



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 28, 2010  
SUBJECT: Conditional Use Permit No. 758-09  
APPLICANT/  
OWNER: Rodolfo Padilla  
455 East Pacific Street  
Carson, CA 90745  
REQUEST: To approve a Conditional Use Permit for a second dwelling unit located within the RS (Residential, Single-Family) zoning district.  
PROPERTY INVOLVED: 24021 Fries Avenue

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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 Park			Saenz
		Brimmer			Schaffer
		Diaz			Verrett
		Gordon			

***Item No. 11C***

## I. Introduction

### *Date Application Received*

- November 4, 2009

### *Applicant/ Property Owner*

- Rodolfo Padilla
- 455 East Pacific Street
- Carson, CA 90745

### *Project Address*

- 24021 Fries Avenue, Carson, CA 90745

### *Project Description*

- The proposal is to consider a conditional use permit (CUP) for an existing second dwelling unit within the RS (Residential, Single Family) zoning district.
- The project site is located on a 6,053-square-foot parcel with two dwelling units totaling approximately 2,193 square feet. The front unit is 1,189 square feet and the rear unit is 1,004 square feet.
- The main unit is located in the front of the property and the second dwelling unit is located in the rear of the property.

## II. Background

### *History of Property*

- The front unit was built in 1920 and the rear unit was built in 1944. The front unit was relocated to the site in 1949. The rear unit was relocated to the site in 1959.

### *Previously Approved Discretionary Permits*

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

### *Public Safety Issues*

- There are no open Code Enforcement cases for the subject property.
- The property was developed prior to the adoption of the Carson Municipal Code (CMC) in 1977. The property is therefore nonconforming with respect to several development standards, which include lot size, unit size, setback requirements and off-street parking (Exhibit No. 3). Per Section 9182.3 of the CMC, the Commission can make findings regarding the adequacy of these standards.



### III. Analysis

#### *Location/Site Characteristics/Existing Development*

- The second dwelling unit is located at 24021 Fries Avenue. The subject site is rectangular in shape 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 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 assessment purposes. Staff recommends that a condition of approval be included to require a lot merger.

#### *Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned RS (Residential, Single-Family) with the surrounding properties to the north, south, east 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.

#### *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. 758-09*

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:**
    - Any minor alterations, improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit if applicable.
    - 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.
    - 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.
    - 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.
    - Within 90 days of Planning Commission approval, the applicant shall: 1) replace the fence in the required front yard to a height not to exceed three and one-half feet (3½'); and 2) replace existing chain link fences with wrought iron or any other compatible material, subject to the approval of the Planning Division.
    - The applicant shall either: 1) remove or obtain building permits for any unpermitted structures on site, including a storage room addition to the main unit which encroaches into the required side



yard setback of ten (10) feet; or 2) replace unpermitted structures with parking structures such as carports.

- An attached patio was built in 1962 on the eastern side of the main unit. Per building records and site visits by staff, illegal modifications have been made to the patio made which include 1) extending the patio to the side property line and therefore encroaching into the required side setback of ten (10) feet; 2) enclosing the patio; and 3) conversion of the patio into storage rooms. To provide parking for the main unit, staff recommends that the applicant replace the existing storage area with a one-car carport.
- Issue – Parking: An existing, illegally converted carport currently serves as a storage room for the second unit. There is an area for a detached, two-car garage for the secondary unit, provided the illegally converted carport and attached, unpermitted open patio storage area to the west are demolished (Exhibit No. 5). Staff recommends the following condition be added:
- The applicant shall build a detached, two-car garage for the second dwelling unit within one year of Planning Commission approval and subject to the discretion of the Planning Division.

Staff recommends that the garage be attached to the second unit to preserve open space on the property. If the garage is attached to the second unit, a variance for setback requirements shall be submitted.

Currently, the parking for the primary unit is considered legal non-conforming. However, since no covered parking is available on-site, staff recommends the following condition be added to mitigate any foreseeable parking impacts and to prevent an intensification of street parking:

- Any expansions and/or alterations of the primary unit will constitute as an intensification of use and the nonconforming parking privilege for the primary unit will no longer be continued. An additional two-car garage will be required prior to the approval of any expansions to the primary unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage.
- Issue – Lot Merger: Staff recommends that a condition of approval to require a deed restriction be recorded within 90 days of receiving approval by the Planning Commission stating that if the property owner intends 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 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.
  - 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 Carson Municipal Code, 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 provide the option 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 Carson Municipal Code requirements.

