



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 26, 2013

SUBJECT: Conditional Use Permit No. 900-12 and Design Overlay Review No. 1478-13

APPLICANT: Mr. Thomas Tun for Mr. Angel Trujillo
5952 Lanto Street
Bell Gardens, CA 90201

REQUEST: Construct a new two-story, detached structure with a first-floor, four-car garage and workshop and a second-floor accessory living quarter in the RM-12-D (Residential, Multi-family – 12 units per acre; Design Overlay) zone

PROPERTY INVOLVED: 22029 Dolores Street

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Goolsby
		Vice-Chair Verrett			Gordon
		Brimmer			Saenz
		Diaz			Schaefer

I. **Introduction**

Date Application Received
March 19, 2012

Applicant
Mr. Thomas Tun
5952 Lanto Street
Bell Gardens, CA 90201

Property Owner
Mr. Angel Trujillo
22029 Dolores Street
Carson, CA 90745

Project Address
22029 Dolores Street, Carson, CA 90745

Project Description

The applicant, Mr. Thomas Tun, is requesting approval of Conditional Use Permit No. 900-12 on behalf of Mr. Angel Trujillo (property owner) for a new two-story, detached structure with a 1,191-square-foot, first-floor four-car garage and workshop and a 700-square foot, second-floor accessory living quarter with a 285-square foot deck totaling 2,176 square feet in the RM-12-D (Residential, Multi-family – 12 units per acre - Design Review) zone. Pursuant to sections 9122.1 and 9122.2, an accessory living quarter and an accessory structure exceeding five hundred square feet of floor area is subject to a conditional use permit.

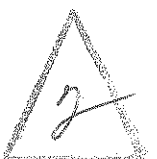
II. **Background**

Building permit records indicate that the main house and a detached, one-car garage were constructed in 1956.

Staff has advised the applicant and property owner that the proposed structure cannot be occupied or rented as a separate dwelling and a kitchen is prohibited (CMC Section 9122.1). Staff also advised the applicant and property owner that the existing 1-car garage be demolished to provide minimum access requirements for the proposed 4-car garage.

Existing Site Conditions/Current Use of Property

The 8,799-square-foot subject property is a rectangular-shaped lot that is located on the west side of Dolores Street and south of 220th Street. The project site is zoned RM-12-D and has a General Plan land use designation of medium density. The front yard setback is an adequately maintained, landscape area and the driveway entrance is from Dolores Street which leads to the 1-car garage (this area is entirely paved).



There are currently two structures on the subject site: an 850-square-foot single family dwelling facing Dolores Street and a 199-square-foot 1-car garage located behind the dwelling. Both structures are architecturally similar in terms of features, materials and colors (white stucco exterior and same roofing materials).

The surrounding area includes: 1) two-story condominium units to the south built in 1989; 2) one-story units to the north built in 1957; and 3) one-story units to the west built in 1963.

Previous Proposals/Approved Discretionary Permits

There were no discretionary permits found on record.

Public Safety Issues

There is no open code enforcement cases associated with this property.

III. Analysis

The proposed two-story accessory structure incorporates substantially similar architectural features, building materials and colors as the main dwelling and is compatible with dwellings located on adjacent properties.

Zoning/General Plan Designation

The subject property as well as the properties to the north, south, east and west are zoned RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay). As such, the existing single-family dwelling and proposed accessory structure and living quarter are consistent with the RM-12-D zoning district and the General Plan land use designation of Medium Density.

Conditional Use Permit No. 900-12

Pursuant to CMC Section 9122.1 – Accessory Living Quarters – and Section 9122.2 - Outbuildings and Outdoor Uses - a conditional use permit is required for an accessory living quarter exceeding 500 square feet of floor area. Section 9172.21(D) of the Zoning Ordinance requires the Planning Commission, by Resolution, render its approval based on the ability to make affirmative findings concerning the following:

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

The subject property will consist of one single-family dwelling and a proposed accessory structure with a second-floor accessory living quarter which is consistent with the General Plan designation of Medium Density.



- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.**
The site is 50 feet wide and 176 feet deep, rectangular, relatively flat, located adjacent to a collector street, and is adequately served by existing utilities. As such, there is no significant, foreseeable impact to the existing utilities.
- c. There will be adequate street access and traffic capacity.**
The subject site is located adjacent to Dolores Street and south of 220th Street which are both two-lane collector streets designed to serve the anticipated capacity for the residential properties adjacent to them. Adequate driveway width and access exists on the east side of the property, which provides appropriate ingress and egress to the existing single-family home and proposed accessory structure. 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 property is located in a developed residential neighborhood and adequate water supply is provided.
- e. The proposed use and development will be compatible with the intended character of the area.**
The proposed use will not negatively impact the vicinity of the subject site, in terms of parking, traffic, noise and safety. The neighborhood consists of multi-family residential homes. Since the intended character of the area is Medium Density Residential, the existing use is compatible.
- f. Such other criteria as are specified for the particular use in other Sections of this chapter.**
The proposal conforms to all applicable design standards and guidelines adopted pursuant to Section 9172.15 of the Carson Municipal Code.

