



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 9, 2010
SUBJECT: Conditional Use Permit No. 771-09
APPLICANT: Denise Waters
P.O. Box 11303
Carson, CA 90749

REQUEST: To approve a Conditional Use Permit for a second dwelling unit located within the RS (Residential, Single-Family) zoning district.

PROPERTY INVOLVED: 2644-2646 East Tyler Street

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaffer
		Diaz			Verrett
		Gordon			

Item No. 11A

I. Introduction

Date Application Received

- December 29, 2009

Applicant/ Property Owner

- Denise Waters
P.O. Box 11303
Carson, CA 90749

Project Address

- 2644-2646 East Tyler, Carson, CA 90745

Project Description

- The proposal is to consider a conditional use permit (CUP) for an existing second dwelling within the RS (Residential, Single Family) zone district.
- The project site is located on a 5,775-square-foot parcel with two dwelling units totaling approximately 1,522 square feet. The front dwelling is 498 square feet and the rear dwelling is 1,024 square feet.
- The main unit is located in the rear (2644 East Tyler Street) of the property and the second dwelling unit is located in the front (2646 East Tyler Street) of the property.
- The applicant proposes to add 200 square feet to the second dwelling unit and add 509 square feet to the main unit.

II. Background

History of Property

- The existing main dwelling unit located in the rear was built in 1935 and the existing second unit was built in 1938.

Previously Approved Discretionary Permits

- There are no previously approved discretionary permits for this site.

Public Safety Issues

- There are no known open Code Enforcement cases for the subject property.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 2646 East Tyler Street. The subject site is rectangular in shape and is compatible with surrounding residential single family uses.



- The applicant is applying for a second dwelling unit Conditional Use Permit pursuant to Section No. 9172.21 and 9182.3 of the Carson Municipal Code (CMC). Second dwelling units on single family residential zoned lots provide an important housing resource that should be preserved if findings could be made regarding the adequacy of the building condition, parking, landscaping and other features needed to meet neighborhood compatibility standards. The conditional use permit application upon approval promotes the health and safety of the second dwelling's occupants via the conditions of approval. (Exhibit No. 2 and Exhibit No. 3)
- The property consists of two legal lots that are tied for assessor purposes. In accordance with CMC Section No. 9207.27 Merger of Contiguous Parcels, the city may merge a parcel with a contiguous parcel held by the same owner if the city causes to be recorded with the County Recorder a notice of merger, if any one (1) of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size. The city is considering a comprehensive merger of parcels within this project area. Staff recommends that a condition of approval require a deed restriction be recorded stating that If the property owner agrees to sell the dwellings prior to the completion of a city initiated parcel merger the property owner will be responsible for the completion of the parcel merger of their property prior to the close of escrow.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned RS (Residential, Single-Family) with the adjacent properties to the north, south, east and west sharing the same the zoning designation.
- The zoning designation for the subject property is consistent with the General Plan Land Use designation of Low Density Residential.

Applicable Zoning Ordinance Regulations

The proposed CUP is subject to the approval of a development plan in accordance with the procedures as provided in Section 9172.21 and subject to CMC Sections 9122.8 (Second Dwelling Units), 9125.6 (Second Dwelling Unit Development Standards) and 9182.3 (Nonconforming Residential Density).

Required Findings: Conditional Use Permit No. 771-09

Pursuant to Section 9172.21, Conditional Use Permit, 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.
- 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.

All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, 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: Zoning Requirements / Conditional Use Findings

After careful review and analysis of the existing second dwelling unit, the following analysis with solutions have been identified:

- Issue – Structure / Site maintenance: Per Section 9122.8 of the Carson Municipal Code, the Commission may require additional improvements to the property. The following conditions of approval are recommended.

- **Conditions of Approval:**

1. Any minor alterations, improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit if applicable.
2. 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 (Exhibit No. 3). 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.
3. There shall be no dwelling expansion or alteration that will intensify the number of bedrooms or other habitable area if the Planning Division determines there will be an impact to off-street parking.
4. All driveways leading to garages shall remain clear to facilitate automobile parking inside garages. Further, all building setback yard areas are to remain clear for fire prevention safety.
5. The existing concrete driveway shall be repaired.
6. Rehabilitated landscaping shall be provided for the front and rear lawns.
7. The city is considering a comprehensive merger of parcels which includes the subject property. Staff recommends that a condition of approval require a deed restriction be recorded within 90 days of receiving approval by the Planning Commission stating that If the property owner agrees to sell the dwellings prior to the completion of a city initiated parcel merger the property owner will be



responsible for the completion of the parcel merger of their property prior to the close of escrow.

