

CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING:	May 25, 2010				
SUBJECT:	Conditional Use Permit No. 756-09 Emilia Orona 2707 E. Jefferson Street Long Beach, CA 90810				
OWNER/APPLICANT:					
REQUEST:	To approve a Conditional Use Permit for a detached second dwelling unit located within the RS (Residential, Single-Family) zoning district.				
PROPERTY INVOLVED:	2705 E. Jefferson 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			

I. Introduction

Date Application Received

November 2, 2009

Applicant/Property Owner

Emilia Orona
 2707 E. Jefferson Street
 Long Beach, CA 90810

Project Address

2705 E. Jefferson Street, Carson, CA 90745

Project Description

- The proposal is to consider a conditional use permit (CUP) for an existing detached second dwelling unit within the RS (Residential, Single Family) zoning district.
- The project site is located on a 5,500-square-foot parcel with two dwelling units totaling approximately 1,900 square feet. The larger dwelling unit located in the front of the property is 1,110 square feet and the detached second dwelling located in the northwest corner of the property is 792 square feet. A 310-square-foot detached garage structure is located in the northeast corner of the property which is accessed by a 14-foot wide driveway.
- The 1,110-square-foot main dwelling unit has two bedrooms and one bath. The address is 2707 E. Jefferson Street. The detached 792-square-foot second dwelling unit has two bedrooms and one bath with an address at 2705 E. Jefferson Street.
- There is one driveway on the east side of the property that accesses the detached garage. The garage alone is insufficient to comply with the required parking for both units. This has been noted and detailed in the Issues of Concern section below.

II. Background

History of Property

The front unit and original detached garage were constructed in 1939 according to records obtained from the Los Angeles County Assessor (Exhibit No. 2). The second dwelling unit was constructed in 1957, which required relocating the garage to its current location (Exhibit No. 3).

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 property is rectangular in shape, located between similar-sized properties and is compatible with surrounding residential single family uses.
- The applicant is applying for a conditional use permit for a second dwelling unit pursuant to Sections 9172.21 and 9182.3 of the Carson Municipal Code (CMC). According to goals and policies contained in the city's General Plan Housing Element, second dwelling units on residential single-family lots are an important housing resource that the city should work towards preserving if affirmative findings can be made regarding the adequacy of the building condition, parking, landscaping and other features needed to meet neighborhood compatibility standards, in accordance with applicable zoning laws, including Sections 9122.8, 9125.6, and 9172.21 of the CMC.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned RS (Residential, Single-Family) with adjacent properties to the north, east, south, and west sharing the same zoning designation.
- 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. 756-09

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: Conditional Use Permit No. 756-09

Issue – Insufficient Vehicular Parking Spaces: Section 9162.21(A)(1) of the Carson Municipal Code requires a two-car garage for a single-family dwelling unit in the RS zone. The existing detached garage structure is 17 feet wide by 18 feet in depth, which does not meet the required 20 feet by 20 feet interior dimensions requirement of the CMC. Furthermore, Section 9162.21(A)(13)(c) requires that a second dwelling unit of greater than 700 square feet in floor area maintain two vehicular parking spaces within a garage. Thus, the subject property is deficient in the required parking.

Given the layout of structures on the property, there is insufficient space to provide additional code-compliant parking areas. However, the driveway leading to the garage is a minimum of twelve feet wide and is approximately 87 feet long, and the area in front of the garage is wide enough to accommodate two additional vehicles. The property owner contends that there is ample room on the property to safely park vehicles. As stated the CMC Section 9182.3(A) the Planning Commission shall make findings regarding the adequacy of on-site parking when considering a CUP for an existing second-dwelling unit. The attached resolution contains such a finding. To ensure that the driveway and the area in front of the garage is able to be used for such parking on an as needed basis, staff recommends the following conditions:

Mitigation: Add the following Conditions of Approval:

- The driveway leading to the garage shall remain clear of inoperable vehicles, patio furniture, household equipment, etc. to facilitate automobile parking inside the garage and along the paved areas leading to the garage. Further, all building setback yard areas are to remain clear for fire prevention safety.
- Cracks and broken areas of the existing concrete driveway shall be repaired.
- Issue Property Inspection Report: Pursuant to Section 9182.3 of the CMC, a property inspection report was prepared by a property inspector that includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies (Exhibit No. 4). There are specific items listed in the report which are in need of repair, including a broken window in the front of the dwelling, scrape and repaint wood surfaces, water heater strapping, etc.

• Mitigation: Add the following Conditions of Approval:

 The applicant shall eliminate or mitigate the deficiencies noted and described in the property inspection report within 90 days of entitlement approval. 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.

IV. Environmental Review

Pursuant to Section 15301(e) "Existing Facilities" of the California Environmental Quality Act (CEQA), the 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 Conditional Use Permit No. 756-09 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. 756-09 FOR
 AN EXISTING DETACHED 792-SQUARE-FOOT SECOND DWELLING
 UNIT LOCATED AT 2705 E. JEFFERSON STREET."

