CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 28, 2011

SUBJECT: Conditional Use Permit No. 779-09

APPLICANT/PROPERTY OWNER: Loa Lavender
21218 Martin Street
Carson, CA 90745

REQUEST: To approve a Conditional Use Permit for a second
dwelling unit located within the RS (Residential, Single-Family) zoning district.

PROPERTY INVOLVED: 21028 – 21030 Martin Street

COMMISSION ACTION

___ Concurred with staff
___ Did not concur with staff
___ Other

COMMISSIONERS' VOTE

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I. Introduction

The applicant, Loa Lavender, is requesting approval of Conditional Use Permit (CUP) No. 779-09 pursuant to Carson Municipal Code (CMC) Section 9172.21, “Conditional Use Permit” and 9182.3, “Nonconforming Residential Density” for an existing second dwelling unit within the RS (Residential, Single-Family) zoning district located at 21028 and 21030 Martin Street (Exhibit No. 1).

II. Background

The project site is a 12,000-square-foot parcel with two detached dwelling units. According to the Los Angeles County Assessor records, the 1,186-square-foot primary dwelling unit was legally constructed in 1937 and is located in the front of the site. The 1,040-square-foot second dwelling unit was also legally constructed and has a Los Angeles County building permit from 1955. The second dwelling unit is located in the rear of the site and under consideration for a conditional use permit since it is the smaller unit. The second unit has three bedrooms, 1 bath, a kitchen, dining area, living room, and laundry area (Exhibit No. 2).

The site also contains two storage sheds and a one-car garage that is utilized by the primary structure. There are no previously approved discretionary permits for this site and no known open code enforcement cases for the subject property.

III. Analysis

Conditional Use Permits

According to CMC Section 9172.21, “Conditional Use Permit”, the Planning Commission shall approve the proposal if it is able to make affirmative findings based on the following criteria:

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

The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for Low Density Residential and zoned RS (Residential, Single Family). The adjacent properties to the east, north, and south are residential. Southeast of the site is Dolphin Park. Further north is the Shell Oil tank storage yard.

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

The second dwelling unit generally meets the design and development standards in the CMC. CMC Section 9182.3 states, "When approving a conditional use permit, the Commission shall make findings regarding the adequacy of on-site parking and applicable development standards contained in CMC 9125.6."

The second dwelling unit does not meet parking and maximum unit size requirements. The maximum unit size allowed for a second dwelling unit is 700
square feet for a 2 bedroom/1 bath. Anything exceeding these requirements is subject to a Conditional Use Permit.

Per the requirements in CMC Section 9125.6, a three-bedroom second dwelling unit is required to provide a two car garage on-site. The site provides a detached one car garage that serves the primary structure. The site can accommodate an additional two-car garage, however the applicant has requested that a condition be added to restrict expansion or additions to the primary or secondary unit unless a two-car garage is provided. The applicant shows the location of a future two-car garage on the site plan. Since space is available on the site to provide for a two-car garage, the Planning Commission may require the construction of the two-car garage as a requirement of the CUP.

The property is located on Martin Street, which only has homes on the east side of the street. Therefore ample street parking is available on Martin Street. Due to the financial burden of constructing a two-car garage, the availability of street parking, and taking into consideration the existing units were constructed legally in 1937 and 1955, staff recommends a condition of approval be included to limit the addition or expansion of the primary or secondary unit unless the future 2-car garage is constructed.

CMC Section 9182.3 allows the Planning Commission discretion to determine if the existing parking is appropriate and can continue. In order to mitigate parking impacts, staff has included a condition of approval limiting additions or intensifications to the property unless all parking requirements are met. This issue of concern is discussed in more detail in Section IV.

CMC Section 9182.3 (B) states, “In the RS or RA Zone, a lawfully established residential use of a type or with a density of dwelling units no longer permitted in the RS or RA Zone shall be considered to be a nonconforming use subject to the provisions of CMC Section 9182.21 through 9282.23.” Therefore per CMC Section 9182.21, “conditions may be included which provide for either the continuation or termination of each nonconformity existing on the site” when granting a conditional use permit. Also, CMC 9122.8(C) indicates if standards in CMC 9125.6 are not met then a CUP is required for the existing lawfully established unit.

