



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: June 9, 2009
SUBJECT: Modification to Design Overlay Review No. 893-05
and Conditional Use Permit No. 591-05
APPLICANT: Jose Navarro
402 East Pacific Street
Carson, Ca 90745
REQUEST: 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
PROPERTY INVOLVED: 418 West 223rd Street

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Brown			Verrett
		Gordon			

Item No. 12B

I. **Introduction**

The applicant, Jose Navarro, is requesting to convert a six-unit (6) condominium development into a six-unit (6) apartment development located at 418 West 223rd Street. The site is approximately 0.4 acres and is zoned RM-18-D (Residential, Multi-family - eighteen (18) units per acre; Design Overlay).

On October 11, 2005, the Planning Commission approved Design Overlay Review No. 893-05; Conditional Use Permit No. 591-05; Tentative Tract Map No. 53751 which included the following:

- Design Overlay Review (DOR) for architectural design;
- Conditional Use Permit (CUP) for construction of multiple-family residences;
- Tentative Tract Map for division of airspace (condominium units)

The development was constructed but the tentative map had expired prior to finalizing the subdivision map. As such, in order to obtain a Certificate of Occupancy, the applicant is requesting that all conditions of approval relating to Tentative Tract Map No. 53751 and condominium development requirements are removed.

No physical improvements or changes are proposed by the applicant. However, per the proposed removal of all conditions of approval relating to Tentative Tract Map No. 53751 and condominium development requirements, this request has been referred to the Planning Commission as a minor modification of conditions of the DOR, CUP and Tentative Tract Map with no public hearing required.

II. **Background**

The current proposal is to modify a six-unit (6) condominium development to a six-unit (6) apartment development. There currently exist three separate buildings with each building having two units. The proposed units have 3 bedrooms and 2 baths and are 1,823 square feet in total area. The garage occupies 430 square feet of the first floor. The first floor includes a foyer, a separate storage area, washer/dryer area and ½ bath. The second floor has a dining/living room, ½ bath, kitchen and balcony area. The third floor has a modest size master bedroom, two slightly smaller bedrooms and a full bathroom. One guest parking space is provided per unit. Units 2-5 will have an exterior patio/yard space of approximately 505 square feet which will be separated by a fence. Units 1 and 6 will each have a smaller outdoor area of 305 square feet.

The architectural design of the project appears to be Spanish/Mediterranean in style, with a variety of textures and treatments. The proposed units are identical



and will include decorative windows, stucco exteriors, arched entryways and clay tile roofs. The architectural design of the project is well integrated with the surrounding area and makes good use of the site. Surrounding properties include two and three story residential buildings to the east and west which are compatible with the proposed three story building. A landscaped front yard will be located along the 223rd Street frontage of the property. A ten foot wide landscaping area will be provided along the eastern boundary of the property. The southern area of the project will also be landscaped and will be used as common area for the complex. A gazebo as well as a sandbox will be located in this area.

As proposed, each condominium unit will be converted into an apartment unit. The conversion of the existing condominium units to apartment units would require the removal of all conditions of approval relating to Tentative Tract Map No. 53751 and condominium development requirements.

III. Analysis

Section 9121.1 of the Carson Municipal Code (CMC) requires the approval by the Planning Commission of multi-family dwellings in multi-family zoned districts. The purpose for the review is to ensure that the site is appropriate for an apartment development.

The site is 16,165 square feet and has a driveway approach along 223rd Street. The property is located on the south side of 223rd Street, which is designated as a major arterial road.

Per the Carson Municipal Code, apartment developments are not subject to stricter condominium requirements. Originally constructed as condominiums, 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.

Staff recommends that the following changes be made to the Resolution and Conditions of Approval:

- Amend and delete Section 4 of Resolution No. 05-2055, and amend Condition Nos. 65, 126, 130 and 134 and deleting Condition Nos. 1 to 48, 100 to 103, 131 and 132 to read as follows:

Resolution No. 05-2055

- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 893-05, AND CONDITIONAL USE PERMIT NO. 591-05 AND TENTATIVE TRACT MAP NO. 53751

- **Section 1.** An application was duly filed by the applicant, Jose Navarro, represented by ~~Draftech Design Company,~~ with respect to real property located at 418 West 223rd Street and described in Exhibit "A" attached hereto, requesting approval to construct six (6) residential condominium apartment units within the RM-18-D (Residential, Multi-family - eighteen (18) units per acre; Design Overlay) zoned district. The application includes:
 - Design Overlay Review (DOR) for review of architectural design as required for properties within a design overlay review district;
 - Conditional Use Permit (CUP) for construction of multiple-family residences (CMC Section 9121.1);
 - ~~Tentative Tract Map (TTM) for division of airspace for 6 condominium units;~~
- **Section 3.** Any construction of a residential multifamily condominium apartment development in a Design Overlay Review designated zone is subject to the requirements contained in both the Carson Municipal Code Section 9172.23, Site Plan and Design Review, and Section 9121.1, Conditional Use Permit. Pursuant to the applicable sections of the Carson Municipal Code for Site Plan and Design Review and Conditional Use Permits, in order for the Planning Commission to approve the applicable permits, they must find that:
 - a) The proposed project for 6 condominium apartment units on 0.4 acre will adhere to the multi-family residential land use designation and zone, as well as to the goals and policies described in the General Plan. Development of the proposed project would provide additional housing for the community in the form of condominium apartment units.
 - e) The site is flat and the size is adequate to support the proposed use and all associated support development including parking spaces, private open space, and landscaping. Adequate buffers and setbacks are provided from all surrounding uses. The location is appropriate for this proposal in that the proposed condominium apartment units will be compatible with other residential properties in the area. Utilities, including electricity, telephone lines, water, and sewer will be adequately provided.
- **Section 6.** Based on the aforementioned findings, the Planning Commission hereby approves Design Overlay Review No. 893-05, and Conditional Use Permit No. 591-05 and ~~Tentative Tract Map No. 53751~~ subject to the conditions set forth in Exhibit "B" attached hereto.