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

- The second dwelling unit shall not be sold separately.
- The second dwelling unit is restricted to the maximum size allowed per the development standards.
 - Although the proposed addition to the second dwelling unit could be considered intensification of a legal, nonconforming condition, staff believes that the expansion would improve the unit by increasing the size of the living room and providing a two-car garage without adding additional bedrooms. In addition, the unit would be less than 700 square feet in size. The Planning Commission would have to make findings to support or deny the proposed expansion.
- 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.

IV. Environmental Review

Pursuant to Section 15301(e) "Existing Facilities" of the California Environmental Quality Act (CEQA), the proposed second dwelling unit does not have the potential for causing a significant effect on the environment and is found to be exempt.

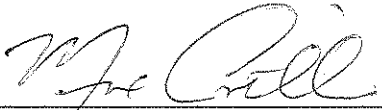
V. Recommendation


That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 771-09 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 CONDITIONAL USE PERMIT NO. 771-09 FOR A SECOND DWELLING UNIT LOCATED AT 2646 EAST TYLER STREET."

VI. Exhibits

1. Zoning Map
2. Second Dwelling Unit Checklist
3. Property Inspection Report - Summary
4. Proposed Resolution
5. Proposed Development Plans (submitted under separate cover)

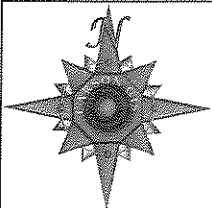
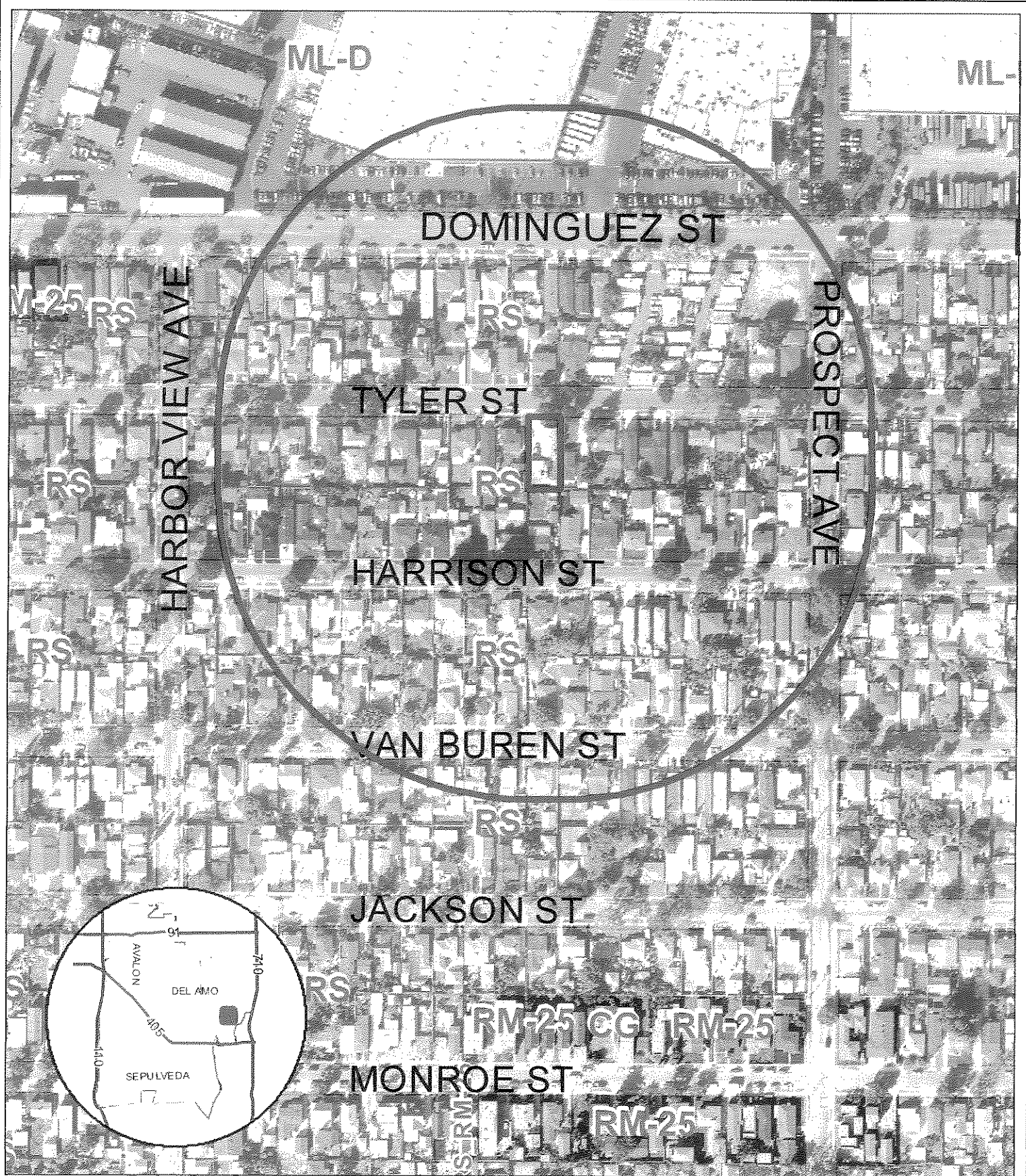
Prepared by: 
Max Castillo, Assistant Planner

