



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 10, 2007

SUBJECT: Design Overlay Review No. 1267-08 and
Conditional Use Permit No. 697-08

APPLICANT: Efren Agatep
400 W. 214th Street
Carson, CA 90745

REQUEST: To approve Design Overlay Review and
Conditional Use Permit of two units located within
the RM-8-D (Residential, Multiple Family 8 units
per acre density) zone district

PROPERTY INVOLVED: 400 W. 214th Street

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Cannon			Saenz
					Verrett

Item No. 11D

I. Introduction

Date Application Received

- March 10, 2007: Design Overlay Review No. 1267-08 and Conditional Use Permit No. 697-08

Applicant/Property Owner

- Efren Agtep
400 W. 214th Street
Carson, CA 90745

Project Address

- 400 W. 214th Street, Carson, CA 90745

Project Description

- The proposal is to consider a Design Overlay Review for the design and development of two dwelling units attached to a single family dwelling and a Conditional Use Permit (CUP) for multiple dwelling units within the RM-8-D (Residential, Multiple Family 8 units per acre density) zone district.
- The project site is located on a 19,017-square-foot parcel with three dwelling units totaling approximately 2,393 square feet.

II. Background

History of Property

- The 1,363 square-foot dwelling unit located at 400 W. 214th Street was issued a building permit by the County of Los Angeles in 1947. On December 5, 1954, the second and third dwelling units were recently built without building permits.

Previously Approved Discretionary Permits

- There are no previous approved discretionary permits on this site.

Public Safety Issues

- There is no current zoning code enforcement case associated with this property. However, a property inspection report was prepared for the subject property on .

III. Analysis/Findings

Location/Site Characteristics/Existing Development

- The subject property is located at 400 W. 214th Street. The subject site is compatible with surrounding residential single family uses.
- Surrounding the subject property to the north, east, and west are single family residential uses zoned RS and RM-D (residential single family & multiple family respectively). To the south the property is developed with a mobile home park zoned MU-CS RS (Mixed Use-Residential).
- The subject property consists of three dwelling units. One dwelling (unit "A") was built in 1947 in the County of Los Angeles Building and Safety Division's



jurisdiction and the second dwelling (unit "B") and third dwelling (unit "C") were recently built (within the last two years) without building permits.

- Staff has inspected the property and reviewed all building permit records. The property also contains a 611 square foot accessory building with a make-shift kitchen area with a stove that is currently being used for storage.
- The property is developed with an over-height front yard fence which will require compliance with CMC Section 9126.23 (not more than 3 ½ feet in height).
- The proposed site plan identifies an existing two car carport and a proposed 6 car carport structure on the rear of the property which would meet the CMC Section No. 9162.21 A. 3. residential/multiple family dwelling parking requirements.
- The illegal construction of units "B" and "C" did not meet the 6 foot space between building requirement (CMC Section No. 9126.27). Therefore, the site plan proposes the connection of unit "A" to unit "B" via a living room wall extension.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned RM-8-D (Residential, Multiple Family 8 units per acre) with the adjacent properties to the east and west sharing the same the zoning designation. The properties to the north are zoned RS and the properties to the south are zoned MU-CS-RS.
- The zoning designation for the subject property is consistent with the General Plan Land Use designation of Low Density, Residential.

Required Findings: Conditional Use Permit No. 697-08 and Design Overlay Review No. 1267-08

Pursuant to Section 9172.21, Conditional Use Permit, Section 9172.23, Site Plan and Design Review the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity/convenience and safety of circulation for pedestrians and vehicles.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area, compatibility of architecture, and harmonious and attractive development. Conformance to any applicable design standards.



All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, and Section 9172.23 (d) Site Plan and Design Review Approval Authority and Findings and Decision", can be made in the affirmative, if conditions of approval are implemented. Specific details regarding the applicable findings are incorporated in the attached resolution.

Issues of Concern / Proposed Condition/Change: Design Overlay Review No. 1267-08 and Conditional Use Permit No. 697-08

- **ISSUE – BUILDING SAFETY CONCERNS:** Being that the second (unit "B") and third (unit "C") dwellings were built without building permits the following conditions of approval are recommended.

