



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: April 10, 2007

SUBJECT: Conditional Use Permit No. 631-06  
Tentative Tract Map No. 67934

APPLICANT: Mike Bihn for Terracina Investment, LLC  
1456 18<sup>th</sup> Street  
San Pedro, CA 90732

REQUEST: Subdivision of one parcel for the conversion of an existing eight unit apartment complex into an eight unit condominium project. The subject property is located within the RM-25-D (Residential, Multifamily - Design Overlay District) zone and has a General Plan designation of High Density.

PROPERTY INVOLVED: 157 W. 223rd Street

### COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		<b>Cottrell – Chairperson</b>			<b>Saenz</b>
		<b>Pulido – Vice-Chair</b>			<b>Tyus</b>
		<b>Faletogo</b>			<b>Verrett</b>
		<b>Graber</b>			<b>Wilson</b>
		<b>Hudson</b>			

***Item No.***

## **I. Introduction**

The applicant, Mike Bihn, on behalf of the property owner, Terracina Investment, LLC, is proposing to subdivide one parcel for the conversion of an existing eight unit apartment complex into an eight unit condominium project. The subject property is located within the RM-25-D (Residential, Multifamily – 25 du/ac - Design Overlay) zone, with a General Plan designation of High Density Residential and is located within Redevelopment Project Area No. 4.

Pursuant to Section 9172.21 of the Carson Municipal Code (CMC), a Conditional Use Permit is required by the Planning Commission for residential condominiums and a tentative tract map is also required for division of airspace for the proposed eight condominium units.

## **II. Background**

The subject site is located on the north side of West 223rd Street, between Main Street to the east and Moneta Avenue to the west. The site consists of one parcel, totaling 18,200 square feet. There is an existing eight unit attached apartment complex on site which was built in 1987. The apartment complex contains four one-bedroom, one-bath units and four two-bedroom, two-bath units which are all currently rented. The site is surrounded by multiple family dwelling units to the west, south and east, and there are single family residences to the north. The properties to the west and east are zoned RM-25-D (Residential, Multifamily – 25 du/ac – Design Overlay); to the south the properties are zoned RM-18-D (Residential, Multifamily – 18 du/ac – Design Overlay); and the properties to the north are zoned RS (Residential, Single-Family).

## **III. Project Description**

The eight unit apartment structure consists of wood framing with light tan color stucco exterior, clay tile roofing, dark brown wood trim, sliding windows and patio doors, individual ground level and deck patios and eight, two-car garages with four guest parking spaces. The site is surrounded by an existing six foot high concrete masonry wall to the east, north and at the west, dropping down to five feet in height. The site contains lush landscaping consisting of sod, mature trees, shrubs and vines. There is a concrete walkway accessible from 223<sup>rd</sup> Street and from the driveway area leading into the individual units. The two-bedroom, second story unit nos. 3, 4, 7 and 8 are all accessible via a staircase located in the center of the structure. There is a six by nine foot communal laundry facility, with two washers and two dryers, with attached water heater.

There is ample private open space and private storage space as required by the CMC. There are common landscaped areas throughout the site and there is one central trash enclosure unit located on the east side of the property. There is one guest parking space per unit. One of the guest parking spaces is currently enclosed and attached to a two-car garage located at the rear of the property. A condition will

be imposed requiring that the owner convert this space into a carport for guest parking or demolish the one-car structure. All guest parking spaces shall be marked "guest parking".

**BUILDING AREA AND PARKING**

<b>Model</b>	<b>Number of Units</b>	<b>Plan Type</b>	<b>Living Area</b>	<b>Parking Per Unit</b>
<b>1 &amp; 6</b>	1 each	1 Bdrm/ 1 Bath	596 s.f.	2 Covered + 1 Guest
<b>2 &amp; 5</b>	1 each	1 Bdrm/ 1 Bath	604 s.f.	2 Covered + 1 Guest
<b>3 &amp; 8</b>	1 each	2 Bdrm/ 2 Bath	891 s.f.	2 Covered + 1 Guest
<b>4 &amp; 7</b>	1 each	2 Bdrm/ 2 Bath	951 s.f.	2 Covered + 1 Guest

The project meets the specialized standards for residential condominium developments including private open space (150 square feet minimum); one 30-inch box tree per unit; and private storage space (200 cubic feet). Each unit will have separation of utility meters, with the exception of water. There shall be one water meter and maintenance and billing of individual units shall be described within the CC&Rs.

With the exception of the interior garage dimensions, the project meets all site development standards applicable to residential condominium projects, including rear and side yard setbacks, two-car covered garages with guest parking spaces and residential trash areas.