Design Overlay Review No. 1478-13

Pursuant to CMC Section 9126.9 – Site Planning and Design – a Site Plan and Design Review is required for developments within any D (Design Overlay) designated area. Section 9172.23 (D) of the Zoning Ordinance requires the Planning Commission, by resolution, render its approval based on the ability to make affirmative findings concerning the following:

- a. Compatibility with the General Plan, any specific plans for the area and surrounding uses.**
The proposed project is identified in the General Plan as a permitted use for this land use category and adheres to the goals and objectives of the Housing Element of the General Plan by improving housing stock in the



community and enhancing neighborhood quality. There is no specific plan for this area. The surrounding properties are developed with one- and two-story multi-family dwellings and the proposed project is compatible with the neighborhood.

- b. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of the site planning, land coverage, landscaping, appearance, scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.**

The project is compatible with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, and appearance and scale of structures. Architectural treatments will be incorporated into the proposed structure which will include compatible colors, trims and moldings for all doors, windows and garage entrances.

- c. Convenience and safety of circulation for pedestrians and vehicles.**

Adequate driveway width and access exists on the east side of the property, which provides appropriate ingress and egress to the existing single-family home and proposed accessory structure. The project will not affect or impact the safe circulation of either pedestrians or vehicular traffic.

- d. Attractiveness, effectiveness and restraint in signing, graphics and color.**

There are no signs intended for the proposed project except for address identification.

- e. Conformance to any applicable design standards and guidelines, which have been adopted pursuant to Section 9172.15.**

The proposed building addition 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 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision" can be made in the affirmative.

Issues of Concern: Zoning Requirements / Conditional Use Findings

- **Issue – Deed Restriction:** Per Section 9122.1 and 9122.2 of the Carson Municipal Code, the applicant shall submit a deed restriction stating that:
 - The structure is identified as an accessory living quarter that shall not be occupied or rented as a separate dwelling.

- Issue – Windows facing onto neighboring properties: The surrounding area includes two-story condominium units to the south, one-story units to the north and one-story units to the west of the property. Staff believes the proposed second-story windows are adequately setback from neighboring structures to lesson privacy impacts. The two-story north-facing window is located approximately 66 feet from the northern one-story unit. The two-story south-facing window is located approximately 15 feet from the southern property line. If necessary, staff recommends the following condition requiring that techniques be used to further lesson privacy impacts on the neighboring properties:
 - Mitigation: Techniques such as obscure glazing, window placement above eye level, screening treatments or locating windows toward the existing on-site residence be used to further lesson privacy impacts on the neighboring properties.

