



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 28, 2011

SUBJECT: Design Overlay Review No. 1374-10
Variance No. 515-10

APPLICANT/
OWNER: Miguel Gutierrez
154 East 218th Street
Carson, CA 90745

REQUEST: To permit a new two-car garage within the parking setback on a forty foot wide lot in the RS (Residential, Single-family) zoning district.

PROPERTY INVOLVED: 154 East 218th Street

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			Schaffer
		Diaz			Verrett
		Goolsby			

Item No. 11D

I. Introduction

Date Application Received

- June 30, 2010

Application extended

- November 24, 2010, staff called applicant for status of application. Applicant requested to keep application open and will resubmit revised plans.

Revised plans re-submitted

- February 16, 2011

Applicant/ Property Owner

- Miguel Gutierrez
154 East 218th Street
Carson, CA 90745

Project Address

- 154 East 218th Street, Carson, CA 90745

Project Description

- The proposed project is to construct a new detached, two-car garage (498 square-feet) within the parking setback
- on a forty foot (40') wide lot in the RS (Residential, Single-family) zoning district. The garage will include a laundry room and one sink. The application includes:
 1. A variance request for encroachment of a new two-car attached garage into the required parking setback.
 2. A design overlay review for construction of an accessory structure on a lot zoned RS with less than a fifty-foot (50') width.
- The project site is 5,122 square feet with one single family dwelling and an attached 1-car garage (1300 square feet). There is a temporary tent and a detached storage shed (190 square feet) on the site.
- The subject property is located south of Carson Street and east of Main Street. The property has street frontages on 218th Street to the north and 218th Place to the south.
- The space for the proposed garage currently has a temporary tent that is used for storage and a storage shed. The temporary tent will be removed and the detached storage shed demolished. The new garage will be accessible from 218th Place.



II. Background

History of Property

- In 1954, the single-family dwelling and attached one-car garage was built as a 797-square-foot structure. In 2007, a two bedroom addition (499 square-feet) was constructed to the rear of the single-family dwelling. Recently, the applicant relocated to the property a 190-square-foot detached structure used as a storage shed without appropriate permits.

Location/Site Characteristics/Existing Development

- The subject property is located at 154 East 218th Street. The subject site is rectangular in shape and is compatible with surrounding residential single family uses.
- There are eighteen residential properties on 218th Street. Twelve of the eighteen properties have accessory structures facing 218th Place. Ten properties obtained building permits to construct garages, one property to build a storage room and one property has an unpermitted accessory structure. The building permits were issued from 1959 through 1996.
- Staff observed five properties with garages, one incomplete garage with an appearance of a carport and six properties with structures that appear to have been converted to dwelling units facing 218th Place.
- According to the building records, the structures should have been built on average twelve (12') feet from the property line on 218th Place but based from staff's field observation; the structures appear to have been constructed 0' – 10' from the property line.

Previous Discretionary Permits

- None

Public Safety Issues

- There are no open Code Enforcement cases for the subject property.

III. Analysis

Applicable Zoning Ordinance Regulations

- The following table summarizes the proposed project's consistency with current site development standards for the RS zone district and other zoning code sections applicable to the proposed use:

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
Residential Development Standards			
9121.1, Uses Permitted	x		
9126.221, Parking Setback		x	25' setback required. (Garage interior dimensions are 20' x 20' not including the laundry area)
9126.23, Front Yard	x		20' setback required
9126.24, Side Yards	x		5' side yard required.
General Development Standards			
9162.21 (A)2, Parking Spaces Required	x		2 spaces within a garage is required
Procedures			
9171.4, Environmental Review Requirements	x		Exempt per Section 15303 of CEQA

Required Findings: Design Overlay Review (CMC Section 9172.23)

Pursuant to Section 9172.23 – Site Plan and Design Review, the Planning Commission may approve the proposal only if the following finding can be made in the affirmative:

- a. *Compatibility with the General Plan, any specific plans for the area, and surrounding uses*

The subject property is zoned RS (Residential, Single-Family) with the surrounding properties to the south, east and west sharing the same zoning designation. The property to the north is a commercial shopping center within the MU-CS (Mixed Used-Carson Street) zoned district. The zoning



designation for the subject property is consistent with the General Plan Land Use designation of Low Density Residential.

- b. *Compatibility of 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.*

The neighborhood consists largely of mid-20th century residential homes with detached accessory structures. The proposed structure will be compatible with existing development in the vicinity in that other structures have reduced parking setbacks.

- c. *Convenience and safety of circulation for pedestrians and vehicles.*

The subject property is located south of Carson Street and east of Main Street. The property has street frontages on 218th Street to the north and 218th Place to the south. Vehicles and pedestrians can conveniently access the property.

- d. *Attractiveness, effectiveness and restraint in signing graphics and color.*

The existing dwelling has exterior stucco a natural paint shade (peach) with a white trim. The proposed garage stucco will match the existing residence. As such, the materials and color will contribute to an attractive, restrained, and effective color. No signing graphics are proposed.

- e. *Development scheduling (if phased development) which will satisfy the above criteria in each phase.*

There is no phased development plan for this project.