CITY OF CARSON
DEVELOPMENT SERVICES GROUP
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 893-05
CONDITIONAL USE PERMIT NO. 591-05
~~TENTATIVE TRACT MAP NO. 53751~~

- 65. Landscaping shall be provided along each of the ~~condominium~~ apartment units to the extent feasible and as determined by the Planning Division.

- 126. Prior to issuance of Building Permit, the following must be on file:
 - a. Construction bond as required for all work to be done within the public right of way.
 - b. Proof of Worker's Compensation and Liability Insurance.
 - c. ~~Final Map shall be recorded~~

- 130. Any missing improvements in the public right of way fronting the proposed ~~subdivision~~ development shall be installed or constructed by the applicant prior to issuance of Certificate of Occupancy.

134. 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 No. 03-10-835; ~~Tentative Parcel Map No. 60311~~ and Conditional Use Permit No. 03-10-559. 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.

IV. Conclusion

Staff recommends that the conversion of the existing condominium development into an apartment development can be approved for the site. It is staff's opinion that the condominium-to-apartment conversion will not create any adverse effect to the site or adjacent properties.

V. **Recommendation**

That the Planning Commission:

- **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.

VI. **Exhibits**

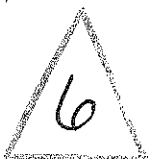
1. Planning Commission Resolution No. 05-2055
2. Staff Report for Design Overlay Review No. 893-05, Conditional Use Permit No. 591-05 and Tentative Tract Map No. 53751 dated October 11, 2005 (without exhibits)
3. Planning Commission Meeting Minutes for Design Overlay Review No. 893-05, Conditional Use Permit No. 591-05 and Tentative Tract Map No. 53751 dated October 11, 2005
4. Project Plans (Separate from this report)

Prepared by: 
Max Castillo, Assistant Planner

Reviewed by: 
John F. Signo, AICP, Senior Planner

Approved by: 
Sheri Repp, Planning Manager

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 05-2055

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

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, Jose Navarro, represented by Drafttech Design Company., with respect to real property located at 418 West 223rd Street and described in Exhibit "A" attached hereto, requesting approval to construct six (6) residential condominium units within the RM-18-D (Residential, Multi-family - eighteen (18) units per acre; Design Overlay) zoned district. The application includes:

- Design Overlay Review (DOR) for review of architectural design as required for properties within a design overlay review district;
- Conditional Use Permit (CUP) for construction of multiple-family residences (CMC Section 9121.1);
- Tentative Tract Map (TTM) for division of airspace for 6 condominium units;

A public hearing was duly held on October 11, 2005 at 6:30 P.M. at the Carson 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. Any construction of a residential multifamily condominium in a Design Overlay Review designated zone is subject to the requirements contained in both the Carson Municipal Code Section 9172.23, Site Plan and Design Review, and Section 9121.1, Conditional Use Permit. Pursuant to the applicable sections of the Carson Municipal Code for Site Plan and Design Review and Conditional Use Permits, in order for the Planning Commission to approve the applicable permits, they must find that:

a) The proposed project for 6 condominium units on 0.4 acre will adhere to the multi-family residential land use designation and zone, as well as to the goals and policies described in the General Plan. Development of the proposed project would provide additional housing for the community in the form of condominium units.

b) The proposed project meets all applicable design standards and guidelines of the Carson Municipal Code.

c) The proposed project will be designed for compatibility with the existing residential neighborhood and will be a harmonious and attractive development for the area in that it provides adequate open space and landscape areas.

d) Vehicular ingress and egress will be provided on 223rd Street. Adequate interior vehicular and pedestrian circulation will be provided.

e) The site is flat and the size is adequate to support the proposed use and all associated support development including parking spaces, private open space, and landscaping. Adequate buffers and setbacks are provided from all surrounding uses. The location is appropriate for this proposal in that the proposed condominium units will be compatible with other residential properties in the area. Utilities, including electricity, telephone lines, water, and sewer will be adequately provided.

f) The proposed project will conform to any applicable design standards and guidelines which have been adopted pursuant to Section 9172.15.

g) Adequate water supply shall be provided for fire protection. The applicant shall provide adequate driveway access, fire hydrants, and fire flow. Appropriate conditions of approval are attached to ensure that the project will be served by adequate fire protection.

h) The project site is in a suburban, developed community and is located in the western part of the City of Carson on the south side of 223rd Street. The project is surrounded by apartments to the east, condominiums to the west, single-family homes to the south, and single-family residences and White Middle School to the north across 223rd Street.

Section 4. Pursuant to Section 66474 of the Government Code, a city shall deny approval of a tentative map based on certain findings. The Planning Commission finds that the proposed tentative tract map can be substantiated based on the following affirmations:

a) The proposed tentative tract map will permit the division of 0.4 acres of land into 6 condominium units. The map will include private open areas and a common driveway which shall conform to the City's requirements.

b) The design of the subdivision and its proposed improvements will not cause serious public health problems since the proposed project is for residential development within an existing residential neighborhood. There will be adequate street access and traffic capacity along 223rd Street. Conditions of approval will provide maximum land use compatibility between the proposed residential development and the existing residential neighborhoods.

