



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

WORKSHOP: June 23, 2009
SUBJECT: Workshop to review residential development standards
APPLICANT: City of Carson
REQUEST: To conduct a workshop to discuss development standards applicable to existing residential units and new residential development
PROPERTY INVOLVED: Residential Properties

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

A significant portion of the day to day activities of the Planning Division is related to residential development. Many residential proposals are handled at the staff (ministerial) level and do not require Planning Commission review and approval. The purpose of this workshop is to give the Planning Commission an overview of residential development and a better understanding of the City's development standards.

II. Background

Development standards in the city of Carson are governed by Chapter 1, Zoning, of Article IX, Planning and Zoning, of the Carson Municipal Code (CMC) which was adopted by the City Council on October 3, 1977 (Ordinance No. 77-413). Residential development standards are covered under Part 2, Residential Zones, of Article IX, which covers permitted and accessory uses, conditional use criteria, density, site requirements, site development standards, environmental effects, and special requirements for certain uses. As of 2007, there were approximately 20,200 homes in the City.

The City continues to stay busy processing residential building permit applications. In 2008, there were 527 residential building permits issued, including 524 for remodels and additions and 3 for new single-family homes. Of this, 11 were reviewed by the Planning Commission at a public hearing – the rest were reviewed by staff. Remodels can be complicated due to the need to determine whether the proposed changes must meet current standards or be allowed to remain as a legal, nonconforming privilege.

Existing Nonconforming Uses or Development Standards

Prior to city incorporation, development was subject to the standards of the County of Los Angeles. Between 1968 and 1977, the city of Carson adopted the County of Los Angeles zoning standards by reference. There were periodic changes to the code until the city decided to undertake a comprehensive update to the entire Carson Municipal Code (CMC). Approximately 17,800 homes were built prior to 1977, all constructed to the development standards of the County and many of which are legal nonconforming to the current CMC with respect to parking and setbacks. These homes were built legally at the time of construction but are now nonconforming to the current zoning requirements.

Section 9182.41 of the CMC allows certain site development nonconformities to continue indefinitely provided there is no expansion or intensification of use. This includes:

- Building height, yard area, open space
- Wall, fence or hedge of excess height
- Storage space
- Lot layout
- Parking for a dwelling, including number of spaces and type of enclosure

An addition to a home with nonconforming parking could be built provided that the number of dwellings 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.



In 2003, the CMC was amended to allow existing lawfully established nonconforming second dwelling units located in an RS or RA zoning district to remain subject to obtaining a conditional use permit (CUP) from the Planning Commission pursuant to Section 9182.3. Prior to this amendment, the second units and other residential exceeding the zoning standards were required to abate based upon amortization schedules included in the CMC. The city recognized that the loss of housing could be contrary to the goals of the Housing Element and created an opportunity to maintain housing that either met or could be conditioned to meet acceptable standards. As of early 2008, there were 133 properties in the RS zoning district with a second dwelling unit. Three legal nonconforming second dwelling units have been approved by the Planning Commission under the CUP process.

Types of Review

There are generally two types of review:

Ministerial – Conformance with development standards such as height, setbacks, and parking requirements. For residential projects, this is generally reviewed by staff over the front counter or within a short time period.

Discretionary – An activity which requires the public agency to exercise judgment in deciding whether to approve or disapprove the particular activity. This includes projects that require Site Plan and Design Review, a Conditional Use Permit (CUP), or a Variance request.

In the City of Carson, ministerial residential uses are those that are listed as automatically permitted in Section 9121.1. Ministerial residential projects are typically handled by staff over the front counter. Examples include a new detached garage, storage room, detached living quarters without a kitchen, swimming pools, room additions and new roofing. Discretionary projects are identified in the CMC and generally are required if subject to Section 9172.23 (Site Plan and Design Review), Section 9172.21 (Conditional Use Permit) or the proposed development requires a deviation pursuant to Section 9172.22 (Variance). Discretionary permits are subject to certain findings and can be conditioned by staff or the Planning Commission.

Types of Discretionary Permits

Site Plan and Design Review (Design Overlay Review)

Proposals for lots less than 50 feet or located in a Design Overlay District are discretionary and subject to Site Plan and Design Review as described in Section 9172.23. If the estimated valuation of a proposal is \$50,000 or greater, then the project must be approved by the Planning Commission at a public hearing; proposals valued at less than \$50,000 are approved by staff but with the same design criteria (i.e., enhanced architectural features).

Table 1: Site Plan and Design Review

Lot Width	Project Type	Estimated Valuation	Approval Body	Type of Approval
50 feet or greater	Ministerial	No Limit	Staff	Over-the-Counter
Less than 50 feet	Discretionary	Less than \$50,000	Staff	Admin. DOR
Less than 50 feet	Discretionary	\$50,000 or more	Planning Commission	DOR

Conditional Use Permit

A Conditional Use Permit (CUP) is a discretionary permit that allows consideration of special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. A CUP can provide flexibility within the CMC and enables the City to control certain uses which could have detrimental effects on the community. An example would be a mobile home park which is permitted in any residential zone with approval of a CUP. Other residential uses that require a CUP and are only permitted in the RM zoning district include:

- Multiple-family dwelling
- Condominium
- Boarding or rooming house
- Fraternity or sorority house
- Community residential care facility other than a small family home
- Community day care facility

Variance

A variance request is a discretionary permit that is necessary when the physical aspects of a property pose unique challenges. Examples include lot size, shape, terrain, location, or surroundings. For example, a narrow-shaped lot may need a variance request to reduce the required side yard setback. The goal of granting a variance is to enable property to be used in a practical manner. Variances are, in essence, permission to break rules that others must follow. As a result, variances should not be granted easily.

A variance request must be approved by the Planning Commission based on findings that because of special circumstances applicable to the subject property (i.e., size, shape, topography, location or surroundings), the strict application of the CMC would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification. Variances can be requested to deviate from general development standards such as height, setbacks and number of parking spaces. In no event can a variance be requested for a specific use. For example, an applicant would not be able to submit a variance application for an attached condominium development



within a RS (Residential, Single-Family) zoning district since this style and density of residential use would only be permitted in a RM (Residential, Multi-Family) zoning district.

III. Analysis

Common Issues Dealing with Legal Nonconforming Homes

There are a number of questions staff asks when reviewing a residential plot plan for an addition to an older home:

- Is all required information such as the address, property owner, property lines, etc. shown on the site plan?
- What is the width of the lot? Is it conforming?
- Does the proposed addition meet setback requirements? Are the existing setbacks conforming for the original development?
- Is there a two-car garage? If not, how many parking spaces are provided and where is the location?
- Will the proposed addition be located in the only available area on the lot where a two-car garage could be provided?
- Is the proposal for a detached or attached structure?
- Is the proposal for living or nonhabitable space?
- Will the proposed addition create a second dwelling unit?

Provided the questions above can be answered satisfactorily and the proposal meets the development standards, staff approves the site plan and allows the applicant to submit a building permit application to the Building and Safety Division. However, if it can be determined that the proposal is subject to discretionary review (i.e., the property is located in a Design Overlay District, the lot width is less than 50 feet), the applicant must complete a Development Application form and submit for Site Plan and Design Review (DOR). If the proposal requires a DOR and the valuation is more than \$50,000, then the proposal must be approved by the Planning Commission at a public hearing.

In the case of second dwelling units, in 2003 the City amended Sections 9122.8 and 9125.6 of the CMC to allow existing legal nonconforming second dwelling units to continue with an approved CUP. New second dwelling units could be approved at the staff level if certain criteria are met. The State encourages cities to approve second dwelling units in order to meet regional housing needs.

Legal Nonconforming Homes

Legal nonconforming homes are typically allowed to continue indefinitely if located within a residential zone. Other existing residential uses located in a commercial, industrial or mixed use zone district may be subject to abatement or a conditional use permit. Legal, nonconforming homes that are accidentally damaged due to fire or flood could be repaired provided the cost of the repairs does not exceed 50 percent of the value of the repaired building or structure as determined by the Building Official.