#### 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:

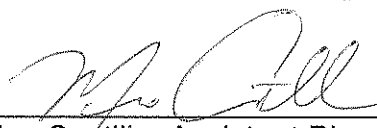
- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 758-09 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No.\_\_\_\_\_, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 758-09 FOR A SECOND DWELLING UNIT LOCATED AT 24021 FRIES AVENUE."



**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)

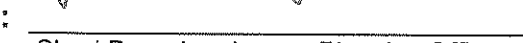
**Prepared by:**

  
Max Castillo, Assistant Planner

**Reviewed by:**

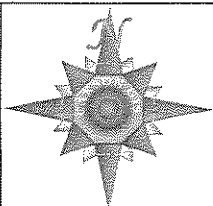
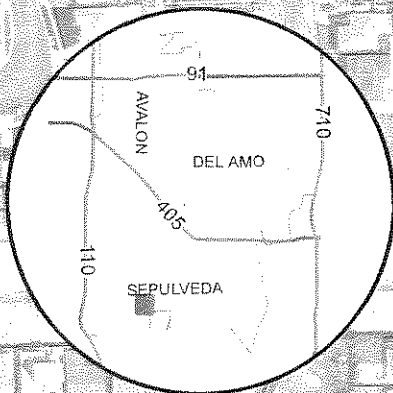
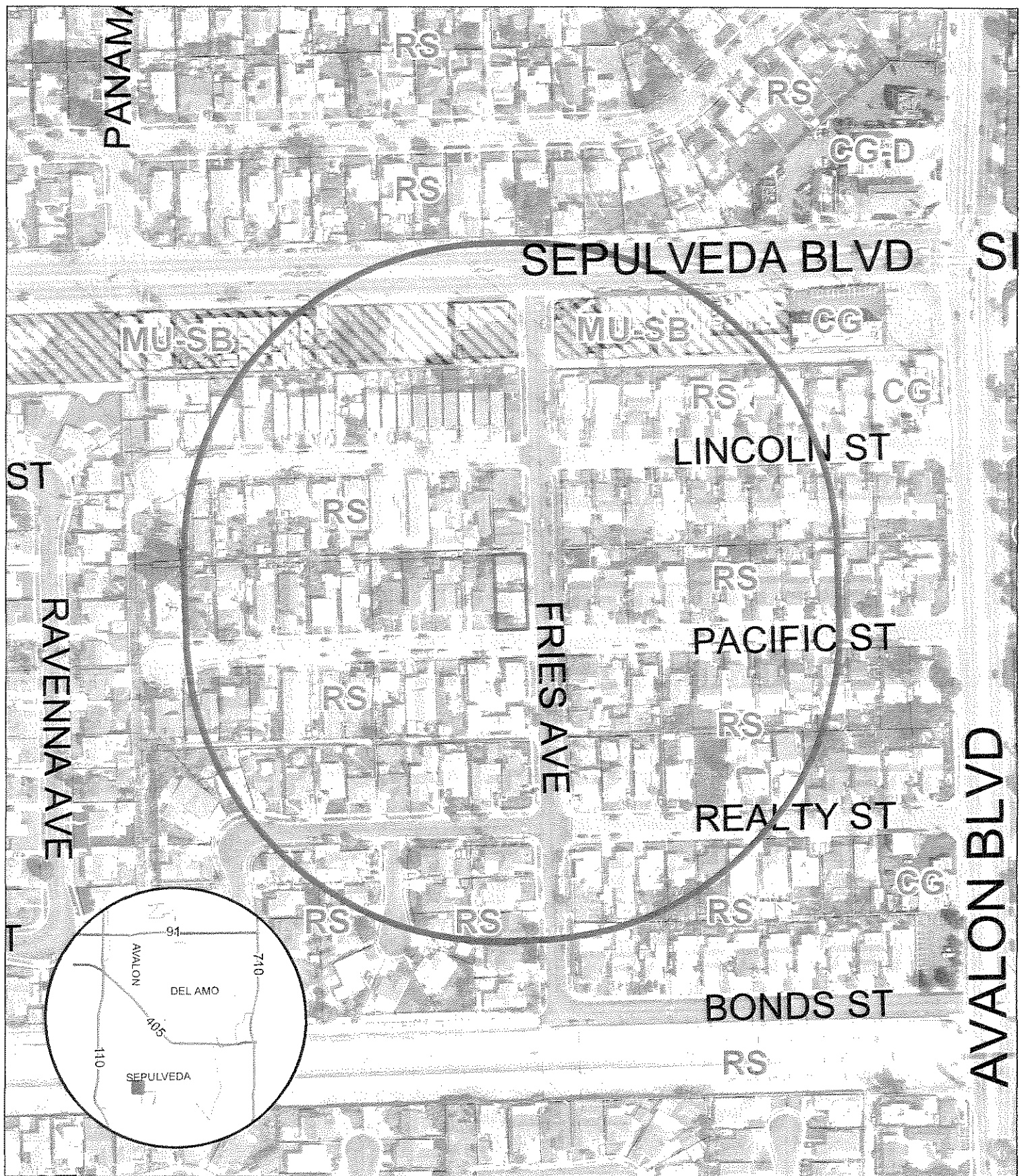
  
