



City of Carson Report to Mayor and City Council

September 7, 2010
New Business Consent

SUBJECT: CONSIDER BOND RELEASE FOR TRACT MAP NO. 53751: 418 W. 223RD STREET

Submitted by M. Victor Rollinger
Development Services General Manager

Approved by Jerome G. Groomes
City Manager

I. SUMMARY

The construction of road improvements and the installation of trees for Tentative Tract Map No. 53751 have been completed in compliance with approved plans and specifications and in a manner satisfactory to the City Engineer. Tentative Tract Map No. 53751 allowed the development of a six-unit condominium on a 0.4-acre site located at 418 W. 223rd Street (Exhibit No. 1), a subdivision by Jose Navarro. On October 11, 2005, the Planning Commission approved Tentative Tract Map No. 53751 (Exhibit No. 2). The developer requests the release of the Surety Bonds to reflect the completed work. Staff recommends that the City Council approve the work as complete and authorize staff to release the Surety Bonds in the amount of \$61,500.00 for Tentative Tract Map No. 53751.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE the work as complete.
2. AUTHORIZE the release of the Surety Bonds for the work that has been completed in the amount of \$61,500.00 for Tentative Tract Map No. 53751.
3. INSTRUCT the City Clerk to send a copy of the City Council action to the principal and surety.

III. ALTERNATIVES

DO NOT APPROVE the release of the bonds. However, it is common procedure to release the bonds once the work is completed and accepted.

IV. BACKGROUND

On October 11, 2005, the Planning Commission approved Tentative Tract Map No. 53751 for the development of a six-unit condominium on a 0.4-acre site located at 418 W. 223rd Street. The development was constructed, but the applicant did not proceed with finalizing the subdivision map. The applicant, Mr. Jose Navarro, requested staff to modify his application for development of

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the six-unit condominium to a six-unit apartment development "due to the poor economy." On June 9, 2009, the Planning Commission approved the request for modification (Exhibit No. 3). Per the Carson Municipal Code, apartment developments are not subject to stricter condominium requirements. Originally constructed as condominiums, Planning Department staff believes the current development will meet and exceed all requirements as apartment units. If approved as apartments, the applicant, in the future, may convert the units into condominiums subject to Planning Commission approval.

The total of the bonds posted for the required improvements was \$61,500.00. The Faithful Performance Bond authorized for release is comprised of the \$40,000.00 for road improvements and \$1,500.00 for the installation of trees. The Labor and Materials Bond authorized for release is \$20,000.00 for road improvements.

The required road improvements and tree installation for Tentative Tract Map No. 53751 have been completed by the applicant and inspected by city inspectors.

The developer has now requested that the City of Carson release the Surety Bonds for the completed work. The city Engineering Services staff recommends their release.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. Location Map. (pg. 4)
- 2. Minutes, October 11, 2005, Item No. 11. (pgs. 5-7)
- 3. Minutes, June 9, 2009, Item No. 12. (pg. 8)