**IV. Analysis**

The applicant's proposal involves the approval of two discretionary permits, Conditional Use Permit and Tentative Tract Map, by the Planning Commission. The applicant also requests to deviate from Section 9162.41 (Automobile Parking Stall Size) of the CMC, which requires a minimum 20 foot by 20 foot, unobstructed interior garage dimension. The eight, two-car garages contain an 18 ½ foot by 20 ½ foot interior dimension with 2 ½ feet by 18 ½ feet of storage space located four feet above ground level toward the rear of the garage.

Section No. 9128.14 (Development Policy) of the CMC states: "Recognizing that the conversion of existing multiple residential structures to condominium usage presents unique problems with respect to the requirements of this Section, the Commission is empowered to vary any and all requirements contained herein in regard to a particular conversion proposal upon a finding that the creation of the proposed condominium will not have the potential to contravene the intent and purpose of Sections 9128.11-9128.17. Project characteristics of critical importance in determining whether a proposed conversion has that potential include the age of the

structure and the degree to which the proposal varies from the required standards, including parking. The Commission is also empowered to impose conditions on its approval of the CUP which would require that specified modifications, designed to bring a structure more nearly into compliance with the condominium Development Standards contained herein, be made to the structure proposed for conversion.”

The structure, built in 1987, is in relatively good condition with sound construction. The eight, two-car garages each contain an average interior dimension of 18 ½ feet in width by 20 feet in depth, which does not meet the City’s requirement of 20 feet by 20 feet. The proposed one and a half foot width and unobstructed interior deviation from Section 9162.41 (Automobile Parking Stall Size) of the CMC, is relatively minute and does not contravene the intent and purpose of the residential condominium development standards. Other than this minor deviation pertaining to interior garage dimensions, all other aspects of the residential condominium development standards are being complied with.

The property is maintained in good condition, currently resembling an existing condominium project. The site is well kept, including landscaping, individual private patios and balconies, cleanliness and sound structure condition. While there is storage space with each garage, it is located toward the rear portion, four-feet above the ground, permitting vehicles to park comfortably within the garage. The CMC further permits standard parking stalls to measure 8 ½ feet in width by 18 feet in depth, such as guest parking spaces. The current interior garage dimensions have been functional for almost 20 years since the development of the structure. The Planning Commission can therefore make positive findings relative to the minor deviation of interior garage dimensions based on the age and current conditions of the structure.

### Tentative Tract Map

A tract map must be processed in accordance with the California Government Code and the City’s Subdivision Ordinance for every land division involving individual ownership of residential condominium units. The Subdivision Ordinance outlines map contents and approval procedures and the Government Code outlines a list of findings to be made in order to approve or deny a map.

A request for condominium conversion may be granted only when the proposed request is consistent with the requirements of the Subdivision regulations, and when adequate provisions are made for the long-term maintenance of the structure and grounds. The structure currently conforms, or will conform, to all requirements set forth by the Subdivision Ordinance and regulations.

A requirement of the Subdivision Map Act and CMC is to verify that the building is in sound condition prior to it becoming the responsibility of the Homeowner’s Association to maintain and repair. An inspection was conducted by a certified residential combination building inspector on February 3, 2007. Those deficiencies

along with any other deficiencies such as termite repair; repair to roofing, heating, plumbing, cosmetic repairs and other improvements identified in the inspection report will be required to be repaired prior to recordation of the final map. On March 27, 2007, staff conducted an inspection of the structure and found the items identified in the inspection report consistent with the project site. Staff found the additional deficiencies which need to be repaired prior to recordation of the final map:

- Replace all garage doors with sectional roll up doors, equipped with automatic garage door openers;
- All exterior patios shall contain at least one (1) weather-proofed, duplex electrical convenience outlet;
- Replace/repair all common area walkway light posts;
- Provide licensed roofing contractor report stating required improvements to the entire structure, including all decking on second floor;
- At unit 5, remove exterior wiring attached to patio light fixture;
- Repair all cracks at concrete driveway;
- Repair masonry wall at trash enclosure; and
- Refurbish existing landscaping at the west side of property line, along walkway by installing additional shrubs, three feet on center.

Section 9128.15 (Development Standards) of the CMC requires that residential condominium projects comply with the attenuation of noise for each of the units. Each unit is required to comply with airborne sound and impact sound insulation. All wall assemblies shall be of a type of construction that has a minimum rating of 58 STC (Sound Transmission Class). All separating floor/ceiling assemblies shall be of type of construction that has a minimum rating of 69 IIC (Impact Insulation Class). On August 17, 2006 the property owner hired a professional engineer to conduct acoustical testing to determine if the subject property complied with the acoustical portions of the building code. While all but one unit complied with the building code floor/ceiling assemblies, the report (see exhibit 4) does not address the more stringent Section 9128.15 requirements. In that case, all eight units failed the acoustical testing and will require proper insulation of walls, floors/ceilings and attic space (if necessary) to meet the requirements of the CMC. A condition has been imposed requiring that each unit comply with the CMC for attenuation of noise.