John F. Signo, AICP, Senior Planner

**Approved by:**

  
Sheri Repp-Loadsman, Planning Officer

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City of Carson  
 500 Foot Radius Map  
 24021 Fries Ave

Date Printed: Tuesday, September 03, 2010  
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Second Dwelling Unit Checklist for Planning Commission

Property Address: 24021 Fries Avenue

Application #: Conditional Use Permit No. 758-09

Date 1<sup>st</sup> Dwelling Unit Built: 1920 (Relocated to current site in 1949)

Date 2<sup>nd</sup> Dwelling Unit Built: 1944 (Relocated to current site in 1959)

**Applicable Development Standards per Section 9125.6**

**MINIMUM LOT SIZE**

Meets Code: No

7,500 square feet for RS zone

**Comments:**

Lot size = 6,053 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 = 3 bedrooms, 1 bathroom and kitchen (1004 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:**

The side yard setback is 3 feet 8 inches on the west side of the unit. The rear yard setback is 7 feet 10 inches on the north side of the unit. A condition of approval requiring all building setback yard areas to remain clear for fire prevention safety has been included.

**OFF-STREET PARKING**

Meets Code: No

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:**

The second dwelling unit is required to provide 2 spaces within a garage. There is additional area available on-site to accommodate a detached, two-car garage for the secondary unit. The primary unit is required to provide a 2-car garage, however is currently legal non-conforming. A condition of approval requiring that there be no dwelling expansion or alterations that will intensify the primary unit unless parking requirements are met has been included.



**OWNER OCCUPIED**

Meets Code: No

**Comments:**

The owner currently leases both units.

**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:**

Adequate landscaping area is provided on-site within public view.

**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: Fair

Roof: Fair

Accessory structure: Not applicable

Eaves: Fair

Other: Not applicable

**Comments:**

The applicant shall mitigate any deficiencies identified in the property inspection report.

**3. General repairs to vehicular maneuvering or parking areas**

Staff's evaluation: Fair

**Comments:**

Vehicular maneuvering and parking areas are adequate.

**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:**

The property inspection report identifies the modifications required to bring the structure more into compliance. The property owner is in the process of addressing the other outstanding issues. Conditions have also been added to ensure the structure will be in compliance.



Second Dwelling Unit Checklist for Planning Commission

**OTHER** Garage Conversion: **Yes**  
**ISSUES:**

Unpermitted additions **Yes**  
(rooms, patio, etc.):

Planner: Max Castillo, Assistant Planner

Date Completed: 7/13/2010



## General Summary

**Cal-West Property Service**

P.O.Box 40402  
Downey, CA. 90239  
323.228.8006

**Customer**  
Rodolfo Padilla

**Address**  
455 E. Pacific Street  
24021 Fries Avenue  
Carson CA 90745

This page is provided as a courtesy for [additional] information and or quick access to [some] areas of concern within the inspection report. Related comments will be found in the body of this report. It is not intended as a substitute for reading the inspection report. This page is not encompassing. The [entire] Inspection Report, including the Scope of the inspection, Limitations, Exceptions and Exclusions, the General Provisions of the report and the Inspection Agreement must be carefully read to fully assess the findings of the inspection.

