



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: July 13, 2010

SUBJECT: Conditional Use Permit No. 791-10

APPLICANT: Elizabeth L. Woodward  
403 E. Lincoln Street  
Carson, CA 90745

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

PROPERTY INVOLVED: 403 East Lincoln Street

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#### 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			Schaefer
		Diaz			Verrett
		Gordon			

***Item No. 10A***

I. Introduction

On June 22, 2010, the Planning Commission continued the public hearing on this item at the request of the applicant, Elizabeth Woodward, due to illness. The request is for approval of a conditional use permit (CUP) for an existing second dwelling located at 403 East Lincoln Street. The property is zoned RS (Residential, Single-family).

II. Analysis

Please refer to the June 22, 2010 staff report.

III. Recommendation

That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 791-10 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. 791-10 FOR AN EXISTING SECOND DWELLING UNIT LOCATED AT 403 EAST LINCOLN STREET."

IV. Exhibits

1. Staff Report from June 22, 2010 Planning Commission Meeting (without exhibits)
2. Land use map
3. Proposed resolution

Prepared by: Max Castillo  
Max Castillo, Assistant Planner

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

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## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 22, 2010  
SUBJECT: Conditional Use Permit No. 791-10  
APPLICANT: Elizabeth L. Woodward  
403 E. Lincoln Street  
Carson, CA 90745  
REQUEST: To approve a Conditional Use Permit for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district.  
PROPERTY INVOLVED: 403 East Lincoln Street

#### COMMISSION ACTION

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

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
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		Vice-Chair Saenz			Park
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		Diaz			Verrett
		Gordon			

## I. Introduction

### *Date Application Received*

- March 1, 2010

### *Applicant/ Property Owner*

- Elizabeth L. Woodward; 403 E. Lincoln Street; Carson, CA 90745

### *Project Address*

- 403 East Lincoln Street, 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) zoning district.
- The project site is located on a 10,420-square-foot parcel with two detached dwelling units totaling approximately 2,664 square feet. The main dwelling is 1,620 square feet and the second dwelling unit is 1,044 square in size.
- The main unit is located on the southern side (front) of the property (401 East Lincoln Street) and the second dwelling unit is located on the northern side (rear) of the property (403 East Lincoln Street).
- The property consists of three legal lots that are tied for assessor purposes. The lots are 25, 25, and 30 feet wide. The westernmost lot was vacated by the LA County Flood Control District in 1988 and given to the property owner, but it still contains a storm drain easement. Per the Engineering Department no structures are allowed on the westernmost lot due to the storm drain easement.

## II. Background

### *History of Property*

- The main and second dwelling units were built in 1959.

### *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 401-403 East Lincoln Street. The subject site is flat and is compatible with surrounding residential single family and commercial uses.
- The applicant is applying for a second dwelling unit CUP pursuant to Section Nos. 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 CUP 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 three 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 south, east and west sharing the same the zoning designation. Properties to the north are zoned MU-SB (Mixed-Use; Sepulveda Boulevard).
- 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. 791-10*

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 major improvements 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.
- Issue – Lot Merger: 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.
  - Issue – Deed Restriction: Per Section 9125.6.8 (L)(1) of the CMC, 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.
    - 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.
  - Issue – Owner Occupancy: Per 9125.6.J - Second Dwelling Unit Development Standards – of the CMC, either the main residence or second dwelling unit shall be occupied by owner of the property. At the May 11, 2010 Planning Commission meeting second dwelling workshop, the Planning Commission directed staff to eliminate the owner-occupied requirement and instead include a requirement for a compliance inspection of all buildings on the property. The following condition has been added as a requirement:
    - The property owner shall consent to an inspection of the interior and exterior of all buildings upon receipt of a written request by the city in order to determine compliance with these conditions and applicable CMC requirements.
  - Issue – Front Yard Fence: The plot plan indicates the front yard fence is higher than 3½ feet. Per Section 9126.23 of the CMC, the maximum height of a front yard fence cannot exceed 3½ feet. A condition will be added to require the fence to conform to the CMC.



**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. 791-10 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. 791-10 FOR AN EXISTING SECOND DWELLING UNIT LOCATED AT 403 EAST LINCOLN STREET."

**VI. Exhibits**

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

**Prepared by:** Max Castillo, Assistant Planner

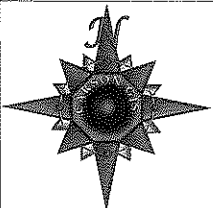
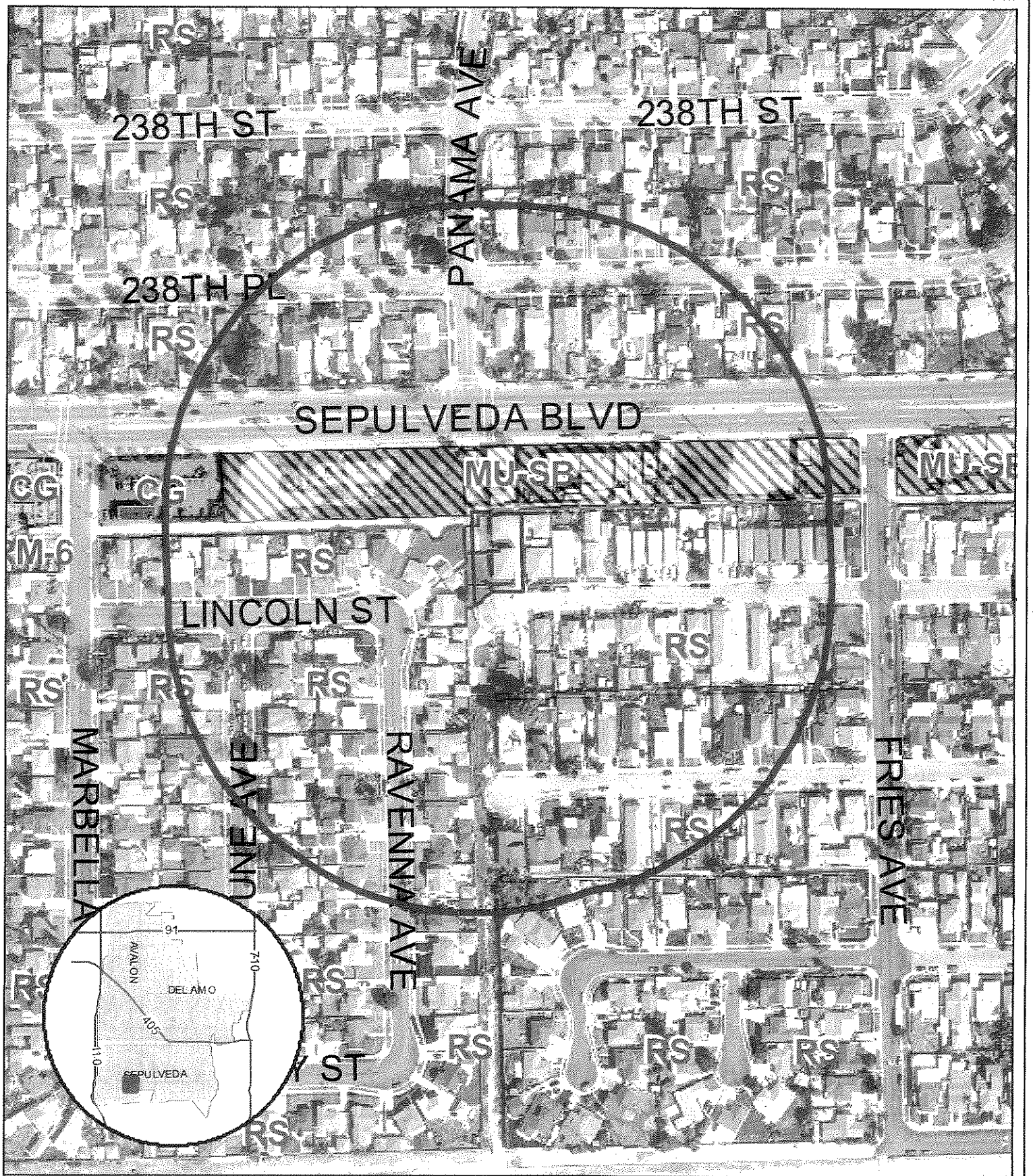
**Approved by:**

  
John F. Signo, AICP, Senior Planner

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City of Carson  
 500 Foot Radius Map  
 401-403 E Lincoln Street

EXHIBIT NO. 2 -

9

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 791-10 FOR AN EXISTING SECOND DWELLING UNIT  
LOCATED AT 403 EAST LINCOLN 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, Elizabeth Woodward, with respect to real property located at 401-403 East Lincoln 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 unit is 1,044 square feet and is located on the northern side of the property in the rear of the lot.

A public hearing was duly held on June 22, 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. At the meeting of June 22, 2010, the public hearing was continued to July 13, 2010.

**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 existing lawfully established second dwelling unit is identified in the Carson Municipal Code as a permitted use for this land use category subject to a conditional use permit. There is no specific plan for this area. The surrounding properties are developed with residential single family dwellings to the south, east and west, and commercial uses to the north. 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) A condition of approval requiring that there be no dwelling expansion that will intensify the second dwelling and/or the primary unit unless parking requirements are met, has been included.
- 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. 3-



- 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. 791-10 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 13<sup>th</sup> DAY OF JULY, 2010.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



## EXHIBIT "A"

### Legal Description

4. THE LAND REFERRED TO IN THIS POLICY IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 1 AND 2, BLOCK 2 FACTORY CENTER TRACT, IN THE CITY OF TORRANCE, AS PER MAP RECORDED IN BOOK 23 PAGE(S) 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 791-10**

GENERAL CONDITIONS

1. If Conditional Use Permit No. 791-10 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. 791-10. 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 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 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.
9. The property owner shall consent to an inspection of the interior and exterior of all buildings upon receipt of a written request by the city in order to determine compliance with these conditions and applicable Carson Municipal Code requirements.
10. The deed restriction shall be recorded at the County Recorder's Office within 30 days after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.
11. The property owner shall be required to record a deed restriction for a parcel merger with the County Recorder's Office within 90 days of receiving approval by the Planning Commission. The deed restriction shall state 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. In lieu of this condition, the property owner may merge the parcels at his/her own cost and effort. Proof of recordation of a lot merger shall be provided to the city within 90 days of Planning Commission approval.
12. The fence in the required front yard shall not exceed a height of three and one-half feet (3½'). The existing over-height fence located in the front yard shall be removed or made conforming within 90 days of Planning Commission approval.

#### SECOND DWELLING UNIT EXPANSION/ PARKING

13. 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.
14. Any major improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit, if applicable.



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

#### 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.
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.

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