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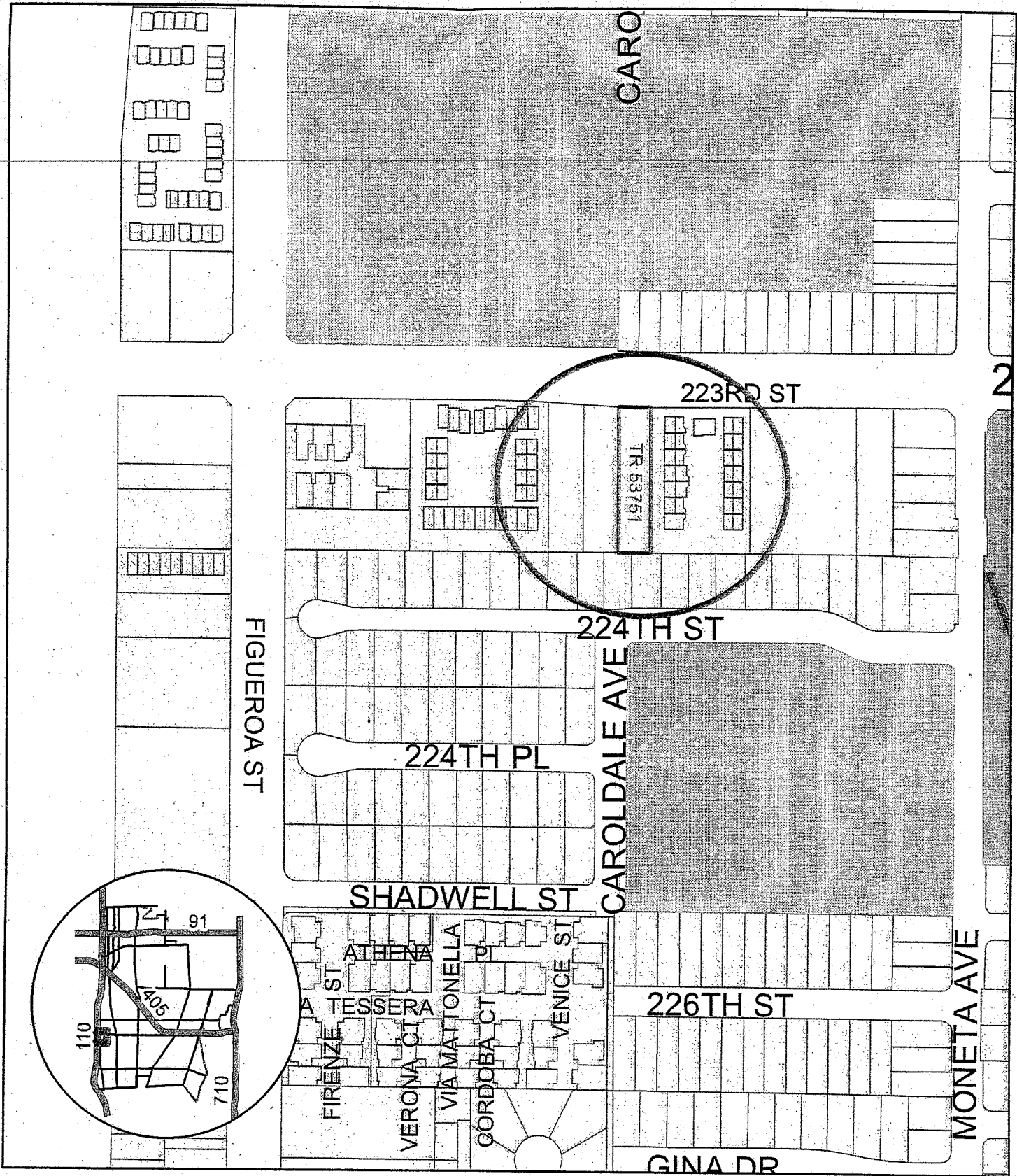
Prepared by: Raymond Velasco, PE, Associate Civil Engineer

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Reviewed by:

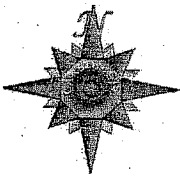
City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council	
Date _____	Action _____



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MONETA AVE



Location Map
 Tract Map No. 53751
 418 W 223RD ST



EXHIBIT NO. 1

11. PUBLIC HEARING

C) Design Overlay Review No. 893-05; Conditional Use Permit No. 591-05; and Tentative Parcel Map No. 53751

Applicant's Request:

The applicant, Draftch Design Company, is requesting to construct a six-unit (6) condominium development within the RM-18-D (Residential, Multi-family – eighteen (18) units per acre; Design Overlay) Zoned district. The property is located at 418 West 223rd Street.

Staff Report:

Assistant Planner Castillo reviewed staff report (of record).

Staff Recommendation:

- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 893-05, Conditional Use Permit No. 591-05 and Tentative Tract Map No. 53751."

Vice-Chairman Pulido requested that from time to time, a copy of recently approved homeowner association CC&R's be provided to the Planning Commission so that the Commission can get a grasp of what's routinely included/required in these documents.

Chairperson Cottrell opened the public hearing.

Celina Martinez, representing the applicant, noted her concurrence with the conditions of approval.

Bill Davis, 421 West 224th Street, Carson, advised that his home is located immediately south of this project; and addressed his concerns with losing the privacy of his backyard. He stated that he is not opposed to a project being built on this site, but explained that a multi-level building would allow people to peer into his living room and back bedrooms. He added that he has a built-in swimming pool and expressed his great concern that there be enough of a separation between the playground equipment/gazebo and the back wall so that the children playing in the tot lot are not able to climb over the wall and enter his backyard, reiterating he has a built-in swimming pool. He addressed his concern with the potential for this liability.