Impacts to Conforming Homes

Section 9182.1, Site Nonconformities, of the CMC allows homeowners to maintain and improve legal nonconforming homes. Some of these homes are located adjacent to newer homes designed and constructed to current standards. It is staff's opinion that the CMC allows appropriate flexibility to accommodate both new and older homes. Occasionally, an older home or a home built on a narrow lot may require a variance request to accommodate new development. These proposals require a public hearing approval which allows the Planning Commission to impose conditions in order to ensure compatibility with the surrounding neighborhood.

Issues of Concern

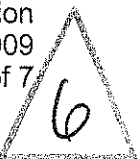
Parking Deficiencies – Many homes built to the older LA County standards only have a one-car garage or carport. Many of these homes have additions that have been constructed to current development standards. In approving these additions, staff considers many factors including the location of the addition and the possibility to construct a future two-car garage. In many instances, staff has required applicants to indicate on the site plan the location of a future two-car garage, but the applicant is not required to build the garage. The area for a future garage must be clear of any permanent structures.

Consideration is needed to determine if the CMC should be amended to require parking deficiencies to be addressed for significant increases in living area. Staff is concerned that residential homes that can not provide the current required 2-car garage are allowed to intensify and, in some cases, significantly impact available street parking. If a discretionary permit is required, staff routinely requires parking deficiencies to be addressed. With ministerial permits, there currently is no opportunity to address parking deficiencies unless voluntarily proposed by the applicant.

Setbacks – Many older homes have legal nonconforming front, side or rear yard setbacks. Pursuant to Section 9182.41, lawfully established homes with nonconforming setbacks are allowed to continue indefinitely. It is staff's policy to apply the current development standards to new additions. However, very small additions located in the rear of a residence (i.e. a bathroom) have been allowed to align with the nonconforming encroachment. An amendment to the CMC to allow for administrative variances would provide an improved opportunity to address these minor additions. Staff believes larger additions should continue to meet current requirements.

Housing Density

California requires cities to establish standards that will support a variety of housing types. Recognizing the need to provide affordable housing, Government Code Section 65583.2(c)(3)(B) allows local governments to utilize "default" density standards deemed adequate to meet the "appropriate zoning" test. The purpose is to provide a numerical density standard for local governments, resulting in greater certainty that affordable housing will actually be produced. Within Los Angeles County, the "default" density is 30 units per acre. Carson has amended the zone district along Carson Street to provide 35 units per acre and has allowed for even greater density for the Boulevards at South Bay mixed-use development. As an additional means of supporting affordable housing, the CMC also allows for certain density bonuses of at least 25 percent. Staff is currently



preparing an amendment to the current density bonus standards in order to comply with recent changes in state law. The amendment will include the removal of a conditional use permit requirement for projects incorporating affordable housing.

Special Housing Needs

Government Code Section 65583(a)(7) requires "An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that either vacant or for which funding has been identified to allow construction during the planning period." The Planning Commission recently reviewed the draft Housing Element. One of the provisions within the updated Housing Element was a commitment to allow the ministerial approval of specified emergency shelters. Staff will be preparing an amendment to the CMC to provide for appropriate development standards to allow for certain transitional or permanent emergency shelters to be considered on a ministerial basis.

IV. Conclusion

There are various types of housing in the city of Carson. The CMC addresses development standards for older and newer homes to help ensure compatibility within neighborhoods. The CMC also provides for a broad range of housing to address single family, multi-family, mobilehome parks, second units, community care facilities, emergency shelters and other special housing needs. The city of Carson must continue to evaluate existing requirements to assure compliance with new state laws, changes in community standards and compliance with the Housing Element goals and objectives. Carson has great opportunity to enhance and preserve existing neighborhoods while providing for new housing that will increase the jobs/housing balance and support economic gains for the entire community.

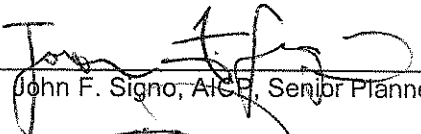
V. Recommendation

That the Planning Commission CONSIDER and DISCUSS the information provided by staff regarding residential development.