In addition, Section 9128.15 states that residential condominiums must have a separation of vents and plumbing lines and all water supply lines shall be properly isolated and insulated. Considering that this is a pre-existing structure and that the plumbing lines do not share common walls within the building, the Planning Commission is empowered to waive this requirement pertaining to this particular condominium conversion. The CC&R's however, shall detail the maintenance responsibilities of any common vents and plumbing lines.

Section 66474 of the California Government Code requires that a tentative map be denied if any of the following findings can be made:

**a. That the proposed map is not consistent with applicable general and specific plans in Section 65451.**

The proposed subdivision is consistent with current RM-25-D (Residential, Multifamily within a Design Overlay District) zone and with the General Plan designation of High Density Residential. Per current zoning, the parcel can accommodate 10 dwelling units, however only eight residential units of the already-erected building are being proposed for the subdivision of airspace for condominium conversion. The proposal therefore complies with the requirements of the City's Subdivision Ordinance and the California Government Code.

**b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The existing multiple family dwelling was constructed in 1987 and the structure and design are consistent with the zoning for this type of development and consistent with Municipal Code and General Plan policies. The proposed condominium conversion conforms to all development standards of the zoning ordinance, with the exception of the interior garage dimensions which are currently 18 ½ feet in width by 20 feet in length. The proposed one and a half foot width and unobstructed interior deviation from Section 9162.41 (Automobile Parking Stall Size) of the CMC, is relatively minute and does not contravene the intent and purpose of the residential condominium development standards. Other than this minor deviation pertaining to interior garage dimensions, all other aspects of the residential condominium development standards are being complied with. The project is compatible with adjacent residential land uses and complies with the city's Housing Element goal of promoting homeownership opportunities.

**c. That the site is not physically suitable for the proposed development.**

The project site is fully developed with a multifamily residential project. Multifamily residential is an appropriate type of development at this site, given surrounding multifamily development patterns and the intent of the zoning regulations and the General Plan Land Use Element, as described in Section A of these findings.

**d. That the site is not physically suitable for the proposed density of development.**

The site contains 18,200 square feet and is zoned RM-25-D (Residential, Multifamily within a Design Overlay District) with a General Plan designation of High Density Residential. The project site was developed in 1987 as an eight unit apartment complex with attached two-car garages. The site can accommodate up to 10 residential units under zoning regulation and is located in a fully

developed, urban area. The site is therefore physically suitable for the proposed residential condominium conversion project.

- e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.**

No development will occur as a result of the proposed Tentative Tract Map. No fish or wildlife habitat exist on the site or in the near vicinity, therefore no significant adverse environmental impacts will occur as a result of the proposed residential condominium conversion project.

- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.**

No impacts detrimental to the general welfare of the public are foreseen from the approval of a Tentative Tract Map to allow the conversion of eight units to be sold individually as condominiums.

- g. That the design of the subdivision or type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternative easements for access of use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

All concerned City departments have reviewed the Tentative Tract Map and it has been found that the existing design and improvements of the site will not conflict with public access easements. There are no easements required by the public at large for access through, or for the use of the property.

In addition to the findings for tentative tract map approval, condominium conversions must further comply with Sections 66427.1 of the Subdivision Map Act in which detailed findings must be made. The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project unless it finds all of the following:

- a. Each of the tenants of the proposed condominium project has received, pursuant to Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map pursuant to Section 66452. In addition, a finding shall be made that each tenant has received 10 days'**

**written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.**

On June 5, 2006, each tenant of the eight unit apartment complex was sent, via certified mail, a written notification of the intention to convert the property into a condominium project. After Tentative Tract Map approval, the property owner will send the 10 day written notice to each tenant advising them that a report will be submitted to the Department of Real Estate for the residential condominium conversion project.

- b. Each of the tenants of the proposed condominium project has been, or will be given, written notification within 10 days of approval of a final map for the proposed conversion.**

The property owner shall comply with this condition.

- c. Each of the tenants of the proposed condominium project has been, or will be given, 180 days' written notice of intention to convert prior to termination of tenancy due to the proposed conversion.**

The property owner will be required to give each tenant 180 days' written notice of intention to convert prior to termination of tenancy due to the proposed conversion, prior to final map approval.

