



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 8, 2011
SUBJECT: Conditional Use Permit No. 874-11
APPLICANT/
OWNER: Annette Holguin
22791 Tindaya
Mission Viejo, CA 92692
REQUEST: To approve a Conditional Use Permit for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district.
PROPERTY INVOLVED: 2532 East Adams Street

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

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

Item No. 11A



I. Introduction

Date Application Received

- May 16, 2011

Applicant / Property Owner

- Annette Holguin
22791 Tindaya
Mission Viejo, CA 92692

Project Address

- 2532 East Adams Street, 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 5,500-square-foot parcel with two detached dwelling units and one two-car garage attached to the rear unit totaling approximately 2,353 square feet. The front dwelling unit is 1,170 square feet and the rear dwelling unit is 776 square feet with an attached, 407-square foot two-car garage.
- The property consists of two legal lots that are tied for assessment purposes. Each lot is 25 feet wide.

II. Background

History of Property

- Based on staff research of city/county records and historical records, staff finds that both dwelling units were built in 1957.

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. 2). 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 subject property is rectangular in shape and is compatible with surrounding residential single-family uses. 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.
- The applicant is applying for a conditional use permit for a second dwelling unit pursuant to Section Nos. 9172.21 and 9182.3 of the Carson Municipal Code (CMC). Second dwelling units on single-family residentially-zoned lots provide an important housing resource that should be preserved if findings can be made regarding the adequacy of the building condition, parking, landscaping and other features needed to meet neighborhood compatibility standards. (Exhibit No. 3 and Exhibit No. 4)
- The second dwelling unit is considered the rear unit because it is the smaller of the two units in terms of livable space.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned RS (Residential, Single-Family) with the adjacent 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. 874-11

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

- 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. The garage interior shall remain clear to facilitate automobile parking inside garages. Further, all building setback yard areas are to remain clear for fire prevention safety.
- Issue – Parking: The primary unit is required to provide 2 spaces within a garage. The existing two-car garage currently provides 2 parking spaces for the second dwelling unit and therefore the primary unit is legal, nonconforming with respect to parking requirements (Exhibit No. 5). Staff recommends that the following conditions be added to mitigate any foreseeable parking impacts and to prevent an intensification of street parking:
 - Any expansions to the primary and/or second dwelling unit will constitute as an intensification of use and the nonconforming parking privilege will no longer be continued. One two-car covered parking spaces will be required prior to the approval of any expansions to the primary or second dwelling unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage.

- The garage interior shall remain clear to facilitate vehicle parking.
- Issue – Lot Merger: The city is considering a comprehensive merger of parcels which includes the subject property. 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 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, 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 Carson Municipal Code requirements.
- Issue – Fence Height: The fence in the required front yard shall not exceed a height of three and one-half feet). The existing over-height fence located in the front yard shall be removed or made conforming within 90 days of Planning Commission approval.
- Issue – Separate Utility Meters: Each unit is required to have its own separate water and electric meter. Please note on plans that a water and electric meter will be installed. The following condition has been added as a requirement:
 - The applicant shall provide a separate water, gas, and electrical meter per Building Code requirements for the second dwelling unit within 60 days of Planning Commission approval, if applicable.

IV. Environmental Review

Pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, 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

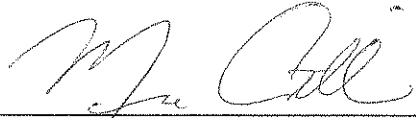
That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 874-11 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. 874-11 FOR AN EXISTING SECOND DWELLING UNIT LOCATED AT 2532 EAST ADAMS 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

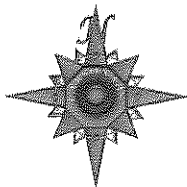
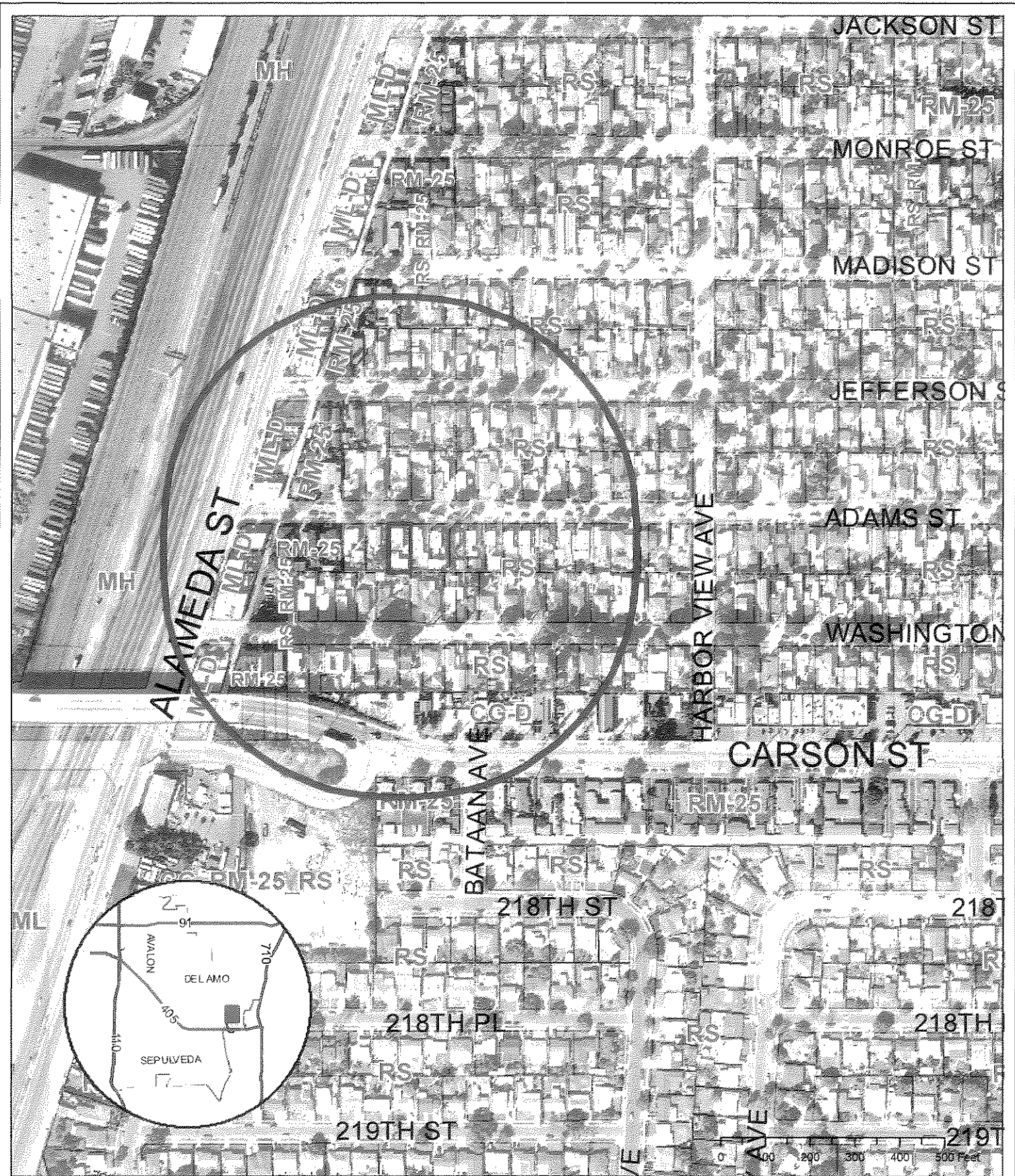
Reviewed by:



