Division to provide a 10-foot dedication of the property.

Prior to Occupancy of the Units

13. The deed restriction shall be recorded at the County Recorder's Office after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.

14. The street dedication process shall be completed.

15. A two-car garage with a carport shall be constructed in the backyard. The architecture of the structure shall be consistent with the main structure. The structure shall have a minimum setback of 3 feet to the back and side property lines. Subject to Planning Division approval, a one inch setback may be approved if the design is found to be compatible with the structure and neighboring properties.

16. The applicant shall apply, obtain approval, and record a Lot Merger.

17. The applicant shall prepare and obtain approval a landscape plan, and install the landscaping and the automatic irrigation system.

18. The deficiencies described below, as indicated in the inspection report, shall be eliminated or mitigated to the satisfaction of the Planning Division. The Planning Division shall inspect the property for compliance with the corrective measures.

General

a. Storage shed-remove or obtain building permit

b. Most 3-prong outlets are ungrounded

c. Side gate-needs repair

d. Smoke detector-provide where required

e. Exterior plumbing supply lines-properly secure

Unit 606

f. Shower valve leaks at stem and seal all shower corners

g. Hall closet light-does not shutoff

h. Kitchen hood fan, exposed wiring, no exhaust to exterior, light switch is installed upside-down, 1 cabinet is not secured

i. Water heater- properly secure vent at all connectors

j. Attic-properly secure all wiring and junction boxes; extension cord wiring is not per code; provide eve vent screens where missing

k. Rear bath-properly seal exterior access panel to tub

l. Sub floor-remove all trash and debris; properly separate all copper to galvanized plumbing pipes

m. Exterior electrical-extension core wiring is not per code

n. Properly seal and secure electrical panels; properly weather seal panels

Unit 608

o. Back bedroom-missing window glass

p. Missing under floor vent screens

BUILDING & SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

20. All requirements by the Los Angeles County Fire Department shall be met.

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

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

22. 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.

RESOLUTION NO. 12-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 91-12, CHANGING THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR A PROPERTY LOCATED AT 606 AND 608 EAST REALTY STREET (APN 7404-016-044)

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

Section 1. On September 25, 2012, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 12-2446 recommending approval to the City Council of General Plan Amendment No. 91-12.

Section 2. On November 7, 2012, the City Council held a duly noticed public hearing 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 hearing.

Section 3. The City Council hereby finds that:

a) The proposed General Plan Amendment is consistent with other elements of the City's General Plan pursuant to section 65300.5 of the State Government Code.

b) The notification procedures for the proposed General Plan Amendment are consistent with Section 65091 of the State Government Code.

c) The proposed General Plan Amendment will not be detrimental to the public health, safety and welfare of the community.

d) The proposed General Plan Amendment will be consistent with the existing zoning designation and the ordinance.

e) The proposed General Plan Amendment will allow orderly use of the property consistent with the surrounding areas.

f) The proposed use and development will be consistent with the General Plan as amended.

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

h) There will be adequate street access and traffic capacity.

i) There will be adequate water supply for fire protection.

j) The proposed use and development will be compatible with the intended character of the area.

k) The proposed General Plan Amendment will be in the interest or furtherance of the public health, safety, and general welfare.

Section 4. Based on the aforementioned findings, the City Council hereby approves GPA No. 91-12, with respect to the property described in Exhibit "A" attached herewith.

Section 5. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED and **ADOPTED** this ___ day of November, 2012.

_____
Mayor Jim Dear

ATTEST:

_____
City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A

APN	7404016044
Zoning	CG
Site Address	606 E REALTY ST
Owner Line 1	HOVIK, CLIFFORD S AND ELEANOR TRS
Owner Line 2	DATA UNAVAILABLE
Mail Address	1823 248TH ST LOMITA CA, 90717
Building SqFt	1944
Lot SqFt	6412.036428783982
GP	General Commercial
Redevelopment Area	2A
Recording Date	19870518
Personal Property Value	0
Fixture Value	0
Home Exemption Value	0
Last Sale	9
Last Sale Date	19870417
Year Built	1925
Units	2
Census Tract	543901
City Maintenance Zone	7
Counter Map No.	52
Code Enforcement Zone	3
Tree Maintenance Zone	13
Reporting District	1625

ORDINANCE NO. 12-1501

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING ZONE CHANGE CASE NO. 167-12 TO CHANGE THE ZONING FROM CG TO RS FOR A PROPERTY LOCATED AT 606 AND 608 EAST REALTY STREET (APN 7404-016-044)

WHEREAS, on September 25, 2012, the Planning Commission held a public hearing to discuss a zone change for a property located at 606 and 608 East Realty Street and adopted Resolution No. 12-2447; and

WHEREAS, on November 7, 2012, the City Council held a public hearing to discuss changing the zoning to address those issues discussed herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Approval of the zone change will establish a consistency between the General Plan land use designation and zoning.

Section 2. The proposed change of zone will not adversely affect adjoining property as to value or precedent and will not be detrimental to the area.

Section 3. The zone change is necessary to make the existing residential use consistent with other similar properties in the vicinity.