Section 5. The Planning Commission further finds that the use permitted by the proposed project will not have a significant effect on the environment. The proposed development will not alter the predominantly 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 CEQA, Section 15332.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Design Overlay Review No. 893-05, Conditional Use Permit No. 591-05 and Tentative Tract Map No. 53751 subject to the conditions set forth in Exhibit "B" attached hereto.

Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.



Section 8. 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 Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF OCTOBER, 2005.


CHAIRMAN

ATTEST:


SECRETARY

Exhibit "A"

Legal Description

The west 60 feet of Lot 75, of Tract No. 3612, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 40 Page(s) 5 and 6 of maps, in the office of the County Recorder of said county.

CITY OF CARSON
DEVELOPMENT SERVICES GROUP
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 893-05
CONDITIONAL USE PERMIT NO. 591-05
TENTATIVE TRACT MAP NO. 53751

TENTATIVE TRACT MAP NO. 53751

GENERAL CONDITIONS

1. Each extension of this map, provided for in the Subdivision Ordinance, must be accompanied by an extension of Design Overlay Review No. 893-05 and Conditional Use Permit No. 591-05. All extensions must be secured from the Planning Commission prior to expiration of this map.
2. A site plan and architectural design permit and conditional use permit must be granted with this tentative map approval. If at some late date, the permits are declared null and void, the validity of this map shall automatically terminate.
3. The applicant shall comply with all city, county, state and federal laws and regulations applicable to this land division.
4. A copy of the CC&Rs (Covenants, Conditions and Restrictions) shall be submitted to the Development Services Group for transmittal to the City Attorney for review and approval as to form and content. The CC&Rs shall contain statements that the project will be in compliance with city, county and state regulations and that the project will be architecturally compatible with the surrounding neighborhood. All Conditions of Approval shall be included within the CC&Rs. No changes to the approved CC&Rs shall be made without the City's consent. The CC&Rs shall be recorded concurrently with the map (condominiums).
5. The applicant shall provide a final City Attorney approved copy of the CC&Rs to the Development Services Group prior to any occupancy of any unit.
6. Conditions not required to be fulfilled prior to, or shown on the final map, shall be stated on a separate document to be recorded with the final map.



7. On the date a subsequent Tentative Map or Tentative Parcel Map is approved for this site, any previously approved by unrecorded maps shall become null and void.
8. The recorded map shall conform to the tentative map approved and to the Conditions of Approval. Two copies of the finally recorded map shall be submitted to the Development Services Group.
9. A final map that is approved by the City of Carson to be in significant conformance with this tentative map shall be recorded with the County Recorder within two years of the date of final approval by the Planning Commission, Carson Redevelopment Agency or City Council of the City of Carson.
10. Minor lot line adjustments may be made to the satisfaction of the Development Services General Manager prior to the final approval of the map by the City Council.
11. No lot on the final map shall have less area, width, or depth than that required by the zoning and subdivision regulations in effect at the time of approval.

GEOLOGY/SOILS

12. A grading plan must be approved by the Soils Section.
13. A soils report may be required for review of a grading or building plan. The report must comply with the provisions of "Manual for Preparation of Geotechnical Reports" prepared by the County of Los Angeles, Department of Public Works.

GRADING

14. A grading plan and geology/soils report must be submitted and approved prior to approval of the final map. The grading plan must show and call out the construction of at least all the drainage devices and details, the paved driveways, the elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan devices. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder approvals prior to the grading plan approval. The grading plan must also be approved to provide for proper distribution of drainage and for contributory drainage from adjoining properties.

ROAD



15. Dedicate the right to restrict vehicular access along the property frontage on 223rd Street.
16. Close any unused driveway with standard curb, gutter, and sidewalk along the property frontage on 223rd Street.
17. Construct fill-in sidewalk to provide full-wide sidewalk along the property frontage on 223rd Street to the satisfaction of the City Engineer.
18. Plant street trees along the property frontage on 223rd Street to the satisfaction of the City Engineer.
19. Repair any broken or raised sidewalk, curb, gutter, sidewalk, driveway apron, and pavement on 223rd Street abutting this proposed subdivision per city standard and to the satisfaction of the City Engineer.
20. Prior to final map approval, the subdivider shall enter into an agreement with the City franchised cable TV operator (if an area is served) to permit the installation of cable in a common utility trench; or provide documentation that steps to provide cable TV to the proposed subdivision have been initiated to the satisfaction of the City.
21. Comply with the following street lighting requirements to the satisfaction of the city:
 - a. Provide street lights on concrete poles with underground wiring along the property frontage on Figueroa Street to the satisfaction of the City Engineer. Submit street lighting plans for review and approval to the Street Lighting Section of the County of Los Angeles Department of Public Works.
 - b. The proposed project, or portions thereof, are not within an existing Lighting District. Annexation and assessment balloting are required. Upon tentative map approval, the applicant shall comply with conditions listed below in order for the lighting district to pay for the future operation and maintenance of streetlights. The Board of Supervisors must approve the annexation and levy of assessment (should assessment balloting favor the levy assessment) prior to filing of the final subdivision maps for each area with the Registrar-Recorder/County Clerk.
 - (1) Request the street lighting section of the County of Los Angeles Department of Public Works to commence annexation and levy of assessment proceedings.
 - (2) Provide business/property owner's names, mailing addresses, site address, Assessor's Parcel Numbers, and parcel

boundaries in either microstation or Auto CADD format territory to be developed to the Street Lighting Section of.