VI. Exhibits

1. Section 9121.1, Uses Permitted in Residential Zones, of the CMC

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Approved by:


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Other Site Development Standards

- § 9126.3 Fences, Walls and Hedges.
- § 9126.4 Trash Areas.
- § 9126.41 Trash and Recycling Areas.
- § 9126.5 Repealed.
- § 9126.6 Parking, Loading and Driveways.
- § 9126.7 Signs.
- § 9126.8 Utilities.
- § 9126.9 Site Planning and Design.
- § 9126.91 Site Planning and Design – Residential Projects That Include Affordable and/or Senior Citizen Households.

Division 7. Environmental Effects

- § 9127.1 Exterior Lighting.

Division 8. Special Requirements for Certain Uses

Residential Condominiums

- § 9128.11 Intent and Purpose.
- § 9128.12 Existing Residential Condominiums.
- § 9128.13 Application for Conditional Use Permit.
- § 9128.14 Development Policy.
- § 9128.15 Development Standards.
- § 9128.16 Development Criteria.
- § 9128.17 Declaration of Covenants – Conditions and Restrictions.

Mobile Home Parks

- § 9128.2 Mobile Home Parks.
- § 9128.21 Relocation Impact Report (RIR).

Subdivision Directional Signs

- § 9128.31 Regulation.
- § 9128.32 Application.
- § 9128.33 Specifications.
- § 9128.34 Agreement and Deposit.
- § 9128.35 Time Limit.

Home Occupations

- § 9128.4 Home Occupations.

Multiple-Family Dwelling

- § 9128.51 Multiple-Family Dwelling.
- § 9128.52 Existing Multiple-Family Dwellings.
- § 9128.53 Application for Conditional Use Permit.
- § 9128.54 Development Standards.
- § 9128.55 Development Criteria.

Oil Wells

- § 9128.6 Oil Wells.

Division 1. Uses Permitted

§ 9121.1 Uses Permitted.

Uses are permitted in the residential zones as indicated in the following table:

USES PERMITTED IN RESIDENTIAL ZONES

Legend

- X. Automatically permitted use.
 - L. Automatically permitted use provided special limitations and requirements are satisfied as noted herein or in Division 8 of this Part.
 - D. Use permitted subject to approval of the Director.
 - LD. Use permitted provided special limitations and requirements are satisfied as noted herein or in Division 8 of this Part, and subject to approval of the Director.
 - C. Use permitted upon approval of a conditional use permit.
 - CC. Use permitted upon approval of the City Council as prescribed under other provisions of the Carson Municipal Code.
- All residential projects that include affordable and/or senior citizen households, as defined in CMC 9126.91, shall be subject to the requirements contained in CMC 9172.23 (Site Plan and Design Review) except temporary uses set forth in this Section.

ZONES

RA RS RM

Permanent Residential Uses:

Single-family dwellings on lots 50 feet wide or greater. X X X

Single-family dwellings on lots less than 50 feet wide are subject to CMC 9126.9 and 9172.23. L L L



	ZONES		
	RA	RS	RM
Mobile home (provided the mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and is located on a permanent foundation system pursuant to Section 18551 of the California Health and Safety Code. The Director shall ensure roofing material, roof overhang, and siding material will be architecturally compatible with surrounding residences.)	L	L	L
Multiple-family dwellings on lots 50 feet wide or greater. (See CMC 9123 and 9128.51 - 9128.55.)			C
Multiple-family dwellings on lots less than 50 feet wide are subject to CMC 9126.9, 9172.23, 9123 and 9128.51 - 9128.55.			C
Residential condominium. (See CMC 9123 and 9128.11 - 9128.17.) Residential stock cooperatives.			C
Mobile home park. (See CMC 9123 and 9128.2.)	C	C	C
Group quarters for members of a religious order (convent, rectory, monastery, etc.).			X
Boarding or rooming house, fraternity or sorority house, dormitory and similar group quarters. (See CMC 9123.)			C
Small family home community care facility.	X	X	X
Community residential care facility other than a small family home; community day care facility. (See CMC 9123.) (Added by Ord. 81-566, § 3; Ord. 89-889, § 1)			C