IV. Environmental Review

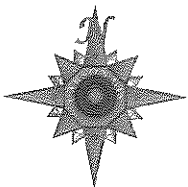
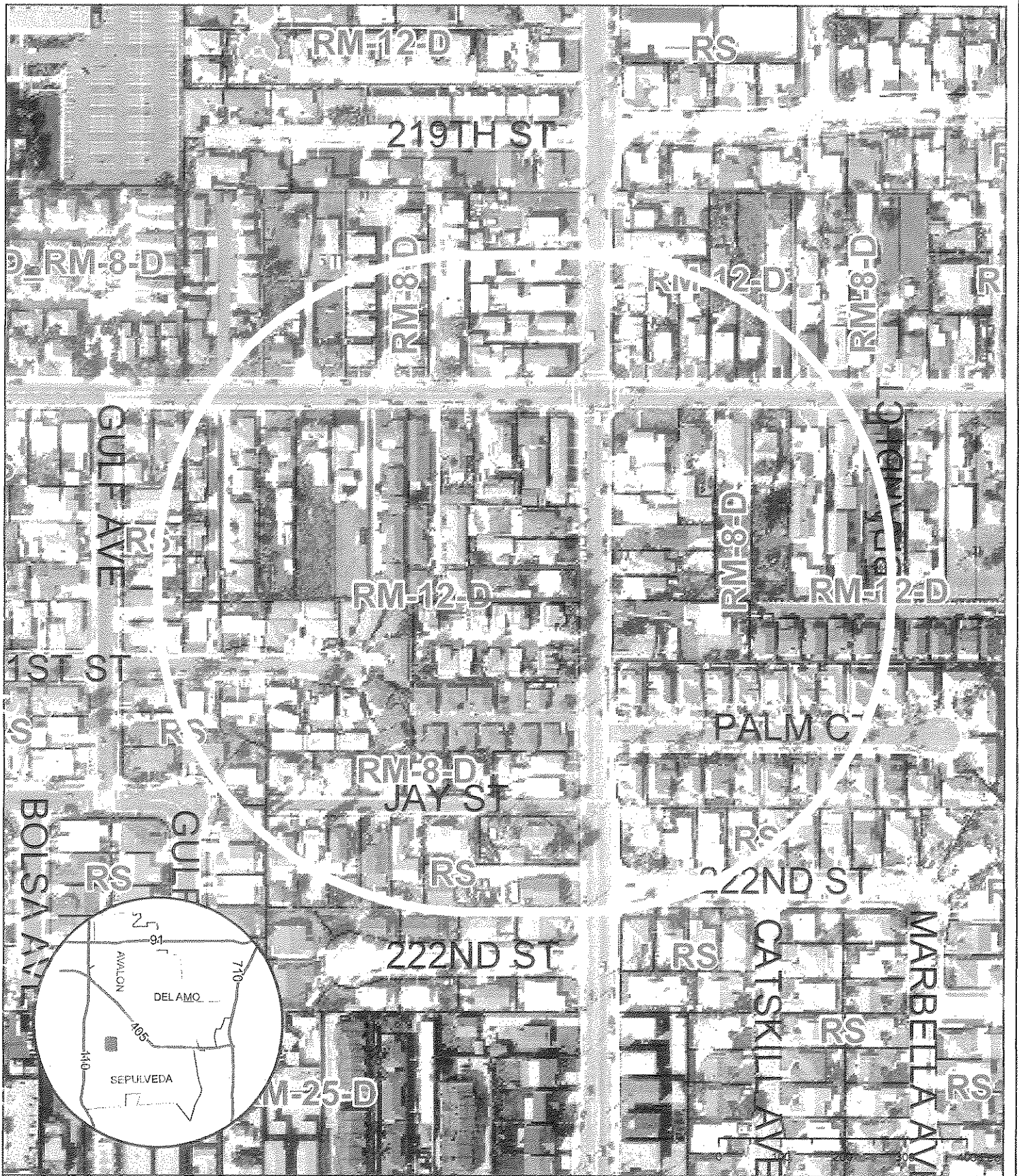
Pursuant to Section 15303 – New Construction or Conversion of Small Structures - of the California Environmental Quality Act (CEQA), the proposed accessory structure does not have the potential to cause a significant effect on the environment and is found to be exempt.

V. Recommendation

That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 900-12 and Design Overlay Review No. 1478-13 subject to the conditions of approval attached as Exhibit “B” to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 900-12 AND DESIGN OVERLAY REVIEW NO. 1478-13 FOR A NEW TWO-STORY, DETACHED STRUCTURE WITH A 1,191-SQUARE FOOT, FIRST-FLOOR FOUR-CAR GARAGE AND WORKSHOP, AND A 700-SQUARE-FOOT, SECOND-FLOOR ACCESSORY LIVING QUARTER AND DECK TOTALING 2,176 SQUARE FEET ON A PROPERTY LOCATED AT 22029 DOLORES STREET.”





City of Carson
 500 Foot Radius Map
 22029 Dolores Street

EXHIBIT NO. 01

8

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 900-12 AND DESIGN OVERLAY REVIEW NO. 1478-13 FOR A NEW TWO-STORY, DETACHED STRUCTURE WITH A 1,191-SQUARE-FOOT, FIRST-FLOOR FOUR-CAR GARAGE AND WORKSHOP, AND A 700-SQUARE-FOOT, SECOND-FLOOR ACCESSORY LIVING QUARTER AND DECK TOTALING 2,176 SQUARE FEET ON A PROPERTY LOCATED AT 22029 DOLORES 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, Thomas Tun on behalf of property owner Angel Trujillo, with respect to real property located at 22029 Dolores Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 900-12 and Design Overlay Review No. 1478-13 for an accessory structure with a four-car garage, workshop and accessory living quarter on a 0.2-acre lot in the RM-12-D (Residential, Multi-family – 12 units per acre – Design Overlay) zoning district. There are currently two structures on the subject site: an 850-square-foot single family dwelling and a 199-square-foot one-car garage which will be demolished. The proposed two-story structure is 2,176 square feet in size and consists of a 4-car garage and workshop on the first floor, and an accessory living quarter with a bathroom, outdoor deck and no kitchen on the second floor. The second-story accessory living quarter has direct access to the garage and workshop below through an interior staircase. Pursuant to Section 9122.1 and 9122.2, accessory living quarters and structures exceeding 500 square feet of floor area is subject to a conditional use permit.