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

Approved by: 
Sheri Repp-Loadman, Planning Officer

MC/c77109_2646Tyler_p





City of Carson
500 Foot Radius Map
2644 E Tyler St

Exhibit No. 1



Second Dwelling Unit Checklist for Planning Commission

Property Address: 2646 East Tyler Street

Application #: CUP No. 771-09

Date 1st Dwelling Unit Built: 1935

Date 2nd Dwelling Unit Built: 1938

Applicable Development Standards per Section 9125.6

MINIMUM LOT SIZE

Meets Code: No

7,500 square feet for RS zone

Comments:

Lot size = 5,775 square feet

UNIT SIZE

Meets Code: Yes

0 bdrm, 1 bthrm and kitchen: 500 s.f. max.

Attached d.u. same as above, but no more than 40% of main d.u.

1 bdrm, 1 bthrm and kitchen: 650 s.f. max.

2 bdrms, 1 bthrm and kitchen: 700 s.f. max.

Comments:

Second unit size = 2 bedrooms, 1 bathroom and kitchen (498 square feet). Applicant also proposes a 200 square foot living room addition and porch for the second unit.

SETBACK REQUIREMENTS

Meets Code: No

10' from primary residence

15' rear yard

6' from accessory structure

If above accessory structure, 10' min. side yard

5' side yard

Comments:

Side yard setbacks are less than 5 feet. A condition of approval requiring all building setback yard areas to remain clear for fire prevention safety.

OFF-STREET PARKING

Meets Code: Yes

Studio: 1 uncov. sp. outside of FYSB

2 bdrms or over 700 s.f.: 2 spcs. within garage

1 bdrm: 1 sp. in 10'x20' gar. or 9'x20' carport

Main dwelling unit parking provided

Comments:

Second Unit (2 bedrooms) currently has 1-car garage. Applicant proposes interior modifications to create a 2-car garage to meet code requirements. Existing 2-story main dwelling unit parking (2-car garage) is provided. Applicant also proposes a 509 square foot living and dining room addition to the main unit. A condition of approval is recommended that states that there will be no un-authorized dwelling expansion or alteration that will intensify the number of bedrooms if the Planning Division



Second Dwelling Unit Checklist for Planning Commission

determines there will be an impact to off-street parking. In addition, all driveways leading to garages shall remain clear to facilitate garage parking.

<u>OWNER OCCUPIED</u>	Meets Code: Yes
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Comments:

Owner will occupy the main residence (2644 East Tyler Street) in the rear of the property.



Per Section 9122.8, the Commission may require additional improvements to the property, or any buildings or structure thereon, which may include but are not limited to the following:

1. Condition of landscaping

Staff's evaluation: Unacceptable

Comments:

Rehabilitated landscaping shall be provided for the front and rear lawns.

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

Wall Paint: Good

Doors: Good

Building Material: Good

Windows: Good

Building Trim: Good

Porch: Good

Roof: Good

Accessory structure: Not applicable

Eaves: Good

Other: Not applicable

Comments:

Applicant proposes compatible façade changes to the main unit and second unit with stucco exteriors, shingle roofs and compatible colors (beige exterior / white trim).

3. General repairs to vehicular maneuvering or parking areas

Staff's evaluation: Fair

Comments:

Staff recommends rehabilitation of the existing concrete driveway.

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

Staff's evaluation: Existing is Acceptable

Comments:

Applicant proposes modifications to the second unit in order to comply with applicable standards (see previous responses for modifications). In addition a condition of approval is recommended that upon the selling of the dwellings prior to the completion of a city initiated parcel merger, the applicant will be

Second Dwelling Unit Checklist for Planning Commission

responsible for the completion of the parcel merger of their property prior to the close of escrow.