	ZONES		
	RA	RS	RM
Permanent Nonresidential Uses:			
Public, elementary or secondary school.	X	X	X
Private elementary or secondary school. (See CMC 9123.)			C
Church, temple or other place of religious worship:			
Located on an arterial street.			X
Located on a collector street.			C
Cultivation of plants including nursery, orchard, vineyard, field crops, flowers, greenhouses, lathhouses, etc. (no mushroom farms, no retail sales.)	X		
Archaeological dig, provided the Director determines there is a reasonable prospect that significant scientific, cultural or historical information will be obtained from the site.	D	D	D
Electric distribution substation, pumping station, water well, water reservoir. (See CMC 9123.)	C	C	C
Automobile parking lot. (See CMC 9123.)			C
Access to other property lawfully used for purposes not permitted on subject property, provided the Director finds no available alternative access is preferable and the residential character of the area will not be adversely affected.	D	D	D
Oil wells (See CMC 9128.6.)	C	C	C
Temporary Uses:			
Mobile home occupied by the owner of the premises during construction of a dwelling, for a period not exceeding 6 months. The Director may approve time extensions of up to 6 months each provided he finds construction is proceeding in good faith.	L	L	L



	ZONES		
	RA	RS	RM
Mobile home occupied by the owner of the premises as a replacement for a dwelling damaged or destroyed by a major disaster so declared by the Governor of California. Such use is limited to a period of 1 year or until a permanent dwelling is occupied, whichever is less. The Director may approve a time extension of up to 1 year provided he finds reconstruction is proceeding in good faith.	L	L	L
Contractor's office and/or storage of construction materials and equipment at a construction site, during the period of construction and not to exceed 60 days thereafter. In the event construction is suspended for a period of 6 months, such use and material shall be terminated and removed.	L	L	L
Real estate tract office, limited to the sale of property in the tract where such office is located, for a period not exceeding 2 years. The Director may approve a time extension of up to 1 year if sales are proceeding in good faith.	L	L	L
Subdivisional directional sign. (See CMC 9128.31 - 9128.35.)	LD	LD	LD
Carnival, mechanical rides, pony rides, and similar uses. (See CMC 63119 and 63119.1.)	CC	CC	CC
Tent revival.	CC	CC	CC
Fireworks stand. (See CMC 3101.0 through 3101.10.)			CC
Wireless Telecommunications Facilities:			
Major wireless telecommunications facilities, subject to the requirement of CMC 9138.16.	C	C	C

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I of this Code. (Ord. 79-479, § 6; Ord. 80-532, §§ 2, 3; Ord. 81-585, § 1; Ord. 82-602, § 1; Ord. 84-700, § 1; Ord. 85-720, § 1; Ord. 86-765U, § 1; Ord. 92-972, § 1; Ord. 95-1079, Exh. A; Ord. 01-1225, § 2; Ord. 03-1284, § 1)

§ 9121.12 Uses Permitted on Organic Refuse Landfill Sites.

A. No use, except as hereinafter provided, shall be permitted on property designated as ORL (Organic Refuse Landfill) without the approval of a conditional use permit by both the Commission and the Council. Such conditional use permit shall require, as a condition precedent to use of the property under the conditional use permit, approval by the Building and Safety Division and the Council of a report submitted by the applicant pursuant to the provisions of the Building Code, prepared by a licensed civil engineer designated by the applicant and approved by the City, which shall provide and include plans for a protective system or systems designated to eliminate or mitigate the potential hazards and environmental risks associated with the proposed use. Approval of such report by the Building and Safety Division shall be in the discretion of the Building Official, who shall evaluate any risks and hazards associated with the site and proposed use, and who may grant approval only if he finds that the report and plans adequately provide for protection against such associated risks and hazards. The Building Official's approval shall be submitted to the Council for final approval which will be in the discretion of the Council.

The following uses are exempt from the provisions of this Section:

1. Uses which do not involve buildings or structures, including but not limited to outdoor storage, display and outdoor recreational facilities.
2. Construction of structures which are unoccupiable, such as signs, flagpoles, walls, fences and towers, but not including oil wells and storage tanks.
3. Paving of no more than twenty (20) percent of the site.
4. Repair or minor alterations to existing structures which do not increase floor area. (Ord. 78-449; Ord. 81-560, § 1; Ord. 82-586, § 1)