- (3) Submit a map of the proposed development including any roadways conditioned for street lights that are outside the proposed project area to the Street Lighting Section.
 - c. The annexation and assessment balloting process takes approximately 10 to 12 months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans or in filing subdivision map for recordation.
 - d. For acceptance of street light transfer of billing, the area must be annexed into the lighting district and all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, all street lights in the development, or the current phase of the development, have been energized, and the development has requested transfer of billing at least by January 1 of the previous year, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year.
23. A construction permit is required for any work to be done in the public right-of-way.
24. The applicant shall submit plans to the Department of Public Works showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
25. Prior to issuance of Building permit, a SUSMP plan must be approved by the City of Carson. The SUSMP shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations.
26. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of the Certificate of Occupancy.
27. Any improvement damaged during the construction shall be removed and reconstructed per City standard plan and to the satisfaction of the City Engineer.
28. Underground all existing service lines and distribution lines that are less than 50 KV and new utility lines to the satisfaction of the City and Southern California Edison.

SEWER

29. The subdivider shall install and dedicate main line sewers and serve each building with a separate house lateral or have approved and bonded sewer plans on file with the City Engineer.
30. The subdivider shall submit an area study to the City Engineer prior to final map approval to determine if capacity is available in the sewerage system to be used as the outlet for the sewers in this land division. If the system is found to have insufficient capacity, the problem must be resolved to the satisfaction of the City Engineer.
31. Easements are tentatively required, subject to review by the City Engineer to determine the final locations and requirements.
32. The subdivider shall send a print of the land division map to the County Sanitation District with a request for annexation. The request for annexation must be approved prior to final map approval.

WATER

33. A water system maintained by the water purveyor, with appurtenant facilities to serve all parcels in the land division must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
34. There shall be filed with the City Engineer a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division and that water service will be provided to each building.
35. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed for this land division to the satisfaction of the City Engineer.
36. Submit landscape and irrigation plans for each lot in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance to the City Engineer.

SUBDIVISION

37. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of the City Engineer.

38. Provide suitable turnaround and label the driveway "Private Driveway and Fire Lane" on the final map to the satisfaction of the City Engineer.
39. Place a note on the final map to the satisfaction of the City Engineer indicating that this map is approved as residential condominium development for six units.
40. Provide reciprocal easements for drainage, ingress/egress, parking, utilities, and maintenance purposes, etc., over the common driveways and common areas on the final map to the satisfaction of the City.
41. Provisions shall be made for the continual maintenance of the common driveways and common areas. This can be achieved by the formation of an association, comprised of the owners of the units, responsible for the maintenance of the common driveways and common areas. The maintenance agreement must be approved by the City and contained within the CC&R's.
42. Provide addressing information in Microsoft Excel format to the satisfaction of the City Engineer.
43. Private easement shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication until after the final map is filed with the County Recorder. If easements are granted after the date of tentative map approval, a subordination must be executed by the easement holder prior to the filing of the final map.
44. If signatures of record title interests appear on the final map, a preliminary guarantee is needed. A final guarantee will be required at the time of the filing of the final map with the Registrar-Recorder/County Clerk's Office. If said signatures do not appear on the final map, a title report/guarantee is needed showing all fee owners and interest holders and this account must remain open until the final parcel map is filed with the Registrar-Recorder/County Clerk's Office.
45. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the city.
46. A final map prepared by, or under the direction of, a registered civil engineer or licensed land surveyor must be processed through the City Engineer prior to being filed with the County Recorder.
47. At the time of final map recordation, the developer's engineer shall submit the approved project electronically stored on 3 1/2" diskette(s) or CD in Auto Cad or Arc View format to the city, in compliance with the County of Los Angeles adopted Digital Subdivision Ordinance (Ordinance No. 99-0080)



48. A determination should be made that this project is in compliance with the California Environmental Quality Act. The findings and considerations required by Sections 66473.5, 66474, and 66474.6 of the Subdivision Map Act should be made by the City Council. The following finding should be made by the City Council if any dedications are made by certificate on the final map:

The City Council hereby determines that division and development of the property in the manner set forth on the map of Tract Map No. 60311 will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights of way and/or easements within the Tract Map.

DESIGN OVERLAY REVIEW / CONDITIONAL USE PERMIT

GENERAL CONDITIONS

49. If Design Overlay Review No. 893-05 and Conditional Use Permit No. 591-05 are not used within two years of their effective date, said permit(s) shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
50. The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
51. 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.
52. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
53. 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 prior to the issuance of a building permit.
54. 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.
55. 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.



56. Additional requirements may be imposed and the following requirements may be changed, modified or deleted. The Planning Division shall have the final authority in reviewing and approving requirements and plan modifications.
57. The size, locations and composition of the second and third story windows shall be designed to minimize visibility into and from adjoining properties.

PARKING

58. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
59. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
60. No designated garage shall be converted to other use without approval by the Planning Division.
61. Guest parking spaces shall be double-striped, and marked as "Guest Parking." Said parking shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

62. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit unless otherwise authorized by the Planning Division.
63. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
64. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
65. Landscaping shall be provided along each of the condominium units to the extent feasible and as determined by the Planning Division.