It is recommended that any deficiencies and the components or systems related to these deficiencies noted in the report be evaluated / inspected and repaired as needed by a qualified licensed contractor or specialist prior to the close of escrow.

Please call our office for any clarifications or further questions.

The following items or discoveries indicate that these systems or components do not function as intended or adversely affects the habitability of the dwelling; or appear to warrant further investigation by a specialist, or requires subsequent observation. This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function, efficiency, or safety of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

### 1. Roof Covering / Roof Framing / Attic Areas and Chimneys

#### 1.9 VISIBLE ELECTRIC WIRING IN ATTIC

Repair or Replace

(2)

1. Damaged FMC conduit with exposed wiring . Missing J-box cover. This is a safety hazard .  
FRONT UNIT (Picture 1)
2. Exposed wire terminations and or splices outside of J-box . (Picture 2) This is a safety hazard.  
REAR UNIT

### 2. Exterior

#### 2.7 PLUMBING WATER FAUCETS (hose bibs, related visible plumbing)

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## 2. Exterior

### Repair or Replace

(2)

1. Outdoor bathroom is non-conforming. Multiple defects noted and owner disclosed that unit will be removed. (Picture 2) REAR UNIT
2. Waste vent pipe is below roof line. Today's standards require vent to be a minimum of 12 inches above roof line. Correct as needed. (Picture 3) REAR UNIT
3. Sink waste line trap has s-type configuration this is not allowed and is a health safety hazard. (Picture 4) Correct as needed. REAR UNIT

### 2.8 OUTLETS (exterior any related electrical)

#### Repair or Replace

1. Outlet at exterior under water heater stand is loose, not GFCI protected and missing weather proof cover and box. (Picture 1) This is a safety hazard and correction is needed. See Electrical section for additional information regarding GFCI protected receptacle outlets. FRONT UNIT
2. Outlets at exterior are missing weather proof covers. (Picture 2) This is a safety hazard and correction is needed. REAR UNIT

## 5. Kitchen Components , Eating area

### 5.11 RANGES/OVENS/COOKTOPS

#### Inspected

Missing anti-tip brackets as required per manufactures instructions. These are needed for safety enhancement.

## 6(B). Bedrooms

### 6.6.B OUTLETS,WALL SWITCHES light fixtures ceiling fans and related electrical

#### Repair or Replace

Damaged cover plate (switch or outlet) noted and correction is needed for safety enhancement. (Picture 1) This is a shock and fire hazard.

Cover plates are needed to protect from shock. Cover plates are needed to help contain sparks in the event of arcing at the outlet or switch connections. UL rating is void once any cover plate has been altered or is damage. Replacement is needed.

## 6(C). Hallway

### 6.6.C CARBON MONOXIDE DETECTORS

#### Repair or Replace

Carbon Monoxide Missing. These are not required but we strongly recommend the use of wall mounted type detectors and installation as per manufactures instructions. [http://www.youtube.com/watch?v=th4uK-fMpTQ&feature=player\\_embedded#](http://www.youtube.com/watch?v=th4uK-fMpTQ&feature=player_embedded#)

## 8. Foundations and Under-floor Areas

### 8.9 UNDER FLOOR ELECTRICAL (sub-area / concrete slab/ 2nd level floor)

#### Repair or Replace

1. Improper splice. Missing J-Box Safety Hazard. (Picture 2) Loose and improperly attached Romex type wiring. (Picture 1) Today's standards require BX type wiring and we suggest upgrading to

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## 8. Foundations and Under-floor Areas

- meet these standards. FRONT UNIT
- Open J-Box noted. Missing UL approved cover. (Picture 3) Install as needed. Safety Hazard. REAR UNIT