- f. *Conformance to any applicable design standards and guidelines which have been adopted pursuant to CMC 9172.15. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.*

With an approved variance, the project will generally be in conformance with applicable regulations, standards, and other criteria found in the zoning code, should an ordinance amendment is approved.

Required Findings: Variance (CMC Section 9172.22)

Pursuant to Section 9172.22 - Variance, the Planning Commission may approve the proposal only if the following finding can be made in the affirmative:

- a. *A Variance from the terms of this Chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The reduction to the required parking setback is consistent with other structures in the neighborhood. Therefore, approval of the variance request would not result in a special privilege since others in the neighborhood have similar reduced setbacks. All of the required findings pursuant to Section 9172.22(D), "Variance Findings and Decision" and 9172.23(D), "Approving Authority Findings and Decisions" can be made in the affirmative. Details can be found in the attached resolution.

Issues of Concern / Mitigation:

- Issue – Unpermitted detached structure occupies required open space area in rear yard:
 - *Proposed Condition/Change:* Remove/Demolish the structure.

IV. Environmental Review

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA), construction of a two-car garage is considered a small structure and is "Categorically Exempt."

V. Recommendation

That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No. _____, entitled "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 1374-10 and Variance No. 515-10 for the property located at 154 East 218th Street."

VI. Exhibits

1. Land Use Map
2. Proposed Resolution
3. Site plan, elevations, floor plans (under separate cover)

Prepared by: _____

Mckina Alexander
Mckina Alexander, Planning Technician

Reviewed by: _____

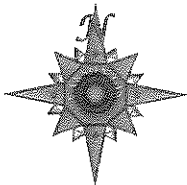
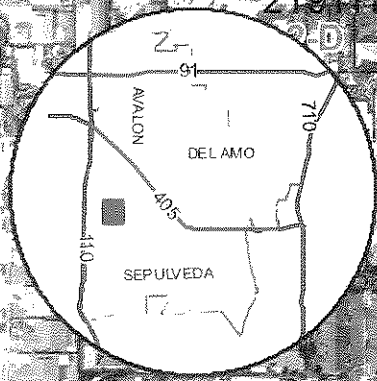
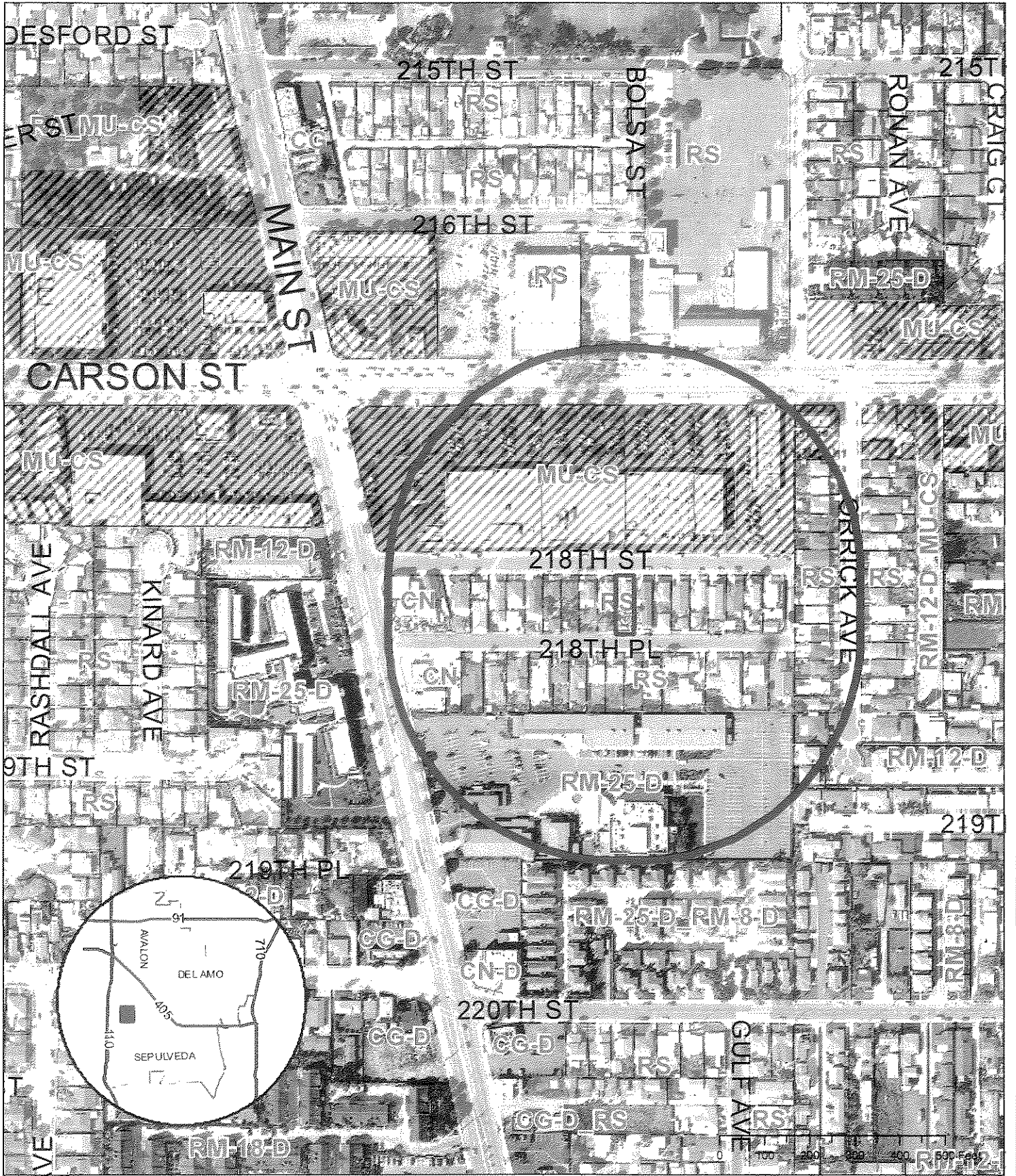
John F. Signo
John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsman
Sheri Repp-Loadsman, Planning Officer

