



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: March 13, 2012

SUBJECT: Conditional Use Permit No. 888-11

APPLICANT: Scott Nollner
710 Serpentine Street
Redondo Beach CA 90277

REQUEST: To approve a 760-square-foot accessory living quarters with an attached open patio (223 square feet) and an attached carport (360 square feet) totaling 1,343 square feet RM-12-D (Residential, Multi-family – Design Overlay) zoning district

PROPERTY INVOLVED: 302 East 220th 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
November 14, 2011

Applicant
Scott Nollner
710 Serpentine Street
Redondo Beach, CA 90277

Property Owner
Mahaboob K. Durrani and Humera Munwar
18310 Amie Avenue, Apt. No. 52
Torrance, CA 90504

Project Address
302 East 220th Street, Carson, CA 90745

Project Description

The applicant, Mr. Scott Nollner, is requesting approval of Conditional Use Permit No. 888-11 on behalf of Mahaboob K. Durrani and Humera Munwar (property owners) for an existing 760-square-foot accessory living quarters with an attached 223-square-foot open patio and a 360-square-foot carport totaling 1,343 square feet located at 302 East 220th Street and within the RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay) zoning district. Pursuant to Ordinance No. 03-1290 and Section 9122.1, an accessory living quarters exceeding five hundred square feet of floor area is subject to a conditional use permit.

II. **Background**

On February 28, 2012, staff requested a continuance of this matter in order to complete all necessary documents.

The property owners recently purchased the subject site last year and participated in the city's Residential Property Report (RPR) Program. The Los Angeles County Assessor's records show that the main house was constructed in 1932 and building permit records indicate that a two-car garage was constructed (attached to the main house) and a 562-square-foot "guest house" and carport (365 square feet) were legalized in 2006. However other documents found indicate some additional modifications to the accessory living quarters were made possibly without permits. Staff has noted the following activities:



1989:

- A site plan was approved for a covered patio to be constructed on the south side of an existing accessory structure consisting of a "sitting room" and two one-car garages. No building permit records were found for the accessory structure or the covered patio.

2006:

- A site plan and two building permits were approved for a new 2-car garage (attached to the main house) and the existing accessory structure was legalized as a 562-square-foot "guest house" (by combining the sitting room and a one-car garage) and a covered patio converted to a carport (365 square feet). At that time, staff should have required a conditional use permit for the accessory structure because pursuant to Section 9122.1, accessory living quarters exceeding 500 square feet of floor area is subject to a conditional use permit.
- Comparison of the approved site plans, it appears that the one-car garage located north of the accessory structure was converted to living space and a patio was added sometime after the 2006 permits were completed.

2011:

- Application for a conditional use permit and development plans were submitted requesting to approve an existing 760-square-foot accessory living quarters ("guest house") with an attached carport (360 square feet) and open patio (223 square feet) totaling 1,343-square-feet.

Staff confirmed that a final inspection for the new garage, the accessory living quarters and carport was conducted and approved by Building and Safety, but did not find any approved building permits for an addition to accessory living quarters (the floor area increased from a 562-square-foot to 760-square-feet) or the attached 223-square-foot open patio located on the northeast side of the structure. In addition to obtaining a conditional use permit for the accessory living quarters, to clear the permit history of the property, a miscellaneous permit is required to legalize the additional 189-square-feet to the structure and the existing open patio. As such, staff included as a condition of approval, to obtain a miscellaneous permit and final inspection for the 189-square-foot addition to the accessory living quarters and the existing 223-square-foot open patio located on the northeast side of the structure.

As mentioned, in order to clear the permit history of the property, the applicant requests approval of Conditional Use Permit No. 888-11 for an existing accessory living quarters (760 square feet) with an attached carport (360 square feet) and open patio (223 square feet). The applicant confirmed that the property owners understand that accessory living quarters cannot be occupied or rented as a separate dwelling and a kitchen is prohibited (CMC Section 9122.1); staff also advised the applicant and property owner that a 2-car garage could be built



on the property allowing for the designation of the accessory living quarters as a second dwelling unit. The current configuration of buildings allows sufficient room for two separate 1-car garages to be constructed thus meeting the requirement of two enclosed parking spaces serving the second dwelling unit. The property owner does not want to make the investment at this time and requests that the structure continue to be used as an accessory living quarters. The property owner could request a conversion to a legal second dwelling unit subject to approval of a conditional use permit and compliance with parking and other applicable standards.

Existing Site Conditions/Current Use of Property

The 13,734-square-foot subject property is a rectangular-shaped lot that is located on the southeast corner of 220th Street and Dolores Street. The project site is zoned RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay) and has a General Plan land use designation of medium density. The front yard setback is a well-maintained, landscaped area and the driveway entrance is off of Dolores Street which leads to the 2-car garage and the carport (this area is entirely paved). There is a decorative block wall with wrought iron fence around the property.

There are currently two structures on the subject site: a 1,859-square-foot single family dwelling facing 220th Street with an attached 2-car garage and a 760-square-foot accessory living quarter with an attached carport (360 square feet) and a 223-square-foot open patio totaling 1,343 square feet located in the rear of the property. Both structures are architecturally similar in terms of features, materials and colors (stucco exterior painted yellow with white trim and have the same roofing materials). The accessory living quarter's floor area is 760-square-feet and its floor plan consists of a living room, two bedrooms and one bathroom with no kitchen. The entire structure (including the carport and open patio) is 1,343-square-feet. Pursuant to Section 9122.1, accessory living quarters exceeding 500 square feet of floor area is subject to a conditional use permit.

Previous Proposals/Approved Discretionary Permits

There were no discretionary permits found on record.

Public Safety Issues

There is no open code enforcement case associated with this property.

III. Analysis

The accessory living quarters incorporates substantially similar architectural features, building materials and colors as the main dwelling and is compatible with dwellings located on adjacent properties:



Location/Site Characteristics/Existing Development

The project site is located in the southwest portion of the city at the corner of 220th Street and Dolores Street; and regional vehicular access to the subject property is served by the 405 Freeway to the east and the 110 Freeway to the west. It is located in a residential neighborhood of single-family and multi-family homes of six or less units. Most of the homes in the neighborhood were built in the late 1920's to mid-century.

Zoning/General Plan Designation

The subject property as well as the adjacent properties to the east and south are zoned RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay). Additionally, the properties located across 220th Street north of the project site and to the west across Dolores Street are within the same RM-12-D zone. As such, the existing single-family dwelling and accessory living quarters are consistent with the RM-12-D zoning district and the General Plan land use designation of medium density.

Conditional Use Permit No. 888-11

Pursuant to CMC Section 9122.1 – Accessory Living Quarters – a conditional use permit is required for accessory living quarters exceeding five hundred square feet of floor area. Section 9172.21(D) of the Zoning Ordinance requires the Planning Commission, by Resolution, render its approval based on the ability to make affirmative findings concerning the following:

- a. **The proposed use and development will be consistent with the General Plan.**
The subject property consists of one single-family dwelling with an attached 2-car garage and accessory living quarters with an attached carport and open patio which is consistent with the General Plan designation of medium density.
- b. **The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.**
The site is 105' feet wide and 135' deep, rectangular, relatively flat, located adjacent to two major streets, and is adequately served by the existing utilities. As such, there is no significant, foreseeable impact to the existing utilities.
- c. **There will be adequate street access and traffic capacity.**
The subject site is located on the southeast corner of 220th Street and Dolores Street which are two-lane collector streets designed to serve the anticipated capacity for the residential properties adjacent to them. Adequate driveway width and access exists on the west side of the property, which provides appropriate ingress and egress to the existing single-family home and accessory living quarter. The project will not affect or impact the safe circulation of either pedestrians or vehicular traffic.
- d. **There will be adequate water supply for fire protection.**
The accessory living quarters and the primary structure are existing and were permitted; so adequate water supply for fire protection already exists.

e. The proposed use and development will be compatible with the intended character of the area.

The proposed use will not negatively impact the vicinity of the subject site, in terms of parking, traffic, noise and safety. The neighborhood consists of single-family and multi-family residential homes of six units or less. Since the intended character of the area is medium density residential, the existing use is compatible.

f. Such other criteria as are specified for the particular use in other Sections of this chapter.

The proposal conforms to all applicable design standards and guidelines adopted pursuant to Section 9172.15 of the Carson Municipal Code.

Area of Concern:

- No building permits were found for the 198-square-foot increase to the accessory living quarters or the 223-square-foot open patio located on the northeast side of the structure.
- The accessory living quarters could be illegally converted into a second dwelling unit because the room labeled "Bedroom 1" on Sheet A-1.10 of the development plans has exposed gas and water lines.

Suggested Mitigation:

- Obtain a miscellaneous permit and final inspection from Building and Safety to legalize the 198-square-foot addition to the accessory living quarters and the 223-square-foot open patio;
- Option to legally convert the accessory living quarters to a second dwelling unit. The property owner could request a conversion to a legal second unit subject to approval of a conditional use permit and compliance with parking and other applicable standards;
- Confirm that both utility lines are abandoned, obtain the appropriate approvals and permits to cut the exposed, abandoned gas and water lines, place the lines within the wall and get an approved final inspection from the Building and Safety division; and
- Record a deed restriction with the County Recorder's Office clearly identifying the structure as an accessory living quarters that shall not be occupied or rented as a separate dwelling until such time that a conversion to a legal second dwelling unit is approved and the city authorizes removal of the deed restriction.

IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the existing accessory living quarter does not have the potential to cause 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. 888-11 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. 888-11 FOR AN EXISTING 760-SQUARE-FOOT ACCESSORY LIVING QUARTERS WITH AN ATTACHED 360-SQUARE-FOOT CARPORT AND AN ATTACHED 223-SQUARE-FOOT OPEN PATIO TOTALING 1,343 SQUARE FEET TO A PROPERTY LOCATED AT 302 EAST 220TH STREET"

VI. Exhibits

1. Site Map
2. Draft Resolution
3. Development Plans (submitted under separate cover)

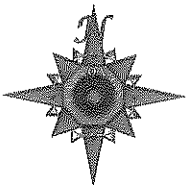
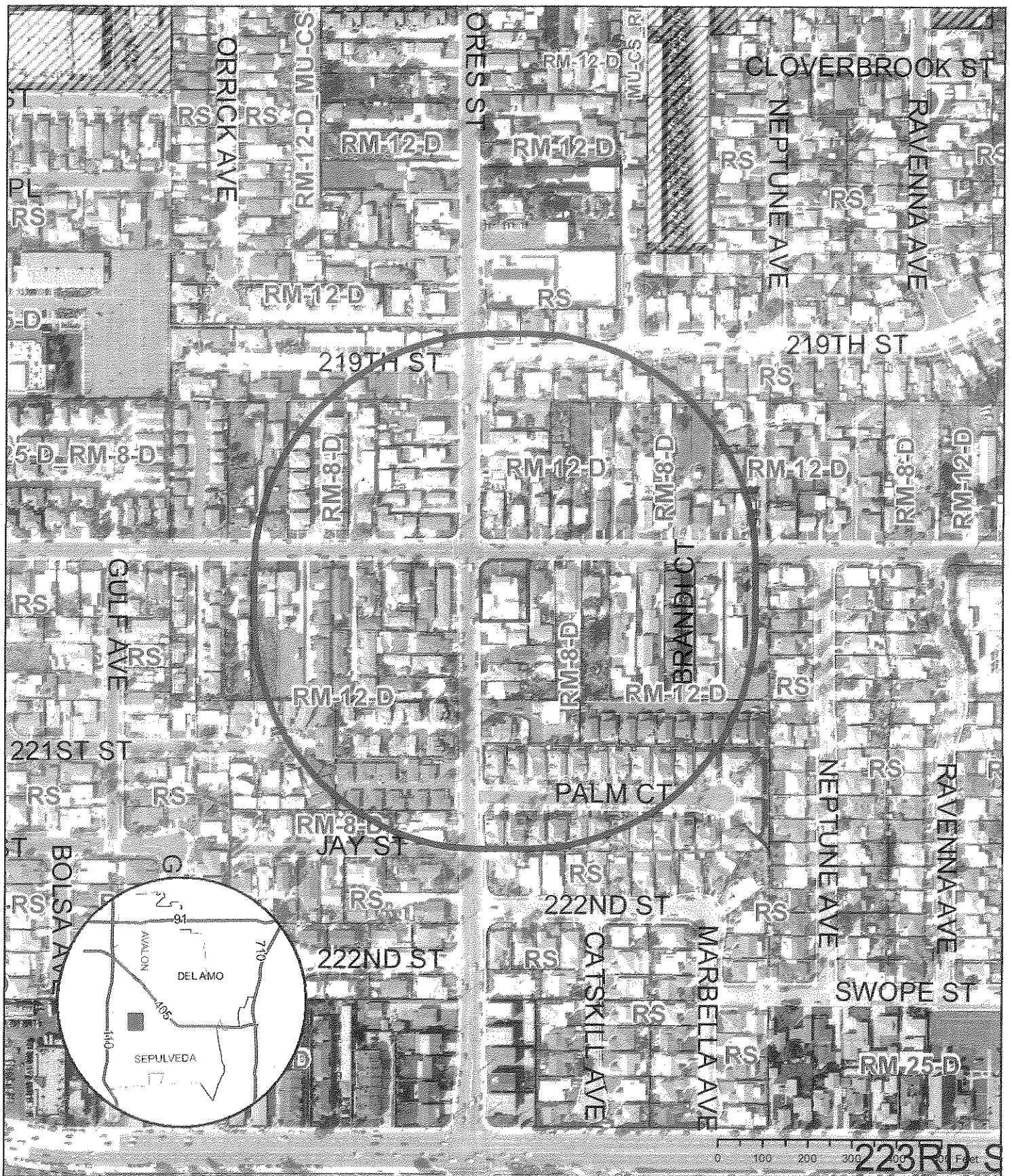
Prepared by:


McKina/Alexander, Planning Technician

Approved by:


Sheri Repp-Loadsmen, Planning Officer





City of Carson
500 Foot Radius Map
302 E 220 St

EXHIBIT NO. 1 -



CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 12-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 888-11 FOR AN EXISTING 760-SQUARE-FOOT ACCESSORY LIVING QUARTER WITH AN ATTACHED 360-SQUARE-FOOT CARPORT AND A 223-SQUARE-FOOT OPEN PATIO TOTALING 1,343 SQUARE FEET LOCATED AT 302 EAST 220TH STREET

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

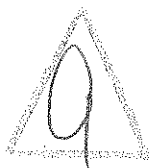
Section 1. An application was duly filed by the applicant, Scott Nollner on behalf of property owners Mahaboob K. Durrani and Humera Munwar, with respect to real property located at 302 East 220th Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 888-11 for an accessory living quarter with an attached carport and open patio located on a 0.31-acre lot in the RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay) zoning district. The 760-square-foot accessory living quarter's floor area consists of two bedrooms, one bathroom and a living room with no kitchen. There is a carport (13'-8" x 25'-11") and an open patio (20'-3" x 11'-0") attached to the accessory living quarter totaling 1,343 square feet. The structure is located behind the primary house and was legally built in 2006 after the adoption of Ordinance No. 03-1290 in 2003, which requires a conditional use permit for accessory living quarters exceeding 500-square-feet.

The Planning Commission public hearing was originally scheduled for February 28, 2012, but was continued to March 13, 2012. A public hearing was duly held on March 13, 2012, 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 9172.21, Conditional Use Permit, the Planning Commission finds that:

- a) The General Plan Land Use designation for the subject property is Medium Density, of which the existing zoning of RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay) is compatible.
- b) 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.
- c) The site is 105 feet wide and 135 feet deep, rectangular, relatively flat, located adjacent to major streets, and is adequately served by existing utilities. The use and development will not significantly impact the existing utilities' capacity to serve the use.



- d) The surrounding properties are developed with single-family and multi-family residential homes which were mostly built from the early 1920's to the mid-century. The existing accessory living quarter was built with similar architectural features, building materials and colors as the main dwelling unit and 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.
- e) There is a cement walkway from the sidewalk to the front house. An existing driveway on Dolores Street provides access to the house and the accessory living quarter. There is adequate maneuvering space on the subject lot to allow for cars to safely leave the carport and garage (can turn around on-site) and exit the property.
- f) The property will not generate significant adverse parking impacts to the adjacent public street due to appropriate, existing parking areas on-site and with implementation of conditions of approval contained in Exhibit "B" of this Resolution.
- g) A condition has been included to require recordation of a deed restriction with the County Recorder's Office clearly identifying the structure as an accessory living quarters that shall not be occupied or rented as a separate dwelling until such time that a conversion to a legal second dwelling unit is approved and the city authorizes removal of the deed restriction. The deed restriction shall be recorded at the County Recorder's Office within 30 days after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.
- h) The building permit records show that a final inspection for the two-car garage, the guest house and carport was conducted and approved by Building and Safety, but did not provide for an addition to the accessory living quarters (the floor area increased from a 562-square-foot to 760-square-feet) or the open patio located on the northeast side of the structure. As such, a condition has been included to require the property owner to obtain a miscellaneous permit and an approved final inspection from Building and Safety to legalize the 198-square-foot addition to the accessory living quarters and the attached 223-square-foot open patio located on the northeast side of the structure.
- i) Approval by the Planning Division and issuance of appropriate building permits if applicable are required for any future alterations, expansions or repairs.
- j) There are no signs intended for the subject property.
- k) 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.
- l) The existing accessory living quarter 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 existing accessory living quarters will not have a significant effect on the environment, will not alter the predominantly single-family and multi-family residential 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. 888-11 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 13th DAY OF MARCH, 2012.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

DESCRIPTION: THE LAND REFERRED TO HEREIN IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE WEST 105 FEET OF THE NORTH 135 FEET OF LOT 27 OF TRACT 2982, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 35, PAGE(S) 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

A.P.N. NO.: 7335-021-018



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONAL USE PERMIT NO. 888-11

GENERAL CONDITIONS

1. The accessory living quarter cannot be occupied or rented as a separate dwelling unit and a kitchen is prohibited; unless a conversion to a legal second dwelling unit is approved subject to a conditional use permit and compliance with parking and other applicable standards.
2. Obtain a miscellaneous permit and final inspection from Building and Safety for the 198-square-foot addition to the accessory living quarter and to legalize the attached 223-square-foot open patio located on the northeast side of the structure.
3. Obtain the appropriate approvals and permits to cut the exposed, abandoned gas and water lines, place the lines within the wall and get an approved final inspection from the Building and Safety department.
4. Record a deed restriction with the County Recorder's Office clearly identifying the structure as an accessory living quarter that shall not be occupied or rented as a separate dwelling until such time that a conversion to a legal second dwelling unit is approved and the city authorizes removal of the deed restriction.
5. The deed restriction shall be recorded at the County Recorder's Office within 30 days after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division
6. 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.
7. Approval by the Planning division and issuance of appropriate building permits, if applicable, are required for any future alterations, expansions or repairs.
8. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
9. 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 by the Planning Commission.

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10. The applicant and the 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.
11. 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 and submitted to Planning division.
12. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
13. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
14. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
15. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review (DOR) No. 1304-09 and Conditional Use Permit (CUP) No. 720-09. 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.

PARKING

16. Designated parking shall meet all applicable standards as outlined in the City of Carson development standards. No expansions, additions, or landscaping shall be constructed that precludes or prevents on-site parking.

17. All parking areas and driveways shall remain clear to facilitate automobile parking and access. No encroachment into parking areas and/or driveways shall be permitted.

FENCES/WALLS

18. Any wall or fence located in the required front yard setback shall have a height not to exceed 42 inches, pursuant to Section 9126.23 of the CMC.

BUILDING AND SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

20. There shall be no storage allowed within any required building setback yard area to promote fire safety.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

21. A construction permit is required for any work to be done in the public right-of-way.
22. Any city-owned improvements damaged during construction shall be removed and reconstructed per the City of Carson Standard plan and to the satisfaction of the City Engineer.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

23. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.