Section 4. The approval of such a change of zone will not adversely affect the comprehensive General Plan so adopted by the City.

Section 5. The proposed zone change will have positive effects on the housing needs of the region balanced against the public service needs of City residents and the fiscal and environmental resources available.

Section 6. That the granting of such zone change will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity in which the property is located.

Section 7. That the granting of such zone change is consistent with the City's General Plan.

Section 8. That no deed restrictions or easements prohibit reclassification and/or any uses permitted under the proposed zoning on the property in question.

Section 9. That the existing development is more suitable for the uses permitted in the proposed zone than for the uses permitted in the present zone.

Section 10. A change of zone will be in the interest or furtherance of the public health, safety, and general welfare.

Section 11. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The

[MORE]

City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 12. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be posted and codified in the manner required by law.

Section 13. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED and **ADOPTED** this ___ day of November, 2012.

_____
Mayor Jim Dear

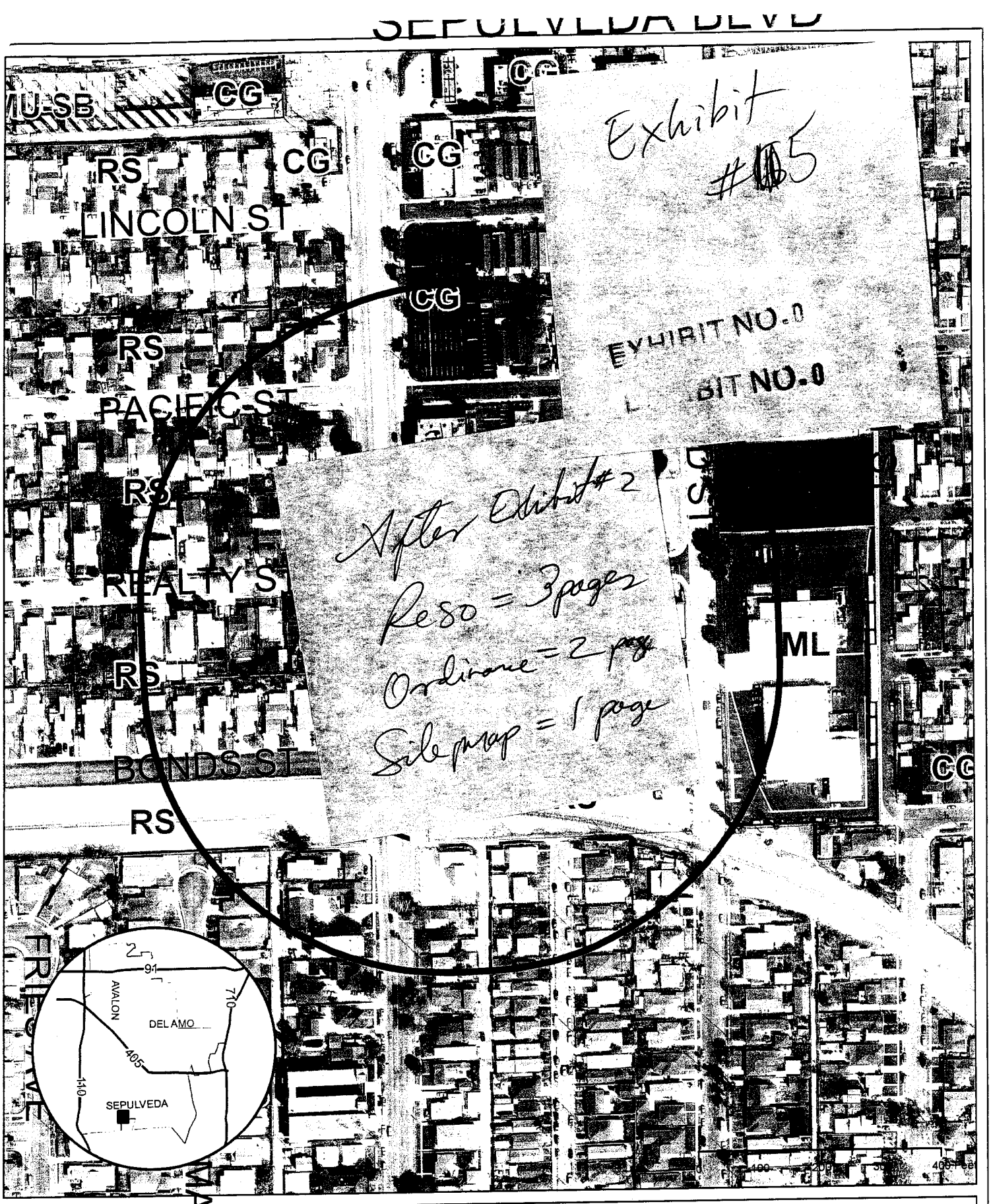
ATTEST:

_____
City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

_____
City Attorney

[MORE]



City of Carson
500 Foot Radius Map
606 and 608 Realty St

Date Printed: Thursday, September 6, 2012

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EXHIBIT NO. 06