VI. Exhibits

- 1. Zoning Map
- 2. Second Dwelling Unit Checklist
- Los Angeles County Assessors Report Dated October 21, 1938
- 4. Los Angeles County Building Permit Dated March 13, 1957
- 5. Property Inspection Report
- 6. Draft Resolution
- 7. Development Plans

Prepared by:

Steven Newberg, AICP, Associate Planner

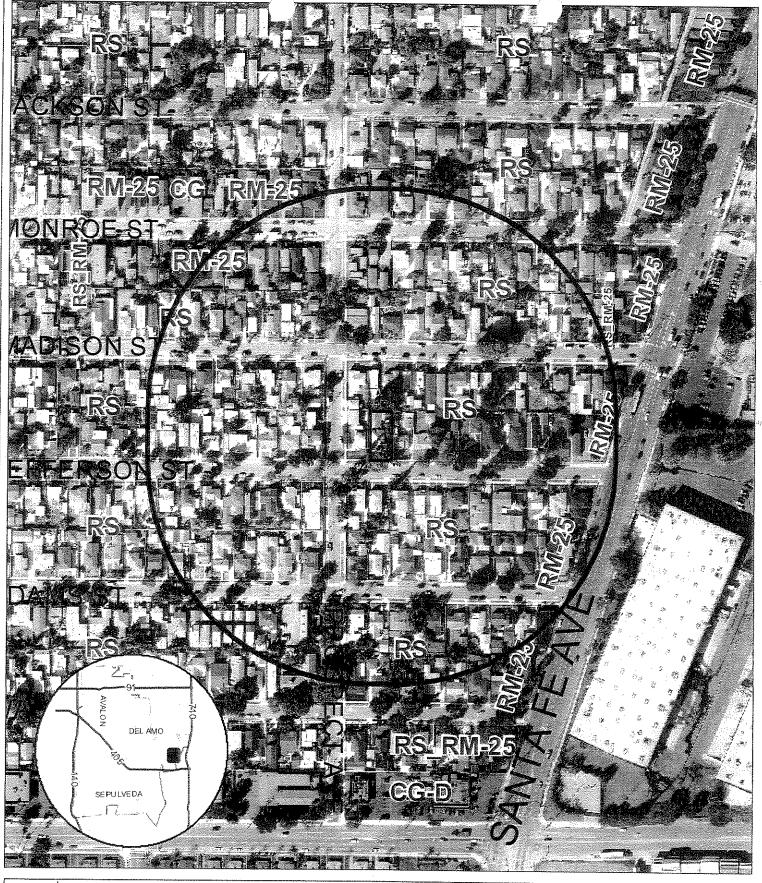
Reviewed by:

ohn F. Signo, AICP, \$enior Planne

Approved by:

Sheri Repp-Loadsman, Planning Officer

SCN/c75609p_052510





City of Carson

500 Foot Radius Map EXHIBIT NO. 1 -2

2705 Jefferson Street

Property Address: 2705-2707 E. Jefferson Street (2nd unit known as 2705 E. Jefferson Street)

Application #: CUP No. 756-09

Date 1st Dwelling Unit Built: 1939 (with detached 310-square-foot garage)

Date 2nd Dwelling Unit Built: 1957 (garage relocated to its current location)

Applicable Development Standards per Section 9125.6

MINIMUM LOT SIZE

Meets Code: No

7,500 square feet for RS zone

Comments:

Lot size = 5,500 Square Feet

UNIT SIZE

Meets Code: No

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

Attached d.u. same as above, but no more

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

than 40% of main d.u.

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

Comments:

Second unit size = 2 bedrooms, 1 bathroom, living room, dining area, and kitchen (792 square feet).

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:

6 feet from primary structure, 4.5 feet from accessory structure, 5-foot rear yard

OFF-STREET PARKING

Meets Code: No

Studio: 1 uncov. sp. outside of FYSB

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

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

Main dwelling unit parking provided

Comments:

Second Unit has no garage. Main unit (2 bedrooms) has a detached 310-square-foot garage. Vehicular parking insufficient to meet requirements, no additional space on the property in which to comply with parking requirements. Driveway is able to accommodate one or two vehicles on an asneeded basis, which meets the intent of CMC 9138.16 and 9162.21.

OWNER OCCUPIED	Meets Code:	Yes	
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Comments:

Owner shall occupy the main residence (2707 E. Jefferson 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: Good

Comments:

Inoperable vehicles and equipment shall be removed from the driveway and from required safety setbacks (side and rear of second dwelling unit).

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

Wall Paint: Fair Doors: Good

Building Material: Good Windows: Fair

Building Trim: Fair Porch: Good

Roof: Good Accessory structure: Fair

Eaves: Good Other: Not applicable

Comments:

A condition of approval added to mitigate service issues as noted in the Property Inspection Report which includes repairing broken windows, strapping the water heater, providing smoke detectors, etc.

3. General repairs to vehicular maneuvering or parking areas

Staff's evaluation: Unacceptable

Comments:

Staff recommends removal of the inoperable vehicles and debris from the existing concrete driveway and garage.

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 intends to mitigate known issues noted in the inspection report, subject to inspection and

approval by the Planning Division.