GRAFFITI

66. The applicant shall incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti, as determined by the Planning Division. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

UTILITIES

67. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

68. The specification of all colors and materials must be submitted and approved by the Planning Division prior to the issuance of any building permits.

FENCES/WALLS

69. Perimeter walls shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.

LIGHTING

70. Lighting shall be directed downward and inward toward the project site. In no instance shall lighting face adjacent properties or public roadways in a manner that would cause a nuisance or hazard.

AIR QUALITY

71. Construction parking shall be configured to minimize air quality impacts to nearby residences.
72. Temporary traffic controls (i.e., flag person) shall be provided during all construction phases to maintain traffic flow.
73. Construction activities shall be scheduled for off-peak hours to the degree practicable.
74. Construction trucks shall be re-routed away from congested streets.
75. Truck deliveries shall be consolidated when possible.
76. Construction equipment and vehicle engines shall be maintained in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
77. Methanol- or natural gas-powered mobile equipment and pile drivers shall be used instead of diesel to the extent available and at competitive prices.

78. Propane- or butane-powered onsite mobile equipment shall be used instead of gasoline to the extent available and at competitive prices.
79. Ground cover shall be replaced in disturbed areas as quickly as possible.
80. Exposed piles (i.e., gravel, sand, and dirt) shall be enclosed, covered, or watered twice daily, or an approved soil binder shall be used.
81. Active grading sites shall be watered at least twice daily.
82. Excavation and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
83. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
84. Streets shall be swept at the end of the day if visible soil material is carried over to adjacent roads. Water sweepers using reclaimed water are recommended.
85. Trucks and any equipment leaving the site shall be washed if dirt, sand, soil, or other loose material is visible.
86. Water shall be applied three times daily, or chemical soil stabilizers shall be used according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
87. Traffic speed limits of 15 miles per hour or less shall be posted and enforced on all unpaved roads.

NOISE

88. Outdoor construction work on the project shall be limited to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays. No construction activities shall occur on Sundays or federal holidays.
89. All construction equipment with a high noise generating potential, including all equipment powered by internal combustion engines, shall be muffled or controlled.
90. All stationary noise generating equipment, such as compressors, shall be located as far as possible from existing houses.
91. Machinery, including motors, shall be turned off when not in use.
92. Mobile equipment shall not be allowed to run idle near existing residences or schools.
93. Neighbors within 200 feet of the construction area shall be notified of the construction schedule in writing, prior to construction. The project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the developer or general contractor) shall determine the cause of



the complaint and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.

TRASH

94. Trash collection shall comply with the requirements of the City's trash collection company.
95. If trash enclosures are required by the City's trash collection company, the trash enclosures shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. The enclosures shall incorporate an overhead door (standard electrical or manual), a pedestrian access door and decorative beams or other roofing material to provide visual screening from said multi-story buildings. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).
96. Trash enclosures shall measure a minimum of 14 feet wide by six (6) feet deep as required by the City's trash collection company.
97. A sign shall be posted adjacent to the trash enclosure and guest parking spaces prohibiting parking in the guest spaces during designated trash collection times.
98. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.
99. All other trash collection, including green wastes, shall comply with the requirements of the City's trash collection company.

CONDOMINIUMS/MULTI-FAMILY

100. The condominium project shall conform to all the development standards as outlined in Section 9128.15 of the Zoning Ordinance, unless otherwise provided for in this approval.

QUALITY ASSURANCE

101. Notwithstanding any other requirements, including those of other agencies, the developer shall comply with the following quality assurance conditions:
 - a. The developer shall provide for increased capitalization of the project's homeowners association by establishing with the association a cash reserve as follows:
 - \$250 per unit, but not less than
 - \$3,000 for 10 or fewer units
 - \$5,000 for 11 or greater units.



- b. For projects of less than 20 units, the developer shall provide the homeowners association with independent professional management services for a period of one year from the date 51 percent of the project's units have closed escrow. In the event the developer maintains a professional management services staff for purposes of establishing homeowner's associations, the developer may request approval of the Planning Division to substitute their owner service for the required independent professional management services. Such substitution must be made in writing with such supporting documentation as the General Manager may deem appropriate in order to ensure that the developer's services are equivalent to independent services. The developer's request must be made in sufficient time to allow the projects' CC&Rs to reflect the approach to management services which will be provided.
- c. For projects of 20 units or greater, the developer shall establish the project's homeowners association utilizing independent professional management services.
- d. Compliance with conditions a, b, and c above shall be reflected in the project's CC&Rs as approved by the City Attorney's office.
- e. Prior to the issuance of any occupancy permits, the developer shall deposit into a three-party escrow account a cash deposit for purposes of project quality assurance. The amount of the deposit shall be as follows:
 - \$2,000 per unit for the first 10 units
 - \$1,000 per unit for units above 10The escrow account deposit shall be retained for a period of two years from the date of closing of the last purchase escrow or until such time as all warranty work and/or corrective work has been satisfactorily completed. The parties to the escrow account shall consist of the developer, the project's homeowners association, and the City of Carson. Disbursements from the escrow account may be made upon mutual agreement of two of the three parties. Closure of the escrow may only take place as noted above with mutual agreement of two of the three parties at which time any remaining funds shall be returned to the developer.
- f. The developer shall offer a minimum two-year unconditional normal use new home warranty from the time of initial sale, including the project's association in the case of common facilities. The new home warranty shall have the effect of extending the manufacturers' warranties to two years.
- g. The developer shall be responsible for facilitating all warranty repairs during the new home warranty period.
- h. All exterior fixtures and equipment used in the project shall be quality grade intended for heavy-duty "commercial-type" applications.
- i. All landscaped areas of the project shall be subject to the posting of a separate landscape viability assurance bond in conjunction with final approval of landscaping and irrigation plans by the Planning Division.



- j. The City's Building and Safety Division may impose such additional requirements over and above standard code requirements as may be deemed necessary in order to ensure the integrity of the following systems: waterproofing; grading and compaction; site drainage; paving; and common area equipment.
- k. The property shall be maintained in good order at all times. If said property is not maintained, the City of Carson shall have the ability to make an assessment of the property and direct all subsequent costs of clean up or improvements to the developer.

BUILDING AND SAFETY

- 102. A building permit may be issued prior to the recordation of the final map provided any reliance on such permit shall not result in any vested right to complete the improvements except as provided in Government Code Sections 66498.1 et. seq. and provided further, that the applicant shall execute an acknowledgment of acceptance of this fact.
- 103. An "Acknowledgment of No Vested Rights in Tentative Map Approval" form shall be filed with the City of Carson prior to the issuance of a building permit except as provided in Government Code Sections 66498.1 et. seq.

UTILITIES

- 104. The subdivider shall remove at his own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.
- 105. The undergrounding of new utilities shall be provided for in accordance with the requirements of the Subdivision Ordinance, Section 9206.15.

EASEMENTS

- 106. A Covenant and Agreement form for an existing easement shall be recorded with the Los Angeles County Recorder's office prior to the issuance of a building permit. Said document shall indicate all easements.

THE GAS COMPANY

- 107. Underground Service Alert (USA), (800) 442-4133 or (800) 227-2600, must be notified within 48 hours prior to commencing work.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

- 108. Provide water mains, fire hydrants, and fire flows as required by County Forester and Fire Warden on the map to be recorded.
- 109. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.

110. Fire Department access shall be extended to within 150 feet distance of any portion of structure to be built.
111. Access shall comply with Section 902 of the Fire Code which requires all weather access. All weather access may require paving.
112. The private driveways shall be indicated on the final map as "FIRE LANE" and shall be maintained in accordance with the Los Angeles County Fire Code.
113. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
114. Submit fire flow information to this office (Fire Department) for approval.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

115. Any hazardous wastes/materials encountered during construction shall be remediated in accordance with local, state, and federal regulations.

SOUTHERN CALIFORNIA EDISON

116. In the event that the development requires relocation of facilities on the subject property, which facilities exist by right of easement or otherwise, the owner/developer shall be required to bear the cost of such relocation and provide Edison with suitable replacement rights. Such costs and replacement rights are required prior to the performance of the relocation.

ENGINEERING DEPARTMENT

117. 50A construction permit is required for any work to be done in the public right-of-way.
118. Reconstruct existing driveway per City of Carson Standard No. 109. and in compliance with the ADA requirements. The applicant shall protect or relocate any facilities to accommodate the proposed driveway approach.
119. Where sidewalks meander around the proposed driveway and extend beyond the public right-of-way, the required easement for the described sidewalk shall be submitted and approved prior to building permit issuance.
120. Remove and replace any uplifted or damaged curb, gutter and sidewalk along 223rd Street abutting the proposed development per City of Carson Standard.



121. The applicant shall submit plans to the Department of Public Works showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
122. The applicant shall provide a statement from the water purveyor indicating that the purveyor will operate the water system, and that under normal conditions, the system will meet the requirements for the proposed development.
123. The applicant shall provide a statement from L.A. County Department of Public Works indicating an adequate capacity in the main sanitary sewer line to serve the proposed development. If the system is found to have insufficient capacity, the problem must be resolved to the satisfaction of the L.A. County Department of Public Works, Sewer Division.
124. All infrastructures necessary to serve the proposed development (water, sewer and street improvements) shall be in operation prior to the issuance of the Certificate of Occupancy.
125. The applicant shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operation.
126. Prior to issuance of Building Permit, the following must be on file:
 - a. Construction bond as required for all work to be done within the public right of way.
 - b. Proof of Worker's Compensation and Liability Insurance.
 - c. Final Map shall be recorded.
127. Comply with the following street lighting requirements to the satisfaction of the City:
 - a. Submit a street lighting layout plan and install streetlights on concrete poles with underground wiring to the satisfaction of the County of Los Angeles Department of Public Works and the City of Carson.
 - b. The proposed development is not within an existing County Lighting Maintenance District. Annexation and assessment balloting are required.
 - c. Request Street Lighting Section of the County of Los Angeles Department of Public Works to commence annexation and levy of assessment proceedings.

- d. The annexation shall be completed prior to the issuance of the Certificate of Occupancy.
128. All new utility lines shall be underground to the satisfaction of the City.
129. Any improvement damaged during the construction shall be removed and reconstructed per City standard plan and to the satisfaction of the City Engineer.
130. Any missing improvements in the public right of way fronting the proposed subdivision shall be installed or constructed by the applicant prior to issuance of Certificate of Occupancy.
131. The applicant shall pay \$22,999.20 park and recreation fees prior to approval of the final map.
132. At the time of final map recordation, the developer's engineer shall submit the approved project electronically stored on 3-1/2" diskette or CD in AutoCad or Arc View format to Engineering Services Department, including map and all improvement plans, in compliance with the County of Los Angeles adopted Digital Subdivision Ordinance (Ordinance No. 99-0080).

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

133. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.
134. 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 No. 03-10-835, Tentative Parcel Map No. 60311 and Conditional Use Permit No. 03-10-559. 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.





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 11, 2005

SUBJECT: Design Overlay Review No. 893-05; Conditional Use Permit No. 591-05; Tentative Tract Map No. 53751

APPLICANT: Draftech Design Company
Attention: Celina Martinez
8050 E. Florence Avenue #210
Downey, CA 90240

REQUEST: 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.

PROPERTY INVOLVED: 418 West 223rd Street

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Cottrell –Chairperson			Hudson
		Pulido –Vice-Chairman			Saenz
		Diaz			Verrett
		Embisan			Wilson
		Faletogo			

I. Introduction

Date Application Received

- February 15, 2005: Design Overlay Review No. 893-05; Conditional Use Permit No. 591-05; Tentative Tract Map No. 53751

Applicant

- Drafttech Design Company; Attention: Celina Martinez; 8050 E. Florence Avenue #210; Downey, CA 90240

Property Owner

- Jose Navarro; 402 East Pacific Street; Carson, CA 90745

Project Address

- 418 West 223rd Street

Project Description

- Application for 6 condominium units on 0.4 acres, which includes:
 - Design Overlay Review for architectural design;
 - Conditional Use Permit for construction of multiple-family residences;
 - Tentative Tract Map for division of airspace (condominium units)
- The applicant proposes to construct a 6-unit residential condominium project. There will be three separate buildings with each building having two units. The units would be accessed by a 26-foot wide common driveway parallel and abutting the western property line. The proposed units have 3 bedrooms and 2 baths and are 1,823 square feet in total area. The garage occupies 430 square feet of the first floor. The first floor includes a foyer, a separate storage area, washer/dryer area and ½ bath. The second floor has a dining/living room, ½ bath, kitchen and balcony area. The third floor has a modest size master bedroom, two slightly smaller bedrooms and a full bathroom. One guest parking space is provided per unit. Units 2-5 will have an exterior patio/yard space of approximately 505 square feet which will be separated by a fence. Units 1 and 6 will each have a smaller outdoor area of 305 square feet.
- The architectural design of the project appears to be Spanish/Mediterranean in style, with a variety of textures and treatments. The proposed units are identical and will include decorative windows, stucco exteriors, arched entryways and clay tile roofs. The architectural design of the project is well integrated with the surrounding area and makes good use of the site. Surrounding properties include two and three story residential buildings to the east and west which are compatible with the proposed three story building. A landscaped front yard will be located along the 223rd Street frontage of the property. A ten foot wide landscaping area will be provided along the eastern boundary of the property. The southern area of the project will also be

landscaped and will be used as common area for the complex. A gazebo as well as a sandbox will be located in this area.

II. Background

Previous Discretionary Permits

- Design Overlay Review No. 530-90 / Conditional Use Permit No. 373-90 / Tentative Tract Map 50193 - Site plan and design review, conditional use permit and condominium subdivision for the construction of six condominium units. Approved by the Planning Commission on February 26, 1991. Design Overlay Review No. 530-90, Conditional Use Permit No. 373-90 and Tentative Tract Map 50193 expired and the units were not constructed.
- Design Overlay Review No. 769-02 / Conditional Use Permit No. 522-02 / Tentative Tract Map 53751 - Site plan and design review, conditional use permit and condominium subdivision for the construction of six condominium units. Approved by the Planning Commission on August 13, 2002. Design Overlay Review No. 769-02, Conditional Use Permit No. 522-02 and Tentative Tract Map 53751 expired and the units were not constructed. The proposal approved in 2002 is the same proposal considered in this report.

Public Safety Issues

- After consulting with the Public Safety Department it was determined that there have not been nor are there any current zoning code enforcement cases associated with this property.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject site is located at 418 West 223rd Street between Moneta Avenue to the east and Figueroa Street to the west;
- The 0.4-acre site is generally flat. Access to the site is by 223rd Street to the north.
- The project site is in a suburban, developed community and is located in the western part of the City of Carson on the south side of 223rd Street. The project is surrounded by apartments to the east, condominiums to the west, single-family homes to the south, and single-family residences and White Middle School to the north across 223rd Street;
- The physical dimension of the proposed lot is approximately 60' by 270', with a total square footage of 16,200 square feet;
- Building and Safety records show that a single-family house was relocated to the subject property in 1948. Then, in 1967 a demolition permit was issued. The property has remained vacant ever since.

Zoning/General Plan/Redevelopment Area Designation

- The current General Plan land use designation for the project site is Residential -High Density; the zoning is RM-18-D (Residential, Multi-family –

18 units per acre – Design Overlay). The General Plan Update indicates the Land Use designation for this property as High Density Residential.

Applicable Zoning Ordinance Regulations

- The following table summarizes the proposed projects' consistency with current site development standards for the RM-18-D zone district and other zoning code sections applicable to the proposed use:

Applicable Zoning Ordinance Sections	Compliance	Non-Compliance
Section 9121.1 – Uses Permitted	x	
Section 9123 – Conditional Use Criteria	x	
Section 9124 – Dwelling Units	x	
Section 9125.3 – Street Frontage and Access	x	
Section 9126.12 – Height of Buildings and Structures	x	
Section 9126.21 – Ground Coverage	x	
Section 9126.221 – Parking Setback	x	
Section 9126.23 – Front Yard	x	
Section 9126.24 – Side Yard	x	
Section 9126.25 – Rear Yard	x	
Section 9126.27 – Space Between Buildings	x	
Section 9126.28 – Usable Open Space	x	
Section 9126.29 – Encroachments	x	
Section 9126.3 – Fences, Walls and Hedges	x	
Section 9126.4 – Trash and Recycling Areas	x	
Section 9126.6 – Parking, Loading and Driveways	x	
Section 9126.8 – Utilities	x	
Section 9126.9 – Site Planning and Design	x	
Division 7 – Environmental Effects	x	
Division 8 – Special Requirements for Special Uses / Sections 9128.11-9128.17		<i>See Issues of Concern/Mitigation</i>

(Residential Condominiums)		
Part 6 – General Development Standards	x	

Required Findings: Site Plan and Design Review

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 and restraint in signing, graphics and color.
- 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. Details can be found in the attached Resolution.