## 9. Plumbing System

### 9.4 WATER HEATER / HOT WATER SYSTEMS ( Heater, controls, flue vents, strapping, gas line, t&p valve and any readily visible components)

#### Plumbing Repair or Replace

(2)

- Adjustment needed. Improper install of straps.(Picture 10) Recommended strapping is 1 strap at upper 10 inches of tank and 1 strap at 4 inches minimum above controls and must wrap around tank and properly secured / attached to prevent horizontal movement. . Then blanket over straps if used. See State architects web site for installation instructions : [http://www.documents.dgs.ca.gov/dsa/pubs/waterheaterbracing\\_11\\_30\\_05.pdf](http://www.documents.dgs.ca.gov/dsa/pubs/waterheaterbracing_11_30_05.pdf) Upgrade is needed for safety enhancement.ALL UNITS.
- TPR valve discharge pipe IS improper size or type. GAS supply flex line used and this is a safety hazard and correction is needed. (Picture 11)(Picture 19) A full size non threaded pipe directed downward and outside or to an approved location is recommended. This is needed to help prevent burns by scalding water in the event of release by valve. Copper pipe is preferred or pipe with no threads at end. Threads at end of pipe obstructs flow and even may retain dripping. Dripping of this valve is an indication of a problem that needs immediate attention by a qualified licensed plumber. Correction is needed for safety enhancement. ALL UNITS

## 11. Heating and Cooling Systems

### 11.1 HEATING EQUIPMENT / AIR HANDLER

#### Repair or Replace

(2) Flex gas line rubs on sharp edge of cabinet. (Picture 1) This is a safety hazard and we strongly recommend correction.

This line is subject to damage due to vibrations caused by furnace or seismic movement.

Replace with a solid steel pipe through cabinet then a new UL approved flex line and valve, then contact Gas Company to inspect and ignite furnace. FRONT UNIT

Home inspectors are not required to report on the following: Life expectancy of any component or system; The causes of the need for a repair; The methods, materials, and costs of corrections; The suitability of the property for any specialized use; Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions; The market value of the property or its marketability; The advisability or inadvisability of purchase of the property; Any component or system that was not observed; The presence or absence of pests such as wood damaging organisms, rodents, or insects; or Cosmetic items, underground items, or items not permanently installed. Home inspectors are not required to: Offer warranties or guarantees of any kind; Calculate the strength, adequacy, or efficiency of any system or component; Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons; Operate any system or component that is shut down or otherwise inoperable; Operate any system or component that does not respond to normal operating controls; Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility; Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air; Determine the effectiveness of any system installed to control or remove suspected hazardous substances; Predict future condition, including but not limited to failure of components; Since this report is provided for the specific benefit of the customer(s), secondary readers of this information should hire a qualified inspector and certified by an association like CREIA or ASHI to perform an inspection to meet their specific needs and to obtain current information concerning this property.

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## General Summary



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It is recommended that any deficiencies and the components or systems related to these deficiencies noted in the report be evaluated / inspected and repaired as needed by a qualified licensed contractor or specialist prior to the close of escrow.

Please call our office for any clarifications or further questions.

The following items or discoveries indicate that these systems or components do not function as intended or adversely affects the habitability of the dwelling; or appear to warrant further investigation by a specialist, or requires subsequent observation. This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function, efficiency, or safety of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

### 1. Kitchen Components , Eating area

#### 1.6 ELECTRICAL ( Outlets, wall switches, lights and related electrical)

##### Repair or Replace

(1) Reversed polarity at receptacle outlet located at outlet near bedroom door. (Picture 1) Correct as needed.

#### 1.9 RANGES/OVENS/COOKTOPS

##### Repair or Replace

Missing anti-tip brackets as required per manufactures instructions. These are needed for safety enhancement.