For the benefit of the Davis', Assistant Planner Castillo highlighted the areas of concern on the site plan.

Referring to the floor plans, Senior Planner Scully explained that there is a significant rear yard setback, approximately 26 feet; pointed out that the second story has one window looking over the stairwell facing the back; and that the third story window is located at the hallway of the rear unit.



Mrs. Davis reiterated her husband's concern for children climbing over the rear wall into their yard.

Commissioner Verrett suggested using obscured glass on the windows facing the Davis' backyard.

Ms. Martinez stated that the applicant would be amenable to providing obscured glass on the windows facing the Davis' backyard.

Senior Planner Scully advised that the Planning Commission does have the authority, through the subdivision process, to require a higher than 6-foot wall, with a maximum up to 8 feet high. He added that because of structural requirements, a new wall would have to be constructed if the Planning Commission requires the wall to be higher than 6 feet; and he mentioned that this would not require a variance.

Commissioner Diaz noted his support of utilizing obscured glass for the rear windows; and suggested that the rear windows be raised higher so that it does not affect the Davis' privacy.

Commissioner Hudson suggested amending Condition No. 57 to include the words "second and third story windows."

Assistant City Attorney Galante suggested altering the language in Condition No. 57 as follows: "The size, location, and composition of the second and third story windows shall be designed to minimize visibility into and from adjoining properties."

Commissioner Diaz suggested that the windows be raised to a higher level, making it more difficult for one to comfortably stand at the window and gaze into the backyards of the rear properties.

Senior Planner Scully advised that the gazebo is located 10 feet away from the back wall, far enough away from the wall to lessen any concern.

Mr. Davis expressed his belief that as long as the wall is 6 feet high from grade on the project side, that height should be adequate enough to keep the children from coming into his backyard.

Senior Planner Scully pointed out that from his understanding, the applicant and the Davis' seem to be in concurrence with the adequate height of the rear 6-foot wall; that there is consensus from all that the rear windows shall be obscured glass and that the windows be raised to a higher level to decrease the opportunity for one to gaze out the rear windows into the rear yards of the neighbors. He stated that staff will be applying these recommendations based on the Commission's comments this evening. He added that the wall shall be no less than 6 feet high from grade on the project side.

Ms. Martinez stated that the applicant will make sure the wall is 6 feet from the applicant's grade.



Assistant City Attorney Galante reiterated his recommendation to amend Condition No. 57 as follows: "The size, location, and composition of the second and third story windows shall be designed to minimize visibility into and from adjoining properties."

There being no further input, Chairperson Cottrell closed the public hearing.

Planning Commission Decision:

Vice-Chairman Pulido moved, seconded by Commissioner Faletogo, to concur with staff's recommendation; moved to amend Condition of Approval No. 57, "The size, locations, and composition of the second and third story windows shall be designed to minimize visibility into and from adjoining properties"; and moved to adopt Resolution No. 05-2055. Motion unanimously carried.

12. NEW BUSINESS DISCUSSION

B) Modification to Design Overlay Review No. 893-05 and Conditional Use Permit No. 591-05

Applicant's Request:

The applicant, Jose Navarro, is requesting to convert a six-unit (6) condominium development into a six-unit (6) apartment development located within the RM-18-D (Residential, Multi-family – eighteen (18) units per acre; Design Overlay) zoning district. The subject property is located at 418 West 223rd Street.

Staff's Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to ADOPT a Minute Resolution and instruct staff to make necessary changes to Resolution No. 05-2055; and APPROVE the Modification to Design Overlay Review No. 893-05, Conditional Use Permit No. 591-05 and Tentative Tract Map No. 53751 by amending and deleting Section 4 of Resolution No. 05-2055, and amending Condition Nos. 65, 126, 130 and 134 and deleting Condition Nos. 1 to 48, 100 to 103, 131 and 132.

Chairman Faleto go opened the public hearing.

Jose Navarro, applicant, explained that due to the poor economy, it is necessary for him to convert these units into apartments.

There being no further input, Chairman Faleto go closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Verrett, to approve the applicant's request by Minute Resolution. Motion unanimously carried.

