



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 9, 2010  
SUBJECT: Conditional Use Permit No. 850-10  
APPLICANT: Todd Fendley  
528 E. 238<sup>th</sup> Place  
Carson, CA 90810  
REQUEST: To approve a conditional use permit for a second dwelling located within the RS (Residential, Single Family) zoning district  
PROPERTY INVOLVED: 528 E. 238<sup>th</sup> Place

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#### COMMISSION ACTION

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

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chair Park			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Goolsby			

***Item No. 11-C***

## **I. Introduction**

### *Date Application Received*

- October 5, 2010: Conditional Use Permit No. 850-10

### *Applicant/Property Owner*

- Todd Fendley (Property Owner)  
528 E. 238<sup>th</sup> Place  
Carson, CA 90745

### *Project Address*

- 528 E. 238<sup>th</sup> Place, Carson, CA 90745

### *Project Description*

- Pursuant to CMC Section 9125.5. B. 2, the proposal is to consider a conditional use permit (CUP) for an oversized second dwelling unit with 1,848-square-feet. The proposed unit is two story with a 1,848-square-foot four car/tandem parking attached garage (total building square feet of 3,696) within the RS (Residential, Single Family) zoning district.
- The project site is located on an 11,471-square-foot parcel and is developed with one dwelling unit totaling approximately 2,231-square-feet and an existing two car garage.

## **II. Background**

### *History of Property*

The front dwelling unit and a detached two car garage were built in 1943.

### *Previously Approved Discretionary Permits*

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

### *Public Safety Issues*

There is no open Code Enforcement case on the subject property.

## **III. Analysis/Findings**

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

- The subject property is located at 528 E. 238<sup>th</sup> Place. The proposed second dwelling is compatible with surrounding residential single family uses.
- The proposed two story second dwelling unit will have peach colored stucco and composition shingle roofing compatible with the front single family dwelling.
- Surrounding the subject property to the north and west are single family residential uses zoned RS (Residential, Single-family); to the south is Sepulveda



Boulevard and to the east are commercial uses zoned CG-D (Commercial General-Design Overlay).

- The applicant is applying for a conditional use permit for a new second dwelling unit pursuant to Sections 9172.21 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.
- Staff has inspected the property and reviewed all building permit records.
- Since the proposed second dwelling will be a new structure, no property inspection report is required.
- The proposed garage with four car/tandem parking spaces will require an automatic garage door opener to encourage automobile parking within the garage.

*Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned RS (Residential, Single-Family) with the adjacent properties to the north and west sharing the same zoning designation. The properties to the east are zoned CG-D (Commercial General-Design Overlay) and to the south is Sepulveda Boulevard.
- 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. 850-10*

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.

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. There shall be no un-authorized 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.
3. The applicant shall install an automatic garage door opener.

**IV. Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures or Facilities, the City's approval of a CUP for an existing second dwelling unit is "Categorically Exempt".

**V. Recommendation**

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 850-10 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. 850-10 for a new second dwelling unit to be located at 528 E. 238<sup>th</sup> Place."

**VI. Exhibits**

1. Resolution
2. Development Plans
3. Second Dwelling Unit Checklist

Prepared by: \_\_\_\_\_

Zak Gonzalez II, Planner

Approved by: \_\_\_\_\_

Sheri Repp, Planning Officer

ZG: srCUP850-10

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 10-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 850-10 FOR A NEW SECOND DWELLING TO BE LOCATED  
AT 528 E. 238<sup>TH</sup> PLACE**

**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, Todd Fendley, with respect to real property located at 528 E. 238<sup>th</sup> Place, and described in Exhibit "A" attached hereto, requesting the approval of an existing second dwelling unit located within the RS (Residential, Single Family) zoning district.

A public hearing was duly held on November 9, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 E. Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

**Section 2.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 3.** The Planning Commission finds that:

- a) The proposed project is identified in the General Plan as a permitted use for this land use category subject to Conditional Use Permit approval. There is no specific plan for this area. The surrounding properties are developed with residential single family dwellings and the proposed project is compatible with the neighborhood.
- b) The project is compatible in architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.
- c) The property's front dwelling is developed with a two car garage and the proposed second dwelling will be developed with a four car/tandem attached garage. The project is not anticipated to generate significant adverse effects to the circulation and parking on the adjacent public street.
- d) There are no signs intended for the project site.
- e) The proposed project conforms to all applicable design standards and guidelines that have been adopted pursuant to Section 9172.15 of the Carson Municipal Code.

- f) The proposed second dwelling 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 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 Commission hereby approves the categorical exemption and grants Conditional Use Permit No. 850-10 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 Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 9<sup>th</sup> DAY OF NOVEMBER, 2010.**

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

**ATTEST:**

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



## Exhibit "A"

### Legal Description:

Tract No. 11468 Lot 47, in the city of Carson, County of Los Angeles, State of CA., as per map recorded in Book 7329, Page 46 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. 850-10**

**GENERAL CONDITIONS**

1. If Conditional Use Permit No. 850-10 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 shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
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. 850-10. 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.

#### SECOND DWELLING EXPANSION/ALTERATIONS/AESTHETICS

8. Any changes to the proposed second dwelling shall be limited to minor alterations, improvements, repairs, or changes which do not increase the potential for parking deficiencies or traffic hazards along Sepulveda Boulevard.
9. Any minor alterations, improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit if applicable.

#### PARKING

14. The proposed four car/tandem attached garage shall be used for parking of vehicles only and not for habitable space. There shall be no parking of inoperable 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. An automatic garage door opener shall be installed.

#### BUILDING & SAFETY

15. All building improvements shall comply with city of Carson Building & Safety Division requirements.

#### ENGINEERING

16. Any driveway approach work shall comply with Public Works Division standards.

#### 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.



Second Dwelling Unit Checklist for Planning Commission

Property Address: 528 E. 238th Place

Application #: CUP No. 850-10

Date 1<sup>st</sup> Dwelling Unit Built: 1943

Date 2<sup>nd</sup> Dwelling Unit Built: Proposed new construction

Applicable Development Standards per Section 9125.6

MINIMUM LOT SIZE

Meets Code: Yes

7,500 square feet for RS zone

Comments:

Lot size is 11,471 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

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:

The second detached dwelling unit will contain 1,848 square feet

SETBACK REQUIREMENTS

Meets Code: Yes

10' from primary residence

15' rear yard

6' from accessory structure

If above accessory structure, 10' min. side yard

5' side yard

Comments:

The proposed second dwelling meets all setback requirements

OFF-STREET PARKING

Meets Code: Yes

Studio: 1 uncov. sp. outside of FYSB

2 bedrms 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:

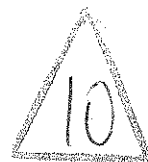
Existing dwelling has a two car garage, proposed second dwelling, 4 car/tandem garage

OWNER OCCUPIED

Meets Code: Yes

Comments:

Second detached dwelling will be occupied by family member.



**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:**

Landscaping for property is maintained in good condition.

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

**Wall Paint:** Good

**Doors:** Good

**Building Material:** Good

**Windows:** Unacceptable

**Building Trim:** Good

**Porch:** Good

**Roof:** Good

**Accessory structure:** Fair

**Eaves:** Good

**Other:** Not applicable

**Comments:**

The proposed second dwelling will match the peach stucco color of the front dwelling

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

**Staff's evaluation:** Good

**Comments:**

No vehicular maneuvering or parking area problems observed. City traffic engineer approved project.

**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:**

Second dwelling will be a new construction.

Planner: Zak Gonzalez II

Date Completed: 11/1/2010