### 2(B). Bedrooms

#### 2.6.B OUTLETS,WALL SWITCHES light fixtures ceiling fans and related electrical

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**2(B). Bedrooms****Repair or Replace**

Exposed bulb type fixtures are subject to damage and may be a shock hazard. Missing approved mounting box. Upgrade to a covered fixture is recommended and extension cord used as permanent wiring and this is not allowed. Correct as needed.  
(Picture 1)

**2(C). Dining Room****2.4.C OUTLETS, WALL SWITCHES light fixtures ceiling fans and related electrical****Repair or Replace**

Reversed polarity noted at receptacle outlet. Repair as needed. (left outside wall)

**2(D). Hallway****2.6.D CARBON MONOXIDE DETECTORS****Repair or Replace**

Carbon Monoxide Missing. These are not required but we strongly recommend the use of wall mounted type detectors and installation as per manufactures instructions. [http://www.youtube.com/watch?v=th4uK-fMpTQ&feature=player\\_embedded#](http://www.youtube.com/watch?v=th4uK-fMpTQ&feature=player_embedded#)

Home inspectors are not required to report on the following: Life expectancy of any component or system; The causes of the need for a repair; The methods, materials, and costs of corrections; The suitability of the property for any specialized use; Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions; The market value of the property or its marketability; The advisability or inadvisability of purchase of the property; Any component or system that was not observed; The presence or absence of pests such as wood damaging organisms, rodents, or insects; or Cosmetic items, underground items, or items not permanently installed. Home inspectors are not required to: Offer warranties or guarantees of any kind; Calculate the strength, adequacy, or efficiency of any system or component; Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons; Operate any system or component that is shut down or otherwise inoperable; Operate any system or component that does not respond to normal operating controls; Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility; Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air; Determine the effectiveness of any system installed to control or remove suspected hazardous substances; Predict future condition, including but not limited to failure of components; Since this report is provided for the specific benefit of the customer(s), secondary readers of this information should hire a qualified inspector and certified by an association like CREIA or ASHI to perform an inspection to meet their specific needs and to obtain current information concerning this property.

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 758-09 FOR A SECOND DWELLING UNIT LOCATED AT  
24021 FRIES AVENUE**

**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, Rodolfo Padilla, with respect to real property located at 24021 Fries Avenue, 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 1,004 square feet and located in the rear of the property.

A public hearing was duly held on September 28, 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 legal, nonconforming parking. The property is accessed by two driveways located on Fries Avenue. A condition of approval will be added to require the construction of a two-car garage for the existing second dwelling unit. In addition, a condition of approval requiring that there be no dwelling expansion that will intensify the primary unit unless parking requirements are met, has been included. With the proposed improvements, 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.
- 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. 758-09 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 28<sup>th</sup> DAY OF SEPTEMBER, 2010.**

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**CHAIRMAN**

**ATTEST:**

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**SECRETARY**

## EXHIBIT "A"

### Legal Description

LOT 23 AND LOT 24 IN BLOCK 7 OF FACTORY CENTER TRACT IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 23 PAGES 18 – 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. 758-09**

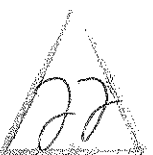
GENERAL CONDITIONS

1. If Conditional Use Permit No. 758-09 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. 758-09. 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 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.
10. 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.
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. Within 90 days of Planning Commission approval, the applicant shall: 1) replace the fence in the required front yard to a height not to exceed three and one-half feet (3½'); and 2) replace existing chain link fences with wrought iron or any other compatible material, subject to the approval of the Planning Division.
13. The applicant shall either: 1) remove or obtain building permits for any unpermitted structures on site, including a storage room addition to the main unit which encroaches into the required side yard setback of ten (10) feet; or 2) replace unpermitted structures with parking structures such as carports. This condition shall be met within 90 days of Planning Commission approval. Failure



to comply shall nullify and void Conditional Use Permit No. 758-09 unless an extension is previously requested and approved.

#### DWELLING UNIT EXPANSION/ALTERATIONS/AESTHETICS/PARKING

14. Any expansions and/or alterations of the primary unit will constitute as an intensification of use and the nonconforming parking privilege for the primary unit will no longer be continued. An additional two-car garage will be required prior to the approval of any expansions to the primary unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage.
15. Any minor alterations, improvements and or repairs shall require review and approval (where applicable) by the Planning Division and issuance of a building permit.
16. The applicant shall build a detached, two-car garage for the second dwelling unit within one year of Planning Commission approval and subject to the discretion of the Planning Division.

#### BUILDING & SAFETY

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

#### FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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

#### BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

20. 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.