- **Conditions of Approval:**

1. Any changes to any dwelling shall be limited to minor alterations, improvements and repairs which do not increase the size of the dwelling, 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.
2. Any minor alterations, improvements and/or repairs shall require review and approval by the Planning Division and issuance of a building permit if applicable.
3. 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. 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.
4. The existing garage door fronting unit "B" shall be removed and replaced by a solid wall with a window, since this area is built as a bedroom.
5. The existing make-shift kitchen/stove within the existing 611 square foot accessory building shall be removed. This area shall be used only for storage.
6. The existing over-height front yard fence shall be no more than 3 ½ feet in height within the 20 foot front yard setback in compliance with CMC Section 9126.23.

IV. Environmental Review

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



V. **Recommendation**


That the Planning Commission:


- **APPROVE** the Categorical Exemption;
- **APPROVE** Design Overlay Review No. 1267-08 and Conditional Use Permit No. 697-08 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, "A Resolution of the Planning Commission of the City of Carson Approving Design Overlay Review No. 1267-08 and Conditional Use Permit No. 697-08 for multiple dwellings located at 400 W. 214th Street."

VI. **Exhibits**

1. Resolution
2. Development Plans

Prepared by: 
Zak Gonzalez II, Planner

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

Approved by: 
FOR: Sheri Repp, Planning Manager

ZG: srDOR No.1267-08 & CUP No. 697-08



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1267-08 AND CONDITIONAL USE PERMIT NO. 697-08 FOR
MULTIPLE DWELLINGS LOCATED AT 400 W. 214TH 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, Efren Agatep, with respect to real property located at 400 W. 214th Street, and described in Exhibit "A" attached hereto, requesting the approval to legalize two dwelling units on a property that currently contains one permitted dwelling unit located within the RM-8-D (Residential, Multifamily – 8 units per acre – Design Overlay) zone district. The application includes the following:

- Design Overlay Review (DOR) No. 1267-08 for the design and development of the proposed dwelling units; and
- Conditional Use Permit (CUP) No. 697-08 for the development of multiple dwelling units within the RM-8-D (Residential, Multifamily – 8 units per acre – Design Overlay) zone district.

A public hearing was duly held on June 10, 2008, 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 is developed with a two-car carport, and a carport with six parking spaces is proposed, thus circulation on adjacent public streets is not anticipated to be significantly affected;
- 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; and
- f) The proposed two dwelling units 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, and Section 9172.23(d), 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 project 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 grants approval of Design Overlay Review No. 1267-08 and Conditional Use Permit No. 697-08 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and approves the categorical exemption.

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 10th DAY OF JUNE, 2008.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

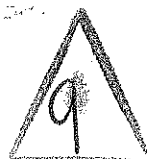
The real property in the City of Carson, County of Los Angeles, State of California, described as: the East 65 feet of the West 254 feet of Lot 20 in Tract No. 3612 in the City of Carson, County of Los Angeles, State of California, as per Map recorded in Book 40, Pages 5 and 6 of Maps, in the Office of the County Recorder of said County.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1267-08
CONDITIONAL USE PERMIT NO. 697-08

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1267-08 and Conditional Use Permit No. 697-08, said permits shall be declared null and void unless an extension of time is requested prior to their expiration and approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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.
5. 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.
6. 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.
7. 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.



8. 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 Design Overlay Review no. 1267-08 and Conditional Use Permit No. 697-08. 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.

DWELLING EXPANSION/ALTERATIONS/AESTHETICS

9. Any changes to any dwelling shall be limited to minor alterations, improvements and repairs which do not increase the size of the dwelling, 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.
10. Any minor alterations, improvements and or repairs shall require review and approval (where applicable) by the Planning Division and issuance of a building permit.
11. 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. 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. 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. 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.
12. The existing over-height fence shall be no more than 3½ feet in height within the 20 foot front yard setback in compliance with CMC Section No. 9126.23.
13. The garage door in front of the second dwelling (unit "B") shall be removed and replaced with a solid wall with a window.
14. The kitchen area and stove shall be removed from the existing accessory building located at the rear of the lot.



PARKING

15. There shall be no un-authorized dwelling expansion or alteration that will intensify potential safety hazards associated with not having sufficient off-street parking.

BUILDING & SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

17. All requirements by the Los Angeles County Fire Department shall be complied with.

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.