- d. Each of the tenants of the proposed condominium project has been, or will be given, notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.**

The property owner shall comply with this condition prior to final map approval.

- e. This section shall not diminish, limit or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.**

#### Conditional Use Permit

Pursuant to CMC Section 9121.1, a Conditional Use Permit is required for residential condominiums. Section 9172.21 (D) of the Zoning Ordinance requires that the

Planning Commission, by Resolution, render its approval based on the ability to make affirmative findings on the following criteria:

**a. The proposed use and development will be consistent with the General Plan.**

The proposed residential condominium conversion project is consistent with the General Plan Land Use Designation of High Density Residential and conforms to the RM-25-D (Residential, Multifamily within a Design Overlay District) zone. The project meets the goals and policies described in the General Plan Land Use Element. The owners of the condominium units will hold an undivided interest in the common areas and an association will be formed to pay for maintenance of common areas. The existing eight unit building is of an attractive design consistent with the General Plan and surrounding multiple family dwelling units.

**b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.**

The site contains 18,200 square feet and is zoned RM-25-D (Residential, Multifamily within a Design Overlay District) with a General Plan designation of High Density Residential. The project site was developed in 1987 as an eight unit apartment complex with attached two-car garages. The site can accommodate up to 10 residential units under zoning regulation and is located in a fully developed, urban area. The site is therefore adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed residential condominium conversion project.

**c. There will be adequate street access and traffic capacity.**

The site is fully developed with an existing eight unit apartment complex which is proposed to be converted into a residential condominium project. There is adequate street and traffic capacity from 223<sup>rd</sup> Street which currently serves this site. Thus, this finding can be made in the affirmative.

**d. There will be adequate water supply for fire protection.**

The Fire Department has reviewed the project for adequate street access, driveway width, fire hydrants, and fire flow. Appropriate conditions of approval are attached to ensure that the project will be served by adequate fire protection. Furthermore, there is an existing fire hydrant within the subject parkway to serve the site. Therefore, this finding can be made in the affirmative.

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

The project site is located in an urban, developed residential community. Surrounding uses include multifamily development to the west, south and east and single family residences to the north. The proposed condominium conversion will be consistent with the character of the existing residential neighborhood. There are no alterations to the structure proposed. Therefore, this finding can be made in the affirmative.

**a. Such other criteria as are specified for the particular use in other Sections of this Chapter.**

Approval of the Conditional Use Permit is contingent upon the City Council's approval of the final subdivision map. All additional and applicable sections can be satisfied provided that the conditions of approval are applied. Therefore, this finding can be made in the affirmative.

**V. Environmental Review**

According to the guidelines to implement CEQA (California Environmental Quality Act), the proposed project has been determined to be categorically exempt under Section 15301, Existing Facilities, Class 1, item (k). This section states that the division of multiple family residences into common-interest ownership where no physical changes occur can be considered categorically exempt.

**Conclusion**

It is staff's opinion that the proposed Conditional Use Permit (CUP) and Tentative Tract Map (TTM) are compatible with the General Plan Land Use and Housing Element and zoning regulations. The proposed residential condominium conversion is compatible with the character of the surrounding predominantly multiple family residential neighborhood. The proposed project's relationship to the goals and objectives stated in the General Plan includes, but is not limited to, the protection and enhancement of property values and providing the community with homeownership opportunities.

Staff believes that adequate provision for the long-term maintenance of the building can be achieved through repairing the items listed in the attached inspection report, staff recommended corrections, the creation of a Homeowner's Association, and the collection of fees. This, along with the proposed interior and exterior improvements should ensure that a sufficient period of time should have passed and an ample amount of homeowner fees collected to manage problems when they do occur. The creation of Covenants, Conditions and Restrictions (CC&R's) will be required as a Condition of Approval.

**VI. Recommendation**

That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 631-06 and Tentative Tract Map No. 67934 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. 631-06 AND TENTATIVE TRACT MAP NO. 67934 FOR THE RESIDENTIAL CONDOMINIUM CONVERSION OF EIGHT (8) UNITS LOCATED AT 157 W. 223<sup>RD</sup> STREET."

**VII. Exhibits**

1. Zoning Map
2. Proposed Resolution
3. Inspection Report, February 3, 2007
4. Acoustical Testing Report
5. Sections 9128.11-9128.17 (Residential Condominiums)
6. Project Plans (Under separate cover)

**Prepared by:** \_\_\_\_\_  
Rocio Lopez, Planner

**Reviewed by:** \_\_\_\_\_  
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**Approved by:** \_\_\_\_\_  
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