John F. Signo, AICP, Senior Planner

Approved by:

Sheri Repp-Loadsman, Planning Officer



City of Carson EXHIBIT NO. 1 -
 500 Foot Radius Map
 2532-2534 E Adams St



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 874-11 FOR AN EXISTING SECOND DWELLING UNIT
LOCATED AT 2532 EAST ADAMS 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, Annette Holguin, with respect to real property located at 2532 East Adams 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 776 square feet with an attached 407-square-foot attached two-car garage and is located in the rear of the property. The main dwelling unit is located closest to Adams Street and is 1,770 square feet. Both units were constructed in 1957.

A public hearing was duly held on November 8, 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. The Planning Commission finds that:

- a) The existing lawfully-established second dwelling unit was constructed in 1957 and is identified in the Carson Municipal Code as a permitted use for this land use category subject to a conditional use permit (CUP). 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 site is adequate in size, shape, topography, location, and utilities to accommodate the second dwelling unit.
- c) 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.

However, according to CMC Section 9182.3 (B), "In the RS or RA Zone, a lawfully-established residential use of a type or with a density of dwelling units no longer permitted in the RS or RA Zone shall be considered to be a nonconforming use subject to the provisions of CMC Section 9182.21 through 9282.23." Therefore per CMC Section 9182.21, "conditions may be included which provide for either the continuation or termination of each nonconformity existing on the site" when granting a conditional use permit. Per CMC Section



9182.3 the Planning Commission determines the nonconformities are appropriate and can continue with implementation of the conditions of approval.

- c) The existing two-car garage currently provides 2 parking spaces for the second dwelling unit. The property is accessed by a driveway located on Adams Street. A condition of approval requiring that there be no dwelling expansion or alterations that will intensify the second and/or the primary dwelling unit, unless parking requirements are met has been included. In addition, the garage interior shall remain clear to facilitate vehicle parking. With the proposed improvements, the property will not generate significant adverse effects to the adjacent public street.
- d) The property is located in a developed residential neighborhood and adequate water supply is provided.
- e) The second dwelling unit generally conforms to all applicable design standards and guidelines that have been adopted pursuant to Section 9125.6, "Second Dwelling Unit Development Standards" of the Carson Municipal Code with exception to several development standards, which include lot size, unit size, setback requirements and off-street parking. The Planning Commission has determined that these nonconforming standards may continue indefinitely provided the conditions of approval are met.
- f) 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 California Environmental Quality Act (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. 874-11 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 8th DAY OF NOVEMBER, 2011.

CHAIRMAN

ATTEST:

SECRETARY

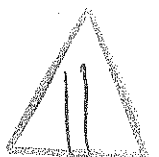
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EXHIBIT "A"

Legal Description

Lot(s) 681 and 682 of Tract No. 6720, in the City of Carson, in the County of Los Angeles, State of California, as per map recorded in Book 71 Pages(s) 79 and 80 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. 874-11

GENERAL CONDITIONS

1. If Conditional Use Permit No. 874-11 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. 874-11. 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 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. The fence in the required front yard shall not exceed a height of three and one-half (3 ½) feet. 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. Any expansions to the primary and/or second dwelling unit will constitute as an intensification of use and the nonconforming parking privilege will no longer be continued. One two-car covered parking spaces will be required prior to the approval of any expansions to the primary or second dwelling unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage.



14. The garage interior shall remain clear to facilitate garage parking. The driveway shall remain clear for maneuvering of vehicles.
15. Any major improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit, if applicable.

BUILDING & SAFETY

16. The applicant shall provide a separate water, gas, and electrical meter per Building Code requirements for the second dwelling unit within 60 days of Planning Commission approval, if applicable.
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.

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