Since the second dwelling unit was lawfully constructed in 1955 and the applicant agrees to the conditions of approval to mitigate parking impacts, staff recommends the nonconformities be allowed to continue with the approval of a conditional use permit.

The applicant has provided staff with a property inspection report that was prepared by a qualified/certified property inspector, per the requirements of the CUP (Exhibit No. 3). The inspection report included recommendations to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. No safety or hazardous concerns were identified in the report. The applicant will be conditioned to address the items identified in the property inspection report to the satisfaction of the Planning Division within 90 days from the approval of the conditional use permit.
With the recommendations stated in the inspection report and conditions of approval, the site and building is adequate in size, shape, topography, location, and utilities to accommodate the proposed use.

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

Adequate driveway widths are provided on-site. Appropriate access is available for circulation and to ensure safety for pedestrians and motorists. The project will not affect or impact the safe circulation of either pedestrians or vehicular traffic.

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

The second dwelling unit and primary structure were constructed in 1955 and 1937, therefore adequate water supply for fire protection already exists.

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

The existing two residential units were constructed as single family residences. The property will remain as single family residences therefore no change is proposed to the intended character of the area. The existing use is 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).

The proposed project is subject to the requirements in CMC Section 9182.3, “Nonconforming Residential Density” and Section 9125.6, “Second Dwelling Unit Development Standard”. The specific requirements of these sections have been discussed above under Section III (b).

Per CMC Section 9182.3 (A), the Commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;
2. Exterior changes to promote compatibility of buildings and structures with surrounding development;
3. General repairs to vehicular maneuvering or parking areas; and
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for second dwelling units.

Staff believes no additional requirements or limitations are needed. A reasonable and appropriate amount of landscaping will be provided within the front yard and areas visible to the public. In addition, the applicant will be removing the asphalt parking within the front yard and replace with appropriate landscaping. The second driveway leading to the asphalt will be closed and improved with sidewalk. Therefore, the project will be increasing landscaping on-site and providing improvements.

Staff believes the project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with the conditions of approval. Therefore all of the required findings pursuant to Section Planning Commission Staff Report
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9172.21(D), "Conditional Use Permit, Commission Findings and Decision" and Section 9122.8, "Second Dwelling Units" can be made in the affirmative, if conditions of approval are implemented.

IV. Issues of Concern

Parking

The second dwelling unit does not meet the parking requirements stated in CMC Section 9162.21 and is required to provide a two-car garage. The applicant can provide additional parking on-site, however is requesting a condition be included limiting expansions or additions to the primary and secondary unit unless a two-car garage is constructed. The property site is located on a residential street with where homes are only on the east side of the street. Martin Street is adjacent to the Shell Oil tank storage yard, therefore ample street parking is available on Martin Street.

The applicant has identified the location of a future two-car garage on the site plan. With the additional condition, parking impacts will not be intensified. Staff recommends the following condition be added in lieu of requiring the construction of a 2-car garage at this time to mitigate and prevent an intensification of street parking in the future:

1. Any expansion/addition of the secondary unit or primary unit will constitute as an intensification of use and the nonconforming parking privilege for the second unit will no longer be continued. The site must meet the parking requirements stated in CMC Section 9162.21 prior to the approval of any expansions to the second unit or primary unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage.

A 22' x 22' asphalt parking area exists within the front of the property site. The asphalt parking area is assumed to have been constructed in 1937. During the CUP process, engineering and planning staff have concluded that the asphalt parking and second driveway to the area must be removed for safety purposes. In addition, the site is subject to a 5-foot dedication of land to provide sidewalks on Martin Street. The engineering division will be coordinating with the property owner to close off the second driveway and obtain a 5-foot dedication. Planning is requiring the removal of the asphalt and replacement with landscaping. The following conditions have been added:

2. Within 60 days of approval, the applicant/property owner shall submit for approval/permits to remove the asphalt parking area located within the front yard.

