



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 14, 2007  
SUBJECT: Conditional Use Permit No. 672-07  
APPLICANT: Arturo Zacarias  
2626 E. Van Buren Street  
Carson, CA 90810  
REQUEST: To approve a Conditional Use Permit for an existing legal non-conforming second dwelling located within the RS (Residential, Single Family) zone district  
PROPERTY INVOLVED: 2624 and 2626 E. Van Buren Street

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### COMMISSION ACTION

- Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Hudson			Saenz
		Cannon			Verrett

***Item No. 11-C***

## I. **Introduction**

### *Date Application Received*

- April 23, 2007: Conditional Use Permit No. 672-07

### *Applicant/Property Owner*

- Arturo Zacarias  
2626 E. Van Buren Street  
Carson, CA 90810

### *Project Address*

- 2624 and 2626 E. Van Buren Street, Carson, CA 90810

### *Project Description*

- The proposal is to consider a conditional use permit (CUP) for an existing legal non-conforming second dwelling within the RS (Residential, Single Family) zone district.
- The project site is located on a 20,130 square-foot parcel with two dwelling units with approximately 755 square feet (front dwelling unit) and 628 square feet (rear dwelling unit).
- The proposed site plan also identifies a storage shed area of approximately 220 square feet behind the second dwelling.

## II. **Background**

### *History of Property*

- The front dwelling being 2626 E. Van Buren Street was built in 1940. The second dwelling being 2624 E. Van Buren Street was built in 1963 after a building permit was issued on September 17, 1963, by the County of Los Angeles Building and Safety Division.

### *Previously Approved Discretionary Permits*

- There are no previous approved discretionary permits on this site.

### *Public Safety Issues*

- There is no past or current zoning code enforcement case associated with this property.

## III. **Analysis/Findings**

### *Location/Site Characteristics/Existing Development*

- The subject property is located at 2624 and 2626 E. Van Buren Street. The subject site is located within a residential single family subdivision known as Dominguez Village and is compatible with surrounding residential single family uses.
- Surrounding the subject property to the north is Van Buren Street and residential single family dwellings zoned RS; to the south, east, and west are residential single family uses zoned RS.

- The subject property consists of a legal non-conforming second dwelling requiring approval of a Conditional Use Permit pursuant to Section No. 9172.21 and 9182.3 of the Carson Municipal Code (CMC). The CMC was amended in 2003 to allow existing legal, nonconforming second dwelling units located in the RS or RA zones to be eligible for a conditional use permit. A 5-year time period is allowed for property owners to submit the conditional use permit application. This application is the first to be processed under CMC Section 9182.3.
- Prior to the amendment to CMC Section 9182.3, the second units were subject to an amortization period requiring abatement. The city recognized that existing second units provided an important housing resource and that the units should be preserved if findings could be made regarding the adequacy of the building condition, parking, landscaping and other features needed to meet neighborhood compatibility standards.
- Staff has inspected the property and reviewed all building permit records. The property is very well maintained and there are no identified building code issues.
- The subject property has a one car garage being legal non-conforming as to parking requirements as per Section 9162. 21(A) (13) of the CMC.
- CMC Section No. 9182.41 (F) (Site Development Nonconformities/Requiring Capital Expenditure to Conform) identifies that Nonconformity Parking for a dwelling, including number of spaces and type of enclosure 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.

*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 the zoning designation.
- The zoning designation for the subject property is consistent with the General Plan Land Use designation of Residential, Single Family.

*Required Findings: Conditional Use Permit No. 672-07*

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses;
- b. Compatibility of 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 and open spaces and other features relative to a harmonious and attractive development of the area;

- c. Convenience and safety of circulation for pedestrians and vehicles;
- d. Attractiveness, effectiveness, restraint in signing, graphics and color; and
- e. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

All of the required findings pursuant to Section 9172.23(d), "Site Plan and Design Review, 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 / Proposed Condition/Change: Conditional Use Permit No. 672-07*

▪ **ISSUE – SECOND DWELLING EXPANSION/ALTERATIONS:** The second dwelling's parking is non-conforming. Any un-authorized expansions and alterations would intensify potential hazards associated with not having sufficient off-street parking area. Therefore, in accordance to Sections 9182.02 and 9182.21 of the CMC, Changes & Alterations, Nonconforming Use Eligible for Conditional Use Permit or Other Approval, and CMC Section No. 9182.3 Non Conforming Residential Density, the following conditions of approval are recommended.

- **Conditions of Approval:**

1. Any changes to the any dwelling shall be limited to minor alterations, improvements, repairs, or changes of use which do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
2. Any minor alterations, improvements and or repairs shall require review and approval by the Planning Division and issuance of a building permit.
3. The applicant provided a property inspection report 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 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.
4. The applicant retained a certified property inspector and a property inspection was conducted for the front and second/rear dwelling. The inspection found minor electrical, plumbing and water heater venting system deficiencies that were documented in an inspection report and will be corrected as part of the conditions of approval within 90 days or sooner.
5. The parking for the dwelling units is non-conforming. There shall be no un-authorized 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.

**IV. Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures or Facilities, the City's approval of a Conditional Use Permit (CUP) for the proposed project is "Categorically Exempt".

**V. Recommendation**

That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Conditional Use Permit No. 672-07 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. 672-07 for an existing legal non-conforming second dwelling located at 2624 and 2626 E. Van Buren Street."

**VI. Exhibits**

1. Resolution
2. CMC Section 9182.3 (Nonconformity Residential Density)
3. Development Plans

**Prepared by:** \_\_\_\_\_  
Zak Gonzalez II, Planner

**Reviewed by:** \_\_\_\_\_  
John F. Signo, AICP, Senior Planner

**Approved by:** \_\_\_\_\_  
Sheri Repp, Planning Manager

ZG: srCUP672-07