



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: October 13, 2009
SUBJECT: Workshop regarding second dwelling units
APPLICANT: City of Carson
REQUEST: Discuss and consider requirements for second dwelling units
PROPERTIES INVOLVED: Citywide

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. 12A

I. Introduction

This item is a follow-up of the September 8, 2009 workshop on second dwelling units and the June 23, 2009 workshop on residential development standards that pertain to legal nonconforming homes. Since the last workshop, staff has sent notices to 74 property owners dated September 30, 2009 regarding their legal nonconforming second dwelling unit. These notices describe the two ways to bring the legal nonconforming second dwelling unit into conformance by either meeting the requirements of Sections 9122.8 and 9125.6 of the Carson Municipal Code (CMC) or applying for a conditional use permit (CUP).

Staff has received numerous phone calls and inquiries at the front counter from owners concerned with the costs (\$1,500 for the conditional use permit plus \$100 for mailing labels), procedures, amount of time given to submit an application, and the requirement to submit information such as a site plan, floor plan, and home inspection report. Many claim they cannot afford the CUP fee and do not have the expertise to provide development plans. The purpose of this workshop is to discuss these concerns and provide staff with direction in dealing with these property owners.

II. Background

On November 4, 2003, the City Council adopted Ordinance No. 03-1290 regarding second dwelling units and accessory structures within residential zones, pursuant to amendments made in 2002 by the State to Section 65852.2 of the California Government Code. The ordinance went into effect on December 4, 2003, and requires that legal nonconforming second dwelling units obtain a conditional use permit (CUP) approved by the Planning Commission by December 4, 2008.

The Planning Commission has reviewed and approved only two CUP applications for second dwelling units since the Ordinance went into effect. Those two applications were for properties located on Jamison Street and Jefferson Street. There are still 131 properties in the RS (Residential, Single-family) zoning district which have second dwelling units and are considered nonconforming. Staff notified 61 property owners whose second dwelling units have no building permits on file and are considered illegal unless evidence of prior permits can be produced. Numerous property owners responded to provide additional information obtained from the County Assessor's office. Staff determined that the additional information was adequate to deem most of the second dwelling units legal nonconforming. However, there are still second dwelling units that are considered illegal that must now be abated or converted to a legal use.

On September 30, 2009, staff sent notices to 74 property owners indicating their second dwelling unit is legal nonconforming. There are two ways to bring a second dwelling unit into compliance:

Obtain ministerial approval from the Planning Division for a second dwelling unit which meets the requirements of Section 9122.8 (Second Dwelling Units) and Section 9125.6 (Second Dwelling Unit Development Standards) of the CMC; or



Obtain a conditional use permit pursuant to Section 9172.21 of the CMC and be subject to the provisions of Section 9182.3 (Nonconforming Residential Density) of the CMC.

Effects of Ordinance No. 03-1290

Prior to the adoption of Ordinance No. 03-1290, second units could only be allowed on RS zoned properties that were at least 10,000 square feet. Second units on smaller properties were deemed legal, nonconforming subject to abatement. Both the Planning Commission and City Council were concerned with the loss of housing and the potential financial burdens placed on existing property owners resulting from the loss of the second dwelling unit.

One of the main requirements of Ordinance No. 03-1290 is that legal nonconforming second dwelling units are allowed to remain subject to the property owner obtaining a conditional use permit (CUP) by December 4, 2008. As of now, only two CUP applications have been approved by the Planning Commission since the Ordinance went into effect. Staff has identified existing second dwelling units on 131 properties in the RS (Residential, Single-family) zoning district, many of which are legal nonconforming and may be eligible for a CUP. Under Section 9172.21 of the CMC, the Planning Commission has the discretion to deny, approve, or approve with conditions a CUP application for a second dwelling unit.

