



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: November 23, 2010
SUBJECT: Workshop regarding second dwelling units
APPLICANT: City of Carson
REQUEST: Provide follow-up on second dwelling units
PROPERTIES INVOLVED: Citywide

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			

I. Introduction

This item is a follow-up discussion to the workshops held on June 23, September 8, October 13, 2009, and May 11, 2010 regarding residential development standards and second dwelling units. Since the adoption of Ordinance No. 03-1290 requiring a conditional use permit (CUP) for existing legal nonconforming second dwelling units, the Planning Commission has reviewed and approved 24 CUPs. There are six (6) CUP applications currently being reviewed and processed by staff; 66 existing legal nonconforming second dwelling units remain noncompliant with owners choosing not to obtain a CUP.

II. Background

On November 4, 2003, the City Council adopted Ordinance No. 03-1290 regarding second dwelling units and accessory structures within residential zones, pursuant to amendments made in 2002 by the State to Section 65852.2 of the California Government Code. The ordinance went into effect on December 4, 2003, and requires legal nonconforming second dwelling units to obtain a conditional use permit (CUP) by December 4, 2008.

In July 2009, staff reexamined the issue since the due date had expired and identified 131 properties with two or more dwelling units in the RS zone, of which 10 had already been approved, 60 had adequate building permits and were eligible for a CUP, and 61 did not have building permits on file.

On August 12, 2009, letters were sent to those 61 property owners in which building permits could not be found. The letter advised property owners to obtain records from the County Assessor's office supporting the legal development of their second dwelling unit. Staff continues to review the Assessor's information provided by property owners to determine if second dwelling units were established legally and are eligible for a CUP.

On September 30, 2009, staff sent notices to 74 property owners indicating their second dwelling unit is legal nonconforming. Additional notices were sent to property owners on October 27, 2009 and February 22, 2010 whose second dwelling units were determined to be legal based on the Assessor's information. The notices indicated two ways of bringing a legal nonconforming second dwelling unit into compliance:

1. Obtain ministerial approval from the Planning Division by demonstrating that the second dwelling unit meets the requirements of Section 9122.8 (Second Dwelling Units) and Section 9125.6 (Second Dwelling Unit Development Standards) of the CMC; or
2. Obtain a conditional use permit if the second dwelling unit does not meet the requirements described in option 1.

On December 1, 2009, due to concerns by property owners regarding the state of the economy and the cost to submit an application, the City Council reduced the CUP fee for legal nonconforming second dwelling units from \$1,500 to \$750. The City Council



also advised the Planning Commission to consider the effectiveness of requiring a CUP for legal nonconforming second dwelling units.

Update on CUP Applications

A total of 96 legal nonconforming second dwelling units were constructed prior to Ordinance No. 03-1290 and are required to obtain a CUP or receive administrative approval pursuant to Section 9122.8 (Second Dwelling Units) and Section 9125.6 (Second Dwelling Units Development Standards). Staff has received a total of 30 CUP applications of which 26 have been reviewed and approved by the Planning Commission and 4 are still pending.

Of the 61 properties originally identified to have no building permits, 20 were determined to be legal through the County Assessor's records; 16 were referred to the Code Enforcement Division for enforcement; eight (8) actually did not have a second dwelling unit and were referred to the County Assessor's office to correct property records; and the remaining second dwelling units are still under review.

As of this staff report, eight (8) properties of the 16 that were referred to Code Enforcement have been resolved: two (2) have been verified to not have a second dwelling unit and the Assessor's records for those properties have been updated; six (6) were found eligible for a CUP. The remaining eight (8) properties are being handled by Code Enforcement. Planning staff is considering sending the remaining outstanding units to Code Enforcement as well.

CONDITIONAL USE PERMIT (CUP) INFORMATION

CUP applications submitted	30
<i>26 CUPs approved</i>	
<i>0 CUPs denied</i>	
<i>4 CUPs pending for existing units</i>	
Number of Existing Properties Remaining to Submit Application	66

Approved CUP Summary

Lot Size Information

Properties that comply with lot size	9
Properties that do not comply with lot size	17

Unit Size Information

2nd dwelling units that comply with size	9
2nd dwelling units that exceed unit size	17



Setbacks Information

Properties that comply	12
Properties that do not comply	14

Off-street Parking Information

Properties that comply	12
Properties that do not comply	14

Owner Occupied

Properties that are owner occupied	20
Properties that are not owner occupied	6

Illegal Garage Conversions Found

5

Illegal Additions Found

8

Development Standards for Second Dwelling Units in RS Zone

Ordinance No. 03-1290 established requirements for second dwelling units in Sections 9122.8 and 9125.6 (Second Dwelling Unit Development Standards) of the CMC which describes the development standards for second dwelling unit. The following table summarizes those requirements.

	Section 9122.8
Location	One second dwelling unit per lot
	Adequate roadways, utilities, & services
	Consistent with General Plan
Submittal Requirements	Site plan
	Floor plan
	Elevations/photos
	Deed



	Section 9125.6
A. Lot Criteria	One main single-family residence
	No more than one second dwelling unit
	No accessory living quarters
B. Min. Lot Size	7,500 s.f. w/in RS
	6,500 s.f. w/in RM
C. Unit Size (Detached)	0 bdrm., 1 bath, kitch; 500 s.f. max (detached)
	1 bdrm., 1 bath, kitch; 650 s.f. max (detached)
	2 bdrms., 1 bath, kitch; 700 s.f. max (detached)
D. Unit Size (Attached)	Same as detached, not to exceed 40% of main unit
E. Setback Requirements	10 feet from primary residence
	6 feet from accessory structure
	Side yard: 5 feet
	Rear yard: 15 feet
	If above accessory structure, 10' min. side yard
F. Height	2 stories; max. 30 feet
G. Off-Street Parking	Studio: 1 uncovered outside front yard
	1 bdrm: 1 space in garage (10'x20') or carport (9'x20')
	2 bdrm or >700 s.f.: 2 garage spaces
	Parking for main unit shall be made conforming to be eligible for 2 nd unit
H. Architectural Compatibility	Similar architectural features as main unit
	Similar colors and materials
I. Foundation	Permanent foundation provided
J. Owner Occupied	Owner lives on property
K. Privacy	Second story does not pry onto neighbors
	Glazing, screening treatment, etc. provided

	Section 9125.6
L. Resale & Deed	Agreement of restriction filed w/ County Recorder
	Second dwelling unit cannot be sold separately
	Second dwelling unit restricted to max. size per development standards or CUP
	Legal only if owner lives on property (Requirement removed by PC)
	Restrictions binding upon any successor

Recommendation

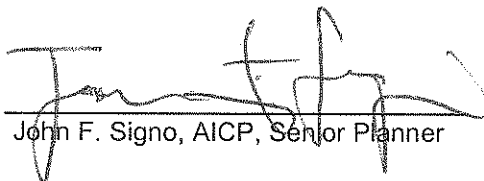
That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- DIRECT staff in procedures for processing CUP applications for second dwelling units; and
- RECEIVE and FILE.

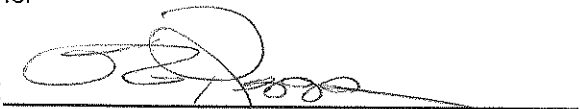
III. Exhibits

1. Table Showing Approved CUPs
2. Second dwelling unit flowchart

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed by:


Sheri Repp Loadman, Planning Officer



Approved CUP's

	Site Address	Legal, Non-conforming	CUP #	Date Approved	Unit Size	Setbacks Comply	Off-St Parking Comply	Owner Occupied	Garage Conversion	Illegal Addn's
1	20920-20926 Jamison Ave	No	587.04	02/22/05	No	Yes	Yes	Yes		
2	20818-20820 Jamison Ave	No	602.05	02/14/06	No	Yes	Yes	Yes		
3	2626 E Van Buren St	Yes	672.07	08/14/07	Yes	Yes	No	Yes	No	No
4	21221 Shearer Ave	Yes	643.06	09/17/07	Yes	No	No	Yes	Yes	No
5	529-531 E Realty St	Yes	675.07	11/13/07	No	Yes	No	Yes	No	No
6	2600 E Jefferson St	Yes	700.08	06/10/08	No	Yes	No	Yes	No	No
7	754 E Sepulveda Blvd	Yes	738.09	09/08/09	Yes	Yes	No	Yes	No	No
8	21365 S Prospect Ave	Yes	778.09	02/09/10	No	No	Yes	Yes	No	No
9	430-432 E Lincoln St	Yes	755.09	03/09/10	No	No	Yes	Yes	No	Yes
10	2644-2646 E Tyler St	Yes	771.09	03/09/10	Yes	No	Yes	Yes	Yes	Yes
11	806 E Lincoln St	Yes	777.09	04/13/10	Yes	No	No	No	Yes	Yes
12	21135 Bolsa St	Yes	754.09	04/27/10	No	Yes	Yes	Yes	No	No
13	24200-24202 Banning Blvd	Yes	757.09	04/27/10	Yes	Yes	No	Yes	Yes	Yes
14	2730 E Van Buren St	Yes	782.10	05/11/10	Yes	No	Yes	Yes	No	No
15	2705-2707 E Jefferson St	Yes	756.09	05/25/10	No	No	No	Yes	No	No
16	620-622 E Realty St	Yes	780.09	05/25/10	Yes	Yes	No	No	No	No
17	2737-2739 E Madison St	Yes	783.10	05/25/10	No	No	Yes	Yes	No	Yes
18	2556 E Washington St	Yes	784.10	06/08/10	No	Yes	Yes	Yes	No	Yes
19	433-435 E Pacific St	Yes	786.10	06/22/10	No	No	No	No	No	No
20	401-403 E Lincoln St	Yes	791.10	07/13/10	No	No	No	Yes	No	No
21	21914-21916 Martin St	Yes	805.10	08/10/10	No	Yes	Yes	Yes	No	No
22	455 E Pacific St (24021 Fries Ave)	Yes	758.09	09/28/10	No	No	No	No	Yes	Yes
23	2726-2728 E Adams St	Yes	830.10	09/28/10	Yes	No	Yes	Yes	No	No
24	2723 E Monroe St	Yes	820.10	10/12/10	No	No	No	No	No	Yes
25	2620-2622 E Tyler St	Yes	788.10	11/09/10	No	No	No	No	No	No
26	528 E 238th Pl	No	850.10	11/09/10	No	Yes	Yes	Yes		