3. Within 60 days of approval, the applicant/property owner shall coordinate with the Engineering division to provide a 5-foot dedication of the property and repair/close off the second driveway directly leading to the asphalt parking area.

Unpermitted modifications – Enclosed Patio

Based on city records, no building permits were issued for the family room and closet within the primary structure (family room is noted as an ‘enclosed patio’ on plans). The Los Angeles County Assessor information recognizes the family room to be an
enclosed patio in their records from 1986 and staff has determined the enclosed patio was most-likely constructed in the late 1960s. Since the enclosed patio was most-likely constructed prior to city incorporation, recognized by the Los Angeles County Assessor, and meets all current development standards, staff is assuming the enclosed patio was permitted.

As a condition, the applicant will be required to either convert the family room back to an enclosed patio, submit for building permits to legalize the existing family room, or demolish the family room. The following condition has been included:

4. The applicant shall either convert the family room to an enclosed patio, submit for building permits and meet all current building code requirements for the existing family room, or demolish the family room within 90 days of approval. If the family room/enclosed patio is demolished, the closet area/storage area must meet all planning and building code requirements.

V. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA) guidelines, the existing second dwelling unit does not have the potential to cause a significant effect on the environment and is considered categorically exempt.

VI. Recommendation

That the Planning Commission:

- APPROVE Conditional Use Permit No. 779-09 subject to the conditions of approval attached as Exhibit “B” to the Resolution; and

- WAIVE further reading and ADOPT Resolution No. 11-____, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 779-09 FOR AN EXISTING SECOND DWELLING UNIT LOCATED AT 21028 – 21030 MARTIN STREET.”

VII. Exhibits

1. Draft Resolution
2. Site Map
3. Property Inspection Report
4. Second Dwelling Unit Checklist
5. Development Plans

Prepared by: [Signature]
Sharon Song, Associate Planner

Reviewed by: [Signature]
John F. Signo, AICP, Senior Planner

Approved by: [Signature]
Sheri Repp-Loadsman, Planning Officer
Planning Commission Staff Report
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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 779-09 FOR AN EXISTING SECOND DWELLING UNIT LOCATED AT 21028 - 21030 MARTIN STREET

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, Loa Lavender on behalf of, with respect to real property located at 21028 - 21030 Martin Street, and described in Exhibit "A" attached hereto, requesting the approval of an attached second dwelling unit located within the RS (Residential, Single Family) zoning district. The second dwelling unit is a three-bedroom unit that is approximately 1,040 square feet, located in the rear of the property. The existing second dwelling unit was legally constructed in 1955, prior to the adoption of Ordinance No. 03-1290 in 2003, which requires a conditional use permit for legal nonconforming second dwelling units that do not meet the development standards in Section 9125.6 of the Carson Municipal Code (CMC).

A public hearing was duly held on June 28, 2011, at 6:30 P.M. at 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. The Planning Commission finds that:

a) The existing second dwelling unit meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. The proposed project is identified in the Carson Municipal Code as a permitted use for this land use category subject to Conditional Use Permit approval. The surrounding properties are developed with residential single family dwellings and the proposed project is compatible with the neighborhood.

b) The site is adequate in size, shape, topography, location, and utilities to accommodate the second dwelling unit. The second dwelling unit is not in conformance with parking requirements, however a condition has been included to preclude an intensification of parking impacts. The second dwelling unit exceeds the maximum unit size permitted under CMC Section 3125.6, however is permitted through the approval of a Conditional Use Permit.

c) The property will not generate or intensify parking impacts to the adjacent public street with implementation of conditions of approval. The conditions of approval contained in Exhibit "B" of this Resolution require that future expansions and/or additions meet all current parking requirements. The existing second dwelling unit is not in compliance with current parking requirements and the primary unit is legal non-conforming with a one-car garage. Adequate driveways are
provided on-site and the project will not affect or impact the safe circulation of either pedestrian or vehicular traffic.

d) Adequate water supply is provided.

e) The second dwelling unit generally conforms to all applicable design standards and guidelines that have been adopted pursuant to Section 9125.6, “Second Dwelling Unit Development Standards” of the Carson Municipal Code.

f) All of the required findings pursuant to Section 9171.21(d), “Conditional Use Permit, Approval Authority and Findings and Decision” can be made in the affirmative.

Section 4. The Planning Commission further finds that the second dwelling unit will not have a significant effect on the environment. The second dwelling unit will not alter the predominantly residential single family 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 the CEQA Guidelines, Section 15301 (Existing Structures or Facilities).

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves the categorical exemption and grants Conditional Use Permit No. 779-09 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. 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 Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF JUNE, 2011.

__________________________
CHAIRMAN

ATTEST:

__________________________
SECRETARY

SS/c779-09_041211
Exhibit “A”

Lots 24 and 25 of Tract No. 5927, as per map recorded in book 64 page 58 of Maps, in the office of the county recorder of said Los Angeles County.

The following described real property in the City of Carson, County of Los Angeles, State of California:

The Northerly 80 feet of the Southerly 130 feet of the Westerly 150 Lot 58, Tract 4054 as per map recorded in Book 44 of Maps, in the office of the County Recorder of said county.
CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 779-09

GENERAL CONDITIONS

1. If Conditional Use Permit No. 779-09 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.

2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.

3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.

4. 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 within 90 days of receiving approval by the Planning Commission, if applicable.

5. 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.

6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 779-09. 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.

8. A property inspection report was prepared by a qualified/certified property inspector that includes plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. The deficiencies described in the inspection report shall be eliminated or mitigated within 90 days to the satisfaction of the Planning Division. The Planning Division shall inspect the property for compliance with the corrective measures. An extension of time to complete necessary corrective measures may be granted for up to an additional 90 days, subject to the discretion of the Planning Division.

9. Per Carson Municipal Code Section 9125.6.8 (L)(1), the applicant shall submit a deed restriction stating that:

   a. The second dwelling unit shall not be sold separately;

   b. The second dwelling unit is restricted to the maximum size allowed per the conditional use permit;

   c. Any expansion/addition of the secondary unit or primary unit will constitute as an intensification of use and the nonconforming parking privilege for the second unit will not longer be continued. The site must meet the parking requirements stated in CMC Section 9162.21 prior to the approval of any expansions to the second unit or primary unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage; and

   d. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.

10. The deed restriction shall be recorded at the County Recorder's Office within 90 days after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.

SECOND DWELLING UNIT EXPANSION/PARKING/OTHER

11. Any expansion/addition of the secondary unit or primary unit will constitute as an intensification of use and the nonconforming parking privilege for the second unit will no longer be continued. The site must meet the parking requirements stated in CMC Section 9162.21 prior to the approval of any expansions to the second unit including but not limited to the addition of bedrooms, other habitable areas, and additional square footage. Any major improvements shall require review and approval by the Planning Division and issuance of a building permit, if applicable.
12. The driveway leading to the garage shall remain clear, except for automobiles, to facilitate automobile parking and access.

13. The applicant shall provide a separate water, gas, and electrical meter per Building Code requirements for the second dwelling unit within 60 days of Planning Commission approval, if applicable.

14. Within 60 days of approval, the applicant/property owner shall submit for approval/permits to remove the asphalt parking area located within the front yard.

15. Within 60 days of approval, the applicant/property owner shall coordinate with the Engineering division to provide a 5-foot dedication of the property and repair/close off the second driveway directly leading to the asphalt parking area.

16. The applicant shall either convert the family room to an enclosed patio, submit for building permits and meet all current building code requirements for the existing family room, or demolish the family room within 90 days of approval. If the family room is demolished, the closet area/storage area must meet all planning and building code requirements.

BUILDING & SAFETY

17. All building improvements shall comply with City of Carson Building and & Safety Division requirements.

18. Any exterior areas of the second dwelling unit that are deteriorated or exposes natural wood must be re-painted or touched-up to the satisfaction of the Planning Division.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

19. All requirements by the Los Angeles County Fire Department shall be met.

20. There shall be no storage allowed within any required building setback yard area to promote fire safety.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

21. 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.
Second Dwelling Unit Checklist for Planning Commission

Property Address: 21028 – 21030 Martin Street
Application #: Conditional Use Permit No. 779-09
Date 1st Dwelling Unit Built: 1937
Date 2nd Dwelling Unit Built: 1955

Applicable Development Standards per Section 9125.6

**MINIMUM LOT SIZE**

Meet Code: Yes

7,500 square feet for RS zone

Comments:
The lot size is 12,000 square feet. The site meets the minimum lot size requirement.

**UNIT SIZE**

Meet Code: No

| 0 bdrm, 1 bthrm and kitchen: 500 s.f. max. | Attached d.u. same as above, but no more than 40% of main d.u. |
| 1 bdrm, 1 bthrm and kitchen: 650 s.f. max. |
| 2 bdrms, 1 bthrm and kitchen: 700 s.f. max. |

Comments:
The second dwelling unit is 1,040 square feet. The second dwelling unit has three bedrooms, one bath, kitchen, laundry and living area. The unit meets the maximum unit size requirements.

**SETBACK REQUIREMENTS**

Meet Code: Yes

| 10’ from primary residence | 15’ rear yard |
| 6’ from accessory structure | if above accessory structure, 10’ min. side yard |
| 5’ side yard |

Comments:
The second dwelling unit is 7 feet from the rear yard and has side yard setbacks of 12 feet and 24 feet. The primary structure and accessory structure meet the minimum separation requirements.

**OFF-STREET PARKING**

Meet Code: No

| Studio: 1 uncov. sp. outside of FYSB | 2 bedrms or over 700 s.f.: 2 spcs. within garage |
| 1 bdrm: 1 sp. in 10’x20’ gar. or 9’x20’ carport | Main dwelling unit parking provided |

Comments:
The second dwelling unit requires a two garage. The site provides one garage space for the primary unit. Space is available to provide a 2-car garage and uncovered on-stie parking is available. Staff has designated a future 2-car garage and included a condition that if either the primary or secondary unit is intensified by additional square footage, the two car garage will be required. Staff has added a condition limiting any expansions or additions unless the future 2-car garage is constructed.
OWNER OCCUPIED

Meets Code: No

Comments:
The site is not owner occupied.

Per Section 9122.8, the Commission may require additional improvements to the property, or any buildings or structure thereon, which may include but are not limited to the following:

1. Condition of landscaping

Staff’s evaluation: Good

Comments:
On-site landscaping is in fair condition. The removal of the asphalt parking area will require additional landscaping. The property owner will provide additional landscaping when removing the asphalt area within the front yard.

2. Exterior changes to promote compatibility of buildings and structures with surrounding development

| Wall Paint: | Fair | Doors: | Fair |
| Building Material: | Fair | Windows: | Fair |
| Building Trim: | Fair | Porch: | Fair |
| Roof: | Fair | Accessory structure: | Not applicable |
| Eaves: | Fair | Other: | Not applicable |

Comments:
During the CUP process, the property owner has provided several upgrades and improvements to the site. The garage door has been removed and replaced and all illegal structures/storage areas have been removed. The site is in fair condition.

3. General repairs to vehicular maneuvering or parking areas

Staff’s evaluation: Good

Comments:
Vehicular maneuvering and parking areas are adequate. The property owner will remove the asphalt parking area and replace with landscaping.

4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for second dwelling units.

Staff’s evaluation: Existing is Acceptable
Second Dwelling Unit Checklist for Planning Commission

Comments:
The property inspection report identifies the modifications required to bring the structure more into compliance. The property has already addressed a majority of the issues identified in the report and is in the process of addressing the other outstanding issues. Conditions have been added to ensure the structure will be in compliance. The enclosed patio and attached closet area is unpermitted. The original permits approved an open patio. The property owner has agreed to either demolish the enclosed patio area or submit for building permits. Conditions have been added to ensure the site will be in conformance with all building code and planning requirements.

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<th>OTHER ISSUES:</th>
<th>Garage Conversion: No</th>
<th>Unpermitted additions (rooms, patio, etc.): Yes</th>
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Planner: Sharon Song, Associate Planner  Date Completed: 6/8/2011