Development Standards for Second Dwelling Units

Ordinance No. 03-1290 created Section 9125.6 (Second Dwelling Unit Development Standards) of the CMC which describes the development standards for second dwelling units. The Section requires a minimum lot size of 7,500 square feet within the RS zoning district in order to be able to obtain ministerial approval. Other requirements are as follows:

- The property must contain one (1) single-family residence.
- No more than one (1) second dwelling unit on a lot.
- No accessory living quarters or other structures used for living purposes can be located on the lot.
- Detached Unit Size
 - 500 square feet maximum for studio unit with one bathroom and kitchen
 - 650 square feet maximum for one-bedroom unit with one bathroom and kitchen
 - 700 square feet maximum for two-bedroom unit with one bathroom and kitchen
- Attached units shall not exceed 40 percent of the main unit
- Setbacks
 - 10 feet from primary residence
 - 6 feet from accessory structures

- 5-foot side yard setback (10-foot side yard if located above an accessory structure)
- 15-foot rear yard setback
- Height: 2 stories maximum up to 30 feet
- Parking
 - Studio: 1 uncovered off-street parking space outside of front yard setback area
 - 1-bedroom: 1 space within either a garage or carport
 - 2-bedroom: 2 spaces within a garage
 - 700-square-foot unit or larger: 2 spaces within a garage

If the lot size is less than 7,500 square feet or it does not meet development standards in Section 9125.6 (Second Dwelling Unit Development Standards) of the CMC as summarized above, a conditional use permit must be obtained, which requires a public hearing before the Planning Commission. Adequacy of on-site parking and applicable development standards will be reviewed in this process and specific conditions may be required to mitigate code deficiencies. The Commission may also require improvements to the property.

III. Analysis

Staff has received numerous phone calls and inquiries at the front counter from property owners who have received staff's September 30, 2009 notice. The following is a summary of their concerns:

- Fee – The conditional use permit (CUP) fee is \$1,500 plus \$100 for the mailing labels. Many owners claim the \$1,600 fee is a hardship and have requested a reduction.
- Noticing – Owners claim they were not properly notified in 2003 when Ordinance No. 03-1290 went into effect. Staff has insisted that noticing was properly given for both the Planning Commission and City Council public hearings.
- 30-Day Deadline – Owners must submit their CUP application within 30 days of the September 30 notice, or by October 30, 2009. Staff informed owners that if they cannot submit by that date, a letter should be provided to staff indicating they are assembling, in good-faith, the CUP application and need additional time to prepare the development plans and other documents.
- Owner-Occupancy Requirement – Section 9125.6(L)(1)(c) reads, "The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property." Owners have indicated that they no longer live at the property; some indicate they have moved out of Carson and some out-of-state. Because of medical conditions or other factors, they cannot live at the property in question.



- Process – Many owners are overwhelmed with the submittal requirements and are intimidated by the process. Submittal requirements include:
 - a. Site Plan
 - b. Floor Plan
 - c. Elevations (Photos may be acceptable)
 - d. Photographs
 - e. Deed restriction
 - f. Title report
 - g. Home Inspection Report prepared by a certified private building inspector

If a property owner indicates they are not able to provide the information, staff has recommended owners to hire an architect, draftsman, expeditor, or other expert familiar with the process. With exception to the Home Inspection Report, it is possible for a property owner to prepare and provide all other items.

Owners are frustrated with the requirement to apply for a CUP for a second dwelling unit that they have owned for years. Staff has indicated that without Ordinance No. 03-1290, the second dwelling unit should have been abated long ago. The CUP process allows the City to evaluate an older structure and allows the property to maintain the second dwelling unit legally.

IV. Conclusion

The Planning Commission should consider the issues discussed in this report and the opportunities to preserve existing housing opportunities. Ordinance No. 03-1290 will cause an influx of new CUP applications from homeowners wishing to keep their second dwelling units. The Planning Commission should be cognizant that early decisions will set precedence for CUP applications still to come. Second dwelling units provide an important housing resource and should be retained if deemed compatible with existing development in the vicinity, including aspects of site planning, land coverage, landscaping, appearance, scale of structures and open space, and other features relating to a harmonious and attractive development of the area. The Planning Commission should provide direction to staff in dealing with the concerns of property owners.



V. Recommendation

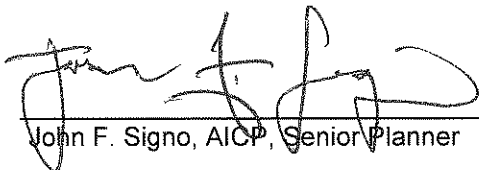
That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- DIRECT staff in procedures for processing CUP applications for second dwelling units; and
- RECEIVE and FILE.

VI. Exhibits

None.

Prepared by:


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