A public hearing was duly held on March 26, 2013, 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. Pursuant to Section 9172.21 - Conditional Use Permit – and Section 9172.23 – Design Review, the Planning Commission finds that:

- a) The General Plan Land Use designation for the subject property is Medium Density, of which the existing zoning of RM-12-D (Residential, Multi family – 12 units per acre – Design Overlay) is compatible.
- b) 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. There is no specific plan for this area.
- c) The site is 50 feet wide and 176 feet deep, rectangular, relatively flat, located along a collector street, and is adequately served by existing utilities. As such, there is no significant, foreseeable impact to the existing utilities.

- d) The surrounding properties are developed with multi family residential homes. The proposed accessory structure will be built with similar architectural features, building materials and colors as the main dwelling unit and is compatible in 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, open spaces and other features relative to a harmonious and attractive development of the area.
- e) An existing driveway on Dolores Street provides access to the house and the proposed accessory structure. There is adequate maneuvering space on the subject lot to allow for cars to safely maneuver to the proposed four-car garage and exit the property. The existing one-car garage will be demolished to provide for adequate vehicular access.
- f) The property will not generate significant adverse parking impacts to the adjacent public street due to the addition of a new four-car garage and with implementation of conditions of approval contained in Exhibit "B" of this Resolution.
- g) A condition has been included to require recordation of a deed restriction with the County Recorder's Office clearly identifying the structure as an accessory living quarters that shall not be occupied or rented as a separate dwelling. The deed restriction shall be recorded at the County Recorder's Office within 30 days after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.
- h) The existing unit is 850 square feet in size which is much smaller than the proposed 2,176 square-foot structure. The size of the structure is appropriate for the surrounding multi-family residential area. The oversized 8,799 square-foot lot is adequate in size to support the existing and proposed structures.
- i) The proposed second-story windows are adequately setback from neighboring structures to lesson privacy impacts. A condition has been included to require that techniques such as obscure glazing, window placement above eye level, screening treatments or locating windows toward the existing on-site residence be used to further lesson privacy impacts on the neighboring properties.
- j) Approval by the Planning Division and issuance of appropriate building permits if applicable are required for any future alterations, expansions or repairs.
- k) There are no signs intended for the subject property.
- l) The proposed project conforms to all applicable design standards and guidelines that have been adopted pursuant to Section 9172.15 of the Carson Municipal Code.
- m) The existing accessory structure meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations.

Section 4. The Planning Commission further finds that the existing accessory structure will not have a significant effect on the environment, will not alter the predominantly multi family 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 the CEQA Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

Section 5. Based on the aforementioned findings, the Planning Commission hereby grants Conditional Use Permit No. 900-12 and Design Overlay Review No. 1478-13 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 26th DAY OF MARCH, 2013.

CHAIRMAN

ATTEST:

SECRETARY

MC/c90012_d147813_22029Dolores_pr2



EXHIBIT "A"

Legal Description

The South 50 feet of the East 177.95 feet of Lot 28 of Tract No. 2982, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 35 Page 31 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. 900-12
DESIGN OVERLAY REVIEW NO. 1478-13

GENERAL CONDITIONS

1. If Conditional Use Permit No. 900-12 and Design Overlay Review No. 1478-13 are not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans and submitted to Planning Division.
3. 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.
4. The accessory living quarter and garage and workshop cannot be occupied or rented as a separate dwelling unit and a kitchen is prohibited.
5. Record a deed restriction with the County Recorder's Office clearly identifying the structure as an accessory living quarter and garage and workshop that shall not be occupied or rented as a separate dwelling.
6. The deed restriction shall be recorded at the County Recorder's Office within 30 days after it is reviewed and approved by the Planning Division. Proof of recordation shall be furnished to the Planning Division.
7. The property owner shall consent to an inspection of the interior and exterior of all buildings upon receipt of a written request by the City in order to determine compliance with these conditions and applicable Carson Municipal Code requirements.
8. Approval by the Planning Division and issuance of appropriate building permits, if applicable, are required for any future alterations, expansions or repairs.
9. The applicant shall comply with all city, county, state and federal regulations applicable to this project.

10. 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 by the Planning Commission.
11. The applicant and the 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.
12. 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.
13. 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.
14. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
15. 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 Conditional Use Permit (CUP) No. 900-12 and Design Overlay Review (DOR) No. 1478-13. 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.

PARKING

16. Designated parking shall meet all applicable standards as outlined in the City of Carson development standards. No expansions, additions, or landscaping shall be constructed that precludes or prevents on-site parking.
17. