



# **CITY OF CARSON**

## **PLANNING COMMISSION STAFF REPORT**

**PUBLIC HEARING:** March 22, 2016

**SUBJECT:** Conditional Use Permit No. 1007-16

**APPLICANT:** Poura Investments LLC  
9854 National Blvd, Unit 310  
701 E. Carson Street  
Los Angeles, California, 90034

**REQUEST:** Consider approval of a second dwelling within the Single-Family Residential (RS) to bring the dwellings into CMC compliance

**PROPERTY INVOLVED:** 436 E. Pacific Street, APN 7406009007

---

### **COMMISSION ACTION**

<b>AYE</b>	<b>NO</b>		<b>AYE</b>	<b>NO</b>	
		<b>Chairman Diaz</b>			<b>Mitoma</b>
		<b>Vice-Chair Madrigal</b>			<b>Pimentel</b>
		<b>Andrews</b>			<b>Post</b>
		<b>Fe'esago, Jr.</b>			<b>Thomas</b>
		<b>Guidry</b>			<b>Cinco, Palmer</b>

## I. **Introduction**

### *Property Owner:*

Poura Investments LLC, 9854 National Blvd, Los Angeles, CA 90034

### *Applicant*

Same as property owner

### *Project Address*

436 E. Pacific Street, APN 7406-009-007

### *Applicant's Request*

The proposed project is for a conditional use permit approval for an existing second single-family dwelling in the RS (Residential, Single-Family) zone to bring into compliance with the Carson Municipal Code.

## II. **Background**

### *Project Site and Surrounding Land Uses*

The project site is located on the south side of Pacific Street west of Fries Avenue. The site is surrounded by residential uses.

Site Information	
Existing General Plan Land Use Designation	Low Density Residential
Existing Zone District	RS (Residential, Single-Family)
Site Size	0.14 acres
Present Use and Development	2 existing single-family dwellings
Surrounding Uses/Zoning	North: Residential, RS zoning South: Residential, RS zoning East: Residential, RS zoning West: Residential, RS zoning
Access	Ingress/Egress: E. Pacific Street

### *Public Safety Issues*

There are no open Code Enforcement cases on the subject property.

### *Project Description*

### **III. Analysis and Discussion**

#### **Uses**

The site has two existing single family dwellings, the main dwelling has 800-square-feet and the rear dwelling has 790-square-feet with a 73-square-foot front porch.

The applicant/owner obtained a demolition permit for 199-square-foot illegal patio addition and building permits to remodel electrical/plumbing fixtures, water heaters, roofing, exterior stucco, windows and interior living areas in compliance with the Carson Building Code.

The applicant/owner complied with CMC Section 9182.3 (Nonconforming Residential Density) that identifies that the Planning Commission shall require as a condition precedent to the continued use of the property under the conditional use permit, that a report be submitted which shall provide and include plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. There were no serious health and safety concerns noted on the property inspection report.

The proposed project complies with the CMC Section 9122.8 (Second Dwelling Units) which provides for the City to set standards for the development of second dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the surrounding RS (Residential, Single-Family) neighborhoods.

#### **Access and Parking**

Access to the project site is via East Pacific Street a local street. The project site is developed with one (1) car garage for the main dwelling. The project site complies with CMC Section 9182.41 F. (Site Development Nonconformities), lawfully established site development with a parking nonconformity are allowed to continue indefinitely, except that an addition to a dwelling may be made without making the parking conforming provided the number of dwelling units is not increased and the addition does not occupy the only available space on the lot which could be used to meet the parking requirement. No additions are proposed for this second dwelling.

#### **Lot Merger**

The property's parcel contains two lots and the center lot line traverses the existing houses. Therefore, the applicant/owner will file a "lot-merger" application to merger the lots.

### **IV. Environmental Review**

Pursuant to Section 15301 (a), Existing Facilities, the project is exempt from CEQA, since the project will not have a significant effect on the environment.

#### **Public Notice**

Notices were mailed to property owners within 500 feet by November 10, 2016.

**V. Recommendation**

That the Planning Commission:

- **APPROVE** a CEQA Categorical Exemption for said project;
- **WAIVE** further reading and **ADOPT** Resolution No. 16-\_\_\_, APPROVING CONDITIONAL USE PERMIT NO. 1007-16 FOR A SECOND SINGLE FAMILY DWELLING IN THE RS (RESIDENTIAL, SINGLE-FAMILY) ZONE FOR PROPERTY LOCATED AT 436 E. PACIFIC STREET and APN 7406-009-007.”

**VI. Exhibits**

1. Draft Resolution
2. Zoning Map
3. Development plans

Prepared by: Zak Gonzalez II, Associate Planner

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 16-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT  
NO. 1007-16 FOR AN EXISTING SECOND DWELLING UNIT FOR  
A PROPERTY LOCATED AT 436 E. PACIFIC 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, Poura Investments LLC, with respect to real property located at 436 E. Pacific Street, 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. The main unit is 800-square-feet and is located in the front of the property. The 790-square-foot second dwelling unit is located in the rear of the property. The existing second dwelling unit was legally permitted prior to the adoption of Ordinance No. 03-1290 in 2003, which requires a conditional use permit for legal nonconforming second dwelling units that do not meet the development standards in Section 9125.6 of the Carson Municipal Code (CMC).

A public hearing was duly held on November 22, 2016, at 6:30 P.M. at City Hall, Helen Kawagoe 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 second dwelling unit meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. 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. 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. The property is legal nonconforming with respect to side yard setbacks, and off-street parking requirements, but is allowed to continue since the nonconformities were legally established and do not pose a health, safety or welfare concern. The second dwelling unit is compatible with existing development in the neighborhood.
- c) The property will not generate or intensify nonconformities with the implementation of conditions of approval. The conditions of approval contained in Exhibit "B" of this Resolution restrict future expansions and/or additions to the site unless site development standards are met
- d) The size, shape, and topography of the site are similar in nature to the other adjacent and surrounding residential properties with legal second dwelling units.

**EXHIBIT NO. 1 -**



The parking nonconformity is allowed to continue indefinitely with approval of the Conditional Use Permit.

- e) The neighborhood is developed and adequate water supply and other utilities are provided.
- f) 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.
- g) 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 second dwelling unit will not have a significant effect on the environment. The second dwelling unit 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 Conditional Use Permit No. 1007-16 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 22<sup>th</sup> DAY OF NOVEMBER, 2016.**

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

**ATTEST:**

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

ZG/c1007-16-15\_112216



## **Exhibit "A"**

### **Legal Description:**

**Lot 33 and 34 in Block 10 of Tract TR 1723, of the Factory Center, in the City of Carson, County of Los Angeles, State of California, per map recorded in Book 23, Pages 18 and 19, of Maps in the office of the Los Angeles County Recorder.**

**Commonly known as: 436 and 436 1/2 East Pacific Street, Carson, CA 90745**



**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 1007-16**

**GENERAL CONDITIONS**

1. If a building permit for Conditional Use Permit No. 1007-16 is not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. 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.
3. 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, if applicable.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. 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. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
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. 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.
8. 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.

9. 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.
10. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development agreement, which shall govern over any conflicting provisions of any other approval.
11. City Approvals. All approvals by City, unless otherwise specified shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. The Indemnification. 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, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 1007-16. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.
13. 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. The deficiencies described in the inspection report shall be eliminated or mitigated within 120 days of this approval to the satisfaction of the Planning Division. An extension of time to complete necessary corrective measures may be granted for up to an additional 120 days, subject to the discretion of the Planning Division.
14. Per Carson Municipal Code Section 9125.6.8 (L)(1), 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 conditional use permit;



- c. Any expansion/addition of the secondary unit or primary unit is restricted unless site development requirements can be satisfied;
  - d. The garage cannot be used as a dwelling unit; and
  - e. 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.
- 15. The deed restriction shall be reviewed and approved by the Planning Division and shall be recorded at the County Recorder's Office within 120 days after this approval. Proof of recordation shall be furnished to the Planning Division.
- 16. The driveway leading to the garage shall remain clear, except for automobiles, to facilitate automobile parking and access.
- 17. All exterior walls and exterior improvements must be consistent in using the same finishing materials and colors.

### **BUILDING & SAFETY**

- 18. All building improvements shall comply with City of Carson Building and Safety Division requirements.

### **FIRE DEPARTMENT - COUNTY OF LOS ANGELES**

- 19. All requirements by the Los Angeles County Fire Department shall be met.
- 20. There shall be no storage allowed within any required building setback yard area to promote fire safety.

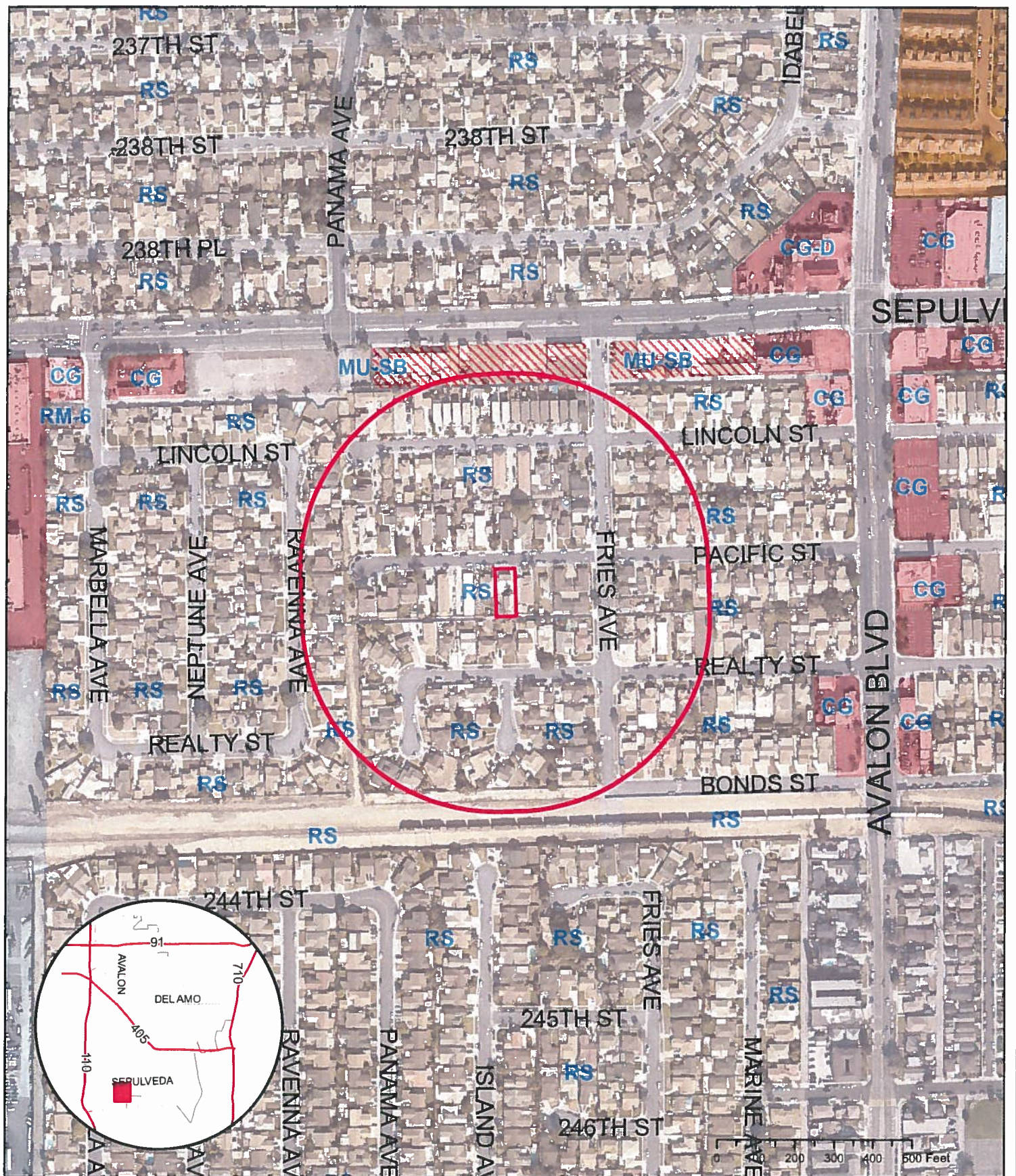
### **ENGINEERING SERVICES**

- 21. The proposed project will require the filing of "lot-merger" application for processing by the Public Works Engineering Division.

### **BUSINESS LICENSE DEPARTMENT - CITY OF CARSON**

- 22. All parties involved in the subject project located at 436 E. Pacific Street including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.





City of Carson EXHIBIT NO. 2 -  
500 Foot Radius Map  
436 E. Pacific St.



Date Printed: Wednesday, November 02, 2016  
K:\Address\213b\_S\537\CUP92112\ZoningMap2.mxd

**SCALE: 1/8"=1'-0"**



## LEGEND



ADDRESS: 436 E PACIFIC ST  
APN: 7406-009-007  
TRACT 15 436

### PARCEL LEGAL DESCRIPTION

BLOCK: 10  
LOT: 33, 34  
ARB.:  
ZONING:

NET LOT SIZE IS: 6,167 SQ. FT.

(E) DWELLING UNIT # 1 : 800 SQ. FT.  
(E) 1-CAR GARAGE : 210 SQ. FT.

(E) DWELLING UNIT # 2 :	790 SQ. FT.
(E) PORCH:	73 SQ. FT.

TOTAL DWELLING AREA:	1,590 SQ. FT.
LOT COVERAGE:	1,873 SQ. FT.
COVERAGE:	30.4 %

## PROJECT SUMMARY

2015 California Building Code based on 2012 International Building Code with City of Chula Vista Amendments:

2015 California Building Code	SECTION 05110
2015 California Building Code	SECTION 05120
2015 California Mechanical Code	SECTION 05130
2015 California Plumbing Code	SECTION 05140
2015 California Electrical Code	SECTION 05150

LUMBER USE DOUBLE FLR LATCH NO.2 OR BETTER UNLESS OTHERWISE SPECIFIED:

WOOD PRESERVATION: DQ1'S #1/TS:	DP #2
#1 X 1 X 12 TYPICAL DIMENSIONS: MEMBERS:	DP #1
# POSTS AND TIMBER:	DP #1

PLYWOOD:

- ALL PLYWOOD SHALL CONFORM TO U.S PRODUCT
- STANDARD: ALL DQ1'S (20 DQ1'S) USE TYPE I OR C (CEMENT FIBER BOARD) (NOT TO < 250 mil)
- FOUNDATIONS: AS NOTED
- ANCHOR BOLTS: ASTM A307
- STEEL REINFC: #4 OR SMALLER (GRADE 40, DEFORMED) ASTM A-615 PER SPEC. STANDARDS.

SOIL ALLOWABLE BEARING CAPACITY: 1000 PSF

EXPOSED TO WEATHER SHALL BE TREATED PER

ONE OF THE FOLLOWING: (1) ALL WOOD AND STEEL SHALL BE PROTECTED WITH AN

#1 SHIPSON SET 2P:	LUMR #25744 / ICC-ES ESR-2026
#2 SHIPSON SET 2P:	LUMR #25744 / ICC-ES ESR-2026
#1 HTI 1/2" DIA. 900 S1:	LUMR #25740 / ICC-ES ESR-2222

SPECIAL INSPECTIONS IS REQUIRED BY CHIC. 1701

FOR SHIPSON EXPOSED SET HOLDOWN BOLTS TO PREVENT

FOR SHIPSON CONNECTIONS TO BE HOLDOWN BOLTS TO PREVENT

## DESIGN CRITERIA

OWNER:  
POURA INVESTMENTS  
LLC

JOB NO: 16121

PROJECT LOCATION:  
438 E PACIFIC ST  
CARSON CA  
90745-5929

No.	Revision/Issue	Date

**GENERAL NOTE:**  
THESE PLANS AND ANY ATTACHED DOCUMENTS ARE WORK AND PROPERTY OF GM PLANS. THE DUPLICATION AND USE OF THESE DOCUMENTS SHALL BE DONE ONLY WITH AN AGREEMENT AND WRITTEN CONSENT FROM GM PLANS AND SHALL BE PERSUANT TO APPLICABLE LAWS. ANY ALTERATIONS OF THESE DOCUMENTS SHALL VOID THEIR USE IF NOT DONE WITH PERMISSION FROM THE GM PLANS.

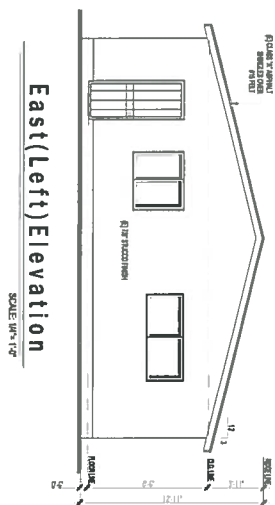
**GM**  
PLANS  
8949 LANGDON AVE.,  
NORTH HILLS, CA 91343  
(818) 602-2334

EXHIBIT NO. 3 -

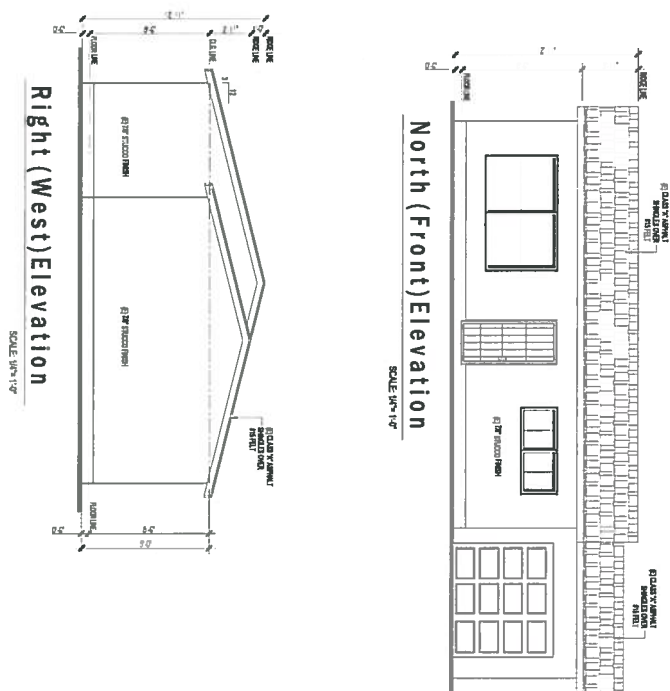
12

**LEGEND**

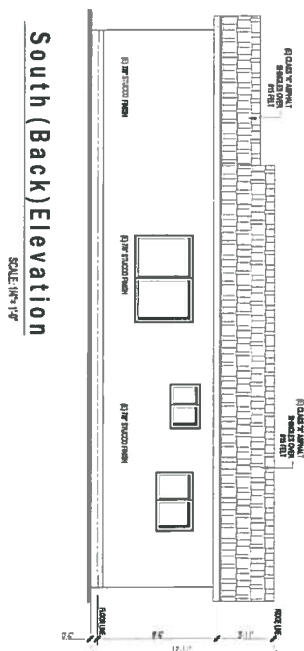
	PA 224 STUD WALL
	WPA & PLYTH (3) DOOR OR ROOM
	ARMING (3) WALL, WOOD, OR DOOR
	(3) WALL TO REMAIN



East(Left)Elevation



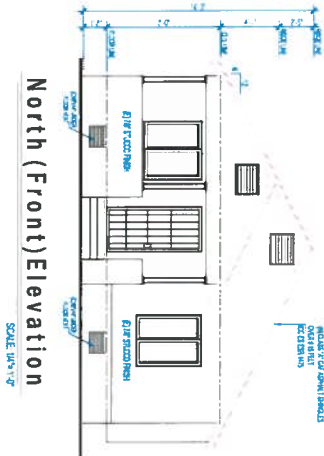
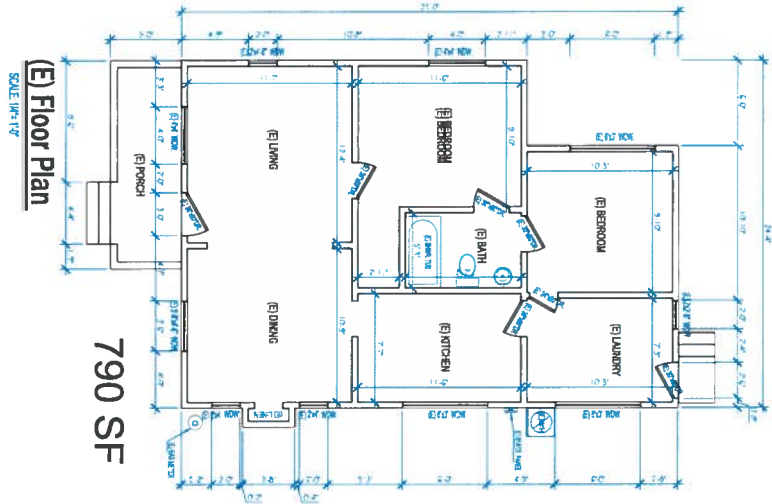
North (Front) Elevation



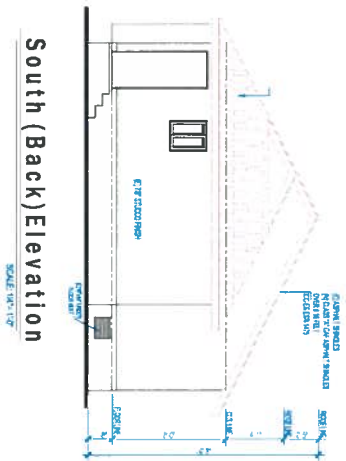
### South (Back) Elevation



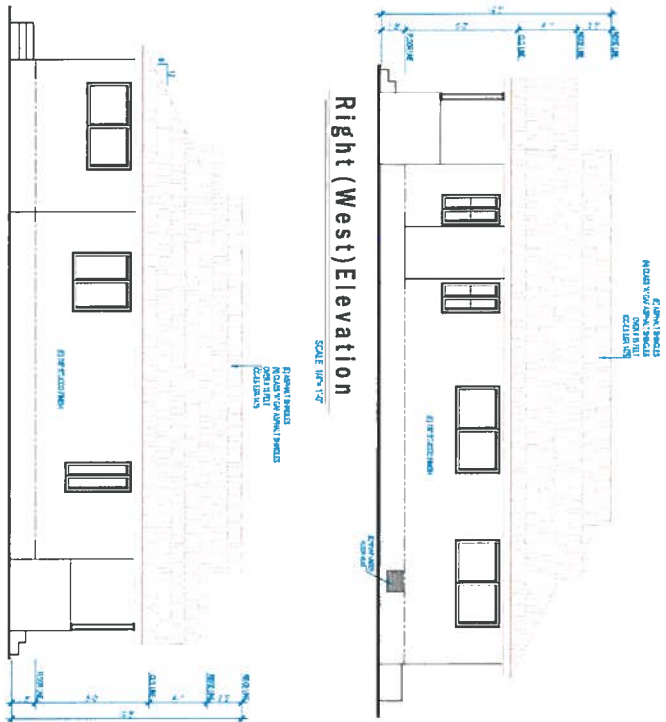
# (E) UNIT 2 #436



## East (Left) Elevation

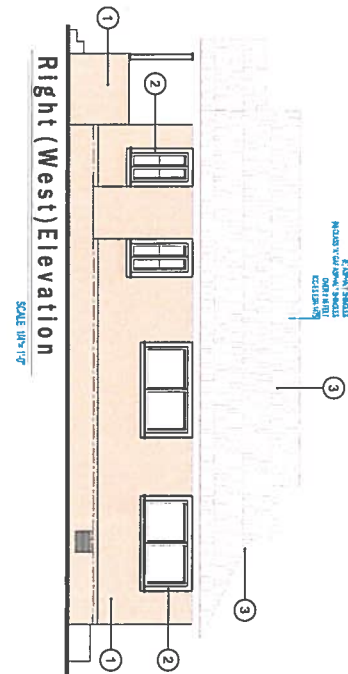
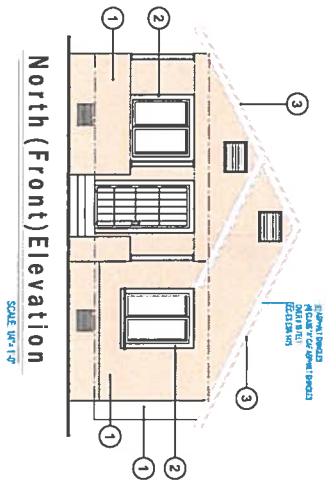


## Right (West) Elevation



(E) UNIT 2 #436

COLOR ELEVATIONS &  
MATERIALS SPECIFICATIONS



EXTERIOR WALLS NOTE:  
All wall coverings shall be suitably fastened in accordance with Table 6103 or with other approved fasteners, including metal pins, bolts, or other approved corrosion-resistant fasteners. (CMC 6103.4)

MATERIALS BOARD		
NO.	MANUFACTURER	COLOR
1	Stucco	71 Miami Peach (1) Base 100
2	Clear Finish Joint Primed Pine Wood	Base 100
3	GAF ASPHALT SHINGLES	Royal Sovereign Shingles Harvest Brown