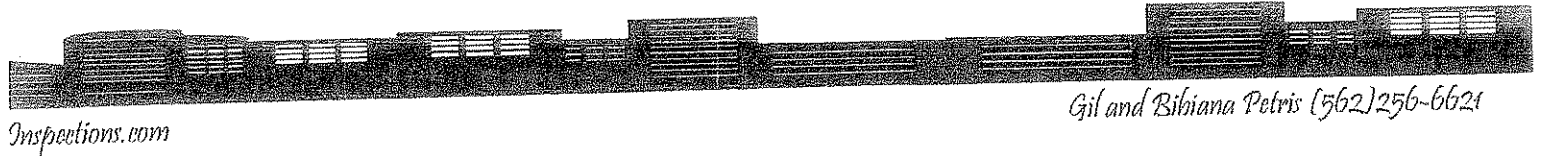
Planner: Max Castillo

Date Completed: 2/22/2010



Sirtep Inspections

Residential/Commercial Building Safety & Code Compliance Inspections



Inspections.com

Gil and Bibiana Petris (562) 256-6621

Summary of Safety Issues

Client: Denise Waters

Address of Inspection: 2646 E Tyler Carson CA

Client Ph. #: (310) 614-7669

Date of Inspection: December 24, 2009

Single Family Detached Home with Attached Garage

This report covers a summary of safety issues found on inspection of the building, electrical, mechanical and plumbing systems. The inspection is of readily accessible areas of the building and is limited to visual observations only. Sirtep Inspections may not move furniture, lift carpeting, remove panels or dismantle any items or equipment.

1 - The SCE electrical service drop support is loose. Contact SCE or a state licensed electrical contractor to re-connect to the structure. Also recommended to install an additional support of the conduit from the drop to the electrical panel at mid-span.

2 - The water heater is not properly vented. It is recommended to install a "B" vent from the top of the water heater to its termination point above the roof. Use a "B" vent cap at the termination point.

3 - The garage has been converted to living space. Recommend converting back to a garage. Maintain drywall at a minimum 5/8" type x drywall between the house and garage. Install a 1 3/8" solid wood or listed 20 minute door, self closing and latching between the house and garage.

4 - There is carpeting under the furnace. Recommend removing the carpet from under and around the wall furnace a few inches.

5 - The power cord for the garbage disposal is not properly wired. Recommend wire nuts at the connection. Terminate this connection inside the garbage disposal at the listed location.

Thank you for using our service.

Gil Petris

Sirtep Inspections

ICC Certified #0822420

Exhibit 3



**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 771-09 FOR A SECOND DWELLING LOCATED AT 2646
EAST TYLER 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, Denise Waters, with respect to real property located at 2646 East Tyler Street, and described in Exhibit "A" attached hereto, requesting the approval of a detached second dwelling unit located within the RS (Residential, Single Family) zoned district. The second dwelling unit is 498 square feet and located in the front of the property.

A public hearing was duly held on March 9, 2010, 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 Carson Municipal Code 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, open spaces and other features relative to a harmonious and attractive development of the area.
- c) The front dwelling is developed with a two-car garage and the rear dwelling is developed with a two-car garage, thus the property will not generate significant adverse effects to the adjacent public street.
- d) There are no signs intended for the proposed project.
- 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.

EXHIBIT NO. 4

- f) The existing second dwelling unit 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 Planning Commission hereby approves the categorical exemption and grants Conditional Use Permit No. 771-09 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 Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF MARCH, 2010.

CHAIRMAN

ATTEST:

SECRETARY

MC/C77109_2646Tyler_pr

EXHIBIT "A"

Legal Description

LOTS 1234 AND 1235 OF TRACT NO. 7644, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 84, PAGES 47 AND 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 771-09

GENERAL CONDITIONS

1. If Conditional Use Permit No. 771-09 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.
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. 771-09. 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. 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.
9. Per Section 9125.6.8 (L)(1) of the Carson Municipal Code, 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 development standards.
 - c. 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.
 - 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.

SECOND DWELLING UNIT EXPANSION/ALTERATIONS/AESTHETICS

10. Any changes to the second dwelling unit 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.
11. Any minor alterations, improvements and or repairs shall require review and approval (where applicable) by the Planning Division and issuance of a building permit.

PARKING

12. Existing garages shall be used for parking of vehicles only and not for storage or habitable space. There shall be no parking of in-operable automobiles on any garage driveway. Driveways shall be kept clear of any household items, firewood, plants or rubbish. Further, there shall be no un-authorized dwelling expansion or alteration that will intensify potential hazards associated with not having sufficient off-street parking.
13. The existing concrete driveway shall be adequately maintained.



PLANNING

14. Rehabilitated landscaping shall be provided for the front and rear lawns to the satisfaction of the Planning Division. Landscaping shall be installed within 90 days of approval of this Resolution.

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. 9207.27 Merger of Contiguous Parcels, the city may merge a parcel with a contiguous parcel held by the same owner if the city causes to be recorded with the County Recorder a notice of merger, if any one (1) of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size, etc. The city is considering a comprehensive merger of parcels which includes the subject property. A deed restriction shall be recorded, within 90 days of receiving approval by the Planning Commission, stating that If the property owner agrees to sell the dwellings prior to the completion of a city initiated parcel merger the property owner will be responsible for the completion of the parcel merger of their property prior to the close of escrow.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

17. All requirements by the Los Angeles County Fire Department shall be complied with.
18. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

19. 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.