Required Findings: Conditional Use Permit

Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.

- f. Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Approval Authority and Findings and Decision" can be made in the affirmative. Details can be found in the attached Resolution.

Required Findings: Tentative Tract Map

The proposed subdivision requires a tract map pursuant to the California Government Code, Subdivision Map Act. The California Government Code requires that a tentative map shall be denied if any of the following findings can be made:

- a. The proposed map is not consistent with applicable general plan and specific plans as specified in Section 65451 of the California Government Code.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general or specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

All of the required findings pursuant to the California Government Code – Subdivision Map Act, can be made in the affirmative. Details can be found in the attached Resolution.

Issues of Concern/Mitigation

- Issue – Section 9128.13 and 9128.17 – Covenants, Conditions and Restrictions: The applicant must submit a copy of the Covenants, Conditions and Restrictions for review by the City.
 - *Proposed Condition/Change*: A copy of the CC&Rs (Covenants, Conditions and Restrictions) shall be submitted to the Development Services Group for transmittal to the City Attorney for review and approval as to form and content. The CC&Rs shall contain statements that the project will comply with city, county and state regulations and

that the project will be architecturally compatible with the surrounding neighborhood. All Conditions of Approval shall be included within the CC&Rs. No changes to the approved CC&Rs shall be made without the City's consent. The CC&Rs shall be recorded concurrently with the map (condominiums).

- *Proposed Condition/Change:* The applicant shall provide a final City Attorney approved copy of the CC&Rs to the Development Services Group prior to the recordation of the final map.
- Issue – Fire Access / Emergency Services: The applicant shall comply with all Fire Department requirements. Major modifications to the site plan will require review and approval by the Planning Commission.
- Public Work Improvements: The following will be included as a condition of approval:
 - Standard Urban Stormwater Mitigation Plan (SUSMP) - The applicant shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operation.
 - The applicant shall pay a park development fee of \$22,999.20. The fee must be paid prior to building permit issuance or the recordation of the final map.
- Aesthetics – Landscaping: To the extent feasible, the applicant shall provide landscaping along the private driveway adjacent to the condominium units. Prior to issuance of a building permit a landscaping plan must be approved by the Planning Division.

IV. Environmental Review

Pursuant to Section 15332 of the California Environmental Quality Act (CEQA), the proposed six-unit condominium project is considered in-fill development and is "Categorically Exempt".

V. Conclusion

Staff finds that the proposed design overlay review and conditional use permit are compatible with the surrounding community. In addition, the tentative tract map is in compliance with the requirements established in the Subdivision Map Act and the Carson subdivision regulations. The proposed 6-unit condominium development is compatible with the General Plan land use designation of Residential – High Density and the proposed use of the site will be consistent with the existing development of the area. Adequate measures have been included to mitigate effects as well as guide future development.



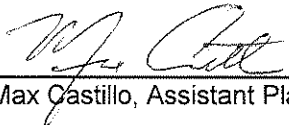
VI. Recommendation

That the Planning Commission:

- o 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".

VII. Exhibits

1. Draft Resolution
2. Project Plans (Submitted under separate cover)
3. Zoning Map

Prepared by: 
Max Castillo, Assistant Planner

Reviewed by: _____
Sean Scully, Senior Planner

Approved by: _____
Sheri Repp, Planning Manager

Mc/d89305p/c59105p/t53751p6

Staff Report:

Planning Technician Newberg advised that staff is requesting this matter be continued to October 25, 2005.

Staff Recommendation:

Continue to October 25, 2005.

Chairperson Cottrell opened the public hearing. No audience input was provided.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Verrett, to concur with staff recommendation. Motion carried (Commissioner Embisan had not yet arrived).

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 COMMUNICATION None.

13. MANAGER'S REPORT

Planning Manager Repp highlighted the Local Agency Formation Commission (LAFCO) Notice of Public Meeting for Los Angeles County which is scheduled for Tuesday, October 18, 2005, 6:00 P.M., in Paramount. She stated that the community workshop will address the Draft Municipal Service Review (MSR) Report Gateway Area and Draft MSR Report Water Service Providers – Gateway. She commented on the potential for Carson's sphere of influence to be expanded in the northeast tip of the city, pointing out that at this time, Council has not given any direction on this issue.

Planning Manager Repp thanked those Commissioners who attended the Carson Marketplace workshop yesterday, noting it was an informative session; and added that more workshops are anticipated. She mentioned that some of the workshop materials can be viewed on the City's website.

14. WRITTEN COMMUNICATIONS None.

15. COMMISSIONERS' REPORTS

In response to Commissioner Diaz' request for a status report on the former Dominguez Water Company property, Senior Planner Scully advised that Public Safety is taking the steps necessary to gain compliance on that blighted site.