Planner: Steve Newberg, AICP, Associate Planner

Date Completed: 5/25/2010

SOUTH LANGE HIGT 1401 EAST WILLOW STREET SIGNAL HILL, CA 90755-3543 TEL: 562-256-1701

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Sirtep Inspections

Residential/Commercial Building Safety & Code Compliance Inspections



Office (951) 674-8260

Summary of Safety Issues

Client: Emilia Orona

Address of Inspection: 2705 E Jefferson St, Carson CA

Client Ph. #: (310) 830-7307

Date of Inspection: April 24, 2010

Single Family Detached Home

This inspection is for the purpose of identifying major deficiencies to help you make an informed decision on repairs. Although minor problems may be mentioned, this report does not attempt to list them all. Recommendations made throughout the report may help extend the life of this structure, or a particular item. This property has a single family house in front (2707 Jefferson) with another residential unit in the rear. This inspection covers the rear unit (2705 Jefferson) only.

This unit, **2705 Jefferson**, is a stand alone unit. The house contains its own electrical meter, water heater, wall heater, bathroom, kitchen, 2 bedrooms and living room.

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.

The results of this home inspection are not intended to make any representation regarding latent or concealed defects that may exist, and no warranty or guarantee is expressed or implied.

An inspection is intended to assist in evaluation of the overall condition of the building. The inspection is based on observation of the visible and the apparent condition of the building and its components on the date of the inspection.

This report is not a guaranty or warranty; we cannot eliminate all your risk. There are warranty programs which may be obtained to insure you against failure of some of the major systems of the house. Check with a Realtor or Horne Warranty Companies if you do not aiready have one. If you do not have a home warranty, it is recommended you obtain one.

All buildings will have some defects which are not identified in the inspection report. A phone consultation may be helpful to you in deciding what corrective measures to take and the inspector may be able to advise you in assessing proposals offered by contractors.

Feel free to contact Sirtep Inspections before you engage a contractor to correct a possible defect.

Always check contractor licenses at www.cslb.ca.gov or 1-800-321-CSLB

Items in need of repair:

- 1- Repair broken window at the front.
- 2- Scrape peeling paint off wood surfaces and paint.
- 3- Remove rain gutter resting on electrical meter.
- 4- Properly anchor the water to the house wall framing. Install one strap in the upper and lower third of the heater. Use a listed water heater strapping kit which is sold at your local home store.

Thank you for using our service.

Sirtep Inspections

9CC Certified #0822420

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 756-09 FOR AN EXISTING DETACHED 792-SQUARE-FOOT SECOND DWELLING UNIT LOCATED AT 2705 E. JEFFERSON 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, Emilia Orona, with respect to real property located at 2705 E. Jefferson Street, and described in Exhibit "A" attached hereto, requesting the approval of an existing detached second dwelling unit located within the RS (Residential, Single Family) zoning district. The second dwelling is 792 square feet and has two bedrooms and one bathroom. It is located in the rear of the property behind the primary unit. The larger primary unit is 1,110 square feet and has two bedrooms and one bath. The primary unit and original detached garage were constructed in 1939, with the second dwelling unit constructed in 1957, prior to the adoption of Ordinance No. 03-1290 in 2003, which requires a conditional use permit for legal nonconforming second dwelling units which do not meet the development standards in Section 9125.6 of the Carson Municipal Code (CMC).

A public hearing was duly held on May 25, 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 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 original development of the primary unit in 1939 included a detached two-car garage. In 1957, when the second dwelling unit was constructed, the detached garage was moved to its current location at the property. Given the layout of structures on the subject property, there is insufficient open space to adequately comply with covered parking requirements per applicable zoning code regulations. The zoning code requires a two-car, covered parking space for the second dwelling unit, which cannot be provided without major demolition

to existing structures. This is neither practical nor feasible. The existing paved driveway serving the garage could be used to accommodate a single car on an as-needed basis, which is sufficient to meet the intent of the zoning code with respect to parking for a second dwelling unit. Furthermore, the property parking arrangement 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.
- 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 second dwelling unit will not have a significant effect on the environment. The second dwelling unit 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. 756-09 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 25th DAY OF MAY, 2010.

	CHAIRMAN	
ATTEST:		
SECRETARY		

CITY OF CARSON DEVELOPMENT SERVICES PLANNING DIVISION

EXHIBIT "A" LEGAL DESCRIPTION

CONDITIONAL USE PERMIT NO. 756-09

Property Address: 2705-2707 E. Jefferson Street

The land referred to as parcel no. 7308-021-017 is situated in the County of Los Angeles, State of California and is described as follows:

Lots 376 and 377 of Tract No. 6720 in the City of Carson, County of Los Angeles, State of California, as per Map recorded in Book 71, Page 79 and 80 of Maps, in the Office of the County Recorder of said County.

legal_description.doc Page 1 of 1

CITY OF CARSON

ECONOMIC DEVELOPMENT

PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 756-09

GENERAL CONDITIONS

- 1. If Conditional Use Permit No. 756-09 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 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.
- 5. 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.
- 6. 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. 756-09. 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.
- 7. 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.
- 8. 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

- 9. 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.
- 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.

PARKING

11. The existing garage 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.

BUILDING & SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

14. 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.

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