Planning Commission Staff Report
Design Overlay Review No. 1374-10
Variance No. 515-10
June 28, 2011 Page 6 of 6





City of Carson EXHIBIT NO. 1-
 500 Foot Radius Map
 154 E 218th St



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1374-10 AND VARIANCE NO. 515-10 FOR THE PROPERTY
LOCATED AT 154 EAST 218TH 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, Miguel Gutierrez, with respect to real property located at 154 East 218th Street, and described in Exhibit "A" attached hereto, requesting the approval of a new two-car detached garage and reduction of the repaired parking setback on a forty-foot (40') wide lot in the RS (Residential, Single-family) zoning district.

A public hearing was duly held on June 28, 2011, 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. Pursuant to Section 9172.23 of the Carson Municipal Code (CMC), Site Plan and Design Review and Section 9172.22, Variance, the Planning Commission finds that:

- a) The subject property is zoned RS (Residential – Single family) with the surrounding properties to the south, east and west sharing the same zoning designation. The property to the north is a commercial shopping center within the MU-CS (Mixed Used-Carson Street) zoned district. The zoning designation for the subject property is consistent with the General Plan Land Use designation of Low Density Residential.
- b) The neighborhood consists largely of mid-20th century residential homes with detached accessory structures. The proposed structure will be compatible with existing development in the vicinity in that other structures have reduced parking and front yard setbacks.
- c) The subject property is located south of Carson Street and east of Main Street. The property has street frontages on 218th Street to the north and 218th Place to the south. Vehicles and pedestrians can conveniently access the subject property.
- d) The site is 40 feet wide by 127.5 feet deep, rectangular, relatively flat and adequately served by existing utilities. The proposed use will not significantly impact the existing utilities' capacity to serve the use.
- e) The proposed two-car garage will match the existing residence. As such, the materials and color will contribute to an attractive, restrained, and effective color. No signing graphics are proposed.
- f) Special circumstances, in terms of other properties that have accessory structures that were constructed into a reduced required parking setback would deprive the subject property of the same privileges enjoyed by these properties located in the vicinity.



- g) A variance is requested from the Carson Municipal Code Sections 9126.221 – Parking Setback to reduce the required 25-foot parking setback to 10 feet. There is an existing wheel chair ramp located at the rear of the single family dwelling which needs space to accommodate disabled access.

Section 4. Pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA), the proposed detached, two-car garage is found to be categorically exempt.

Section 5. Based on the aforementioned findings, the Planning Commission hereby grants Design Overlay Review No. 1374-10 and Variance No. 515-10 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 28th DAY OF JUNE, 2011.

CHAIRMAN

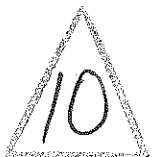
ATTEST:

SECRETARY

CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1374-10
VARIANCE NO. 515-10

GENERAL CONDITIONS

1. If Design Overlay Review No. 1374-10 and Variance No. 515-10 are not used within one year of its effective date, said permits 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 approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings
5. 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.
6. 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.
7. 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.



8. 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 Design Overlay Review No. 1374-10 and Variance No. 515-10. 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.
9. The detached structure (storage shed) and temporary tent shall be removed, demolished or relocated to an appropriate location.
10. All debris, junk and trash shall be removed from the property.
11. 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.
12. All improvements, expansions, alterations or repairs shall require review and approval by the Planning Division and issuance of a building permit, if applicable.

BUILDING & SAFETY

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

ENGINEERING

14. Remove unused driveway approach if any, within the public right of way along 218th Place abutting this proposed development and replace it with full height curb, gutter and sidewalk per the city of Carson standard and to the satisfaction of the City Engineer.
15. The developer shall construct the new driveway approach per city of Carson standard and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is twenty feet (20').
16. The new driveway shall be constructed per the city of Carson Residential Driveway Detail – Case 1, No. 109.

FIRE DEPARTMENT – COUNTY OF LOS ANGELES



17. All requirements by the Los Angeles County Fire Department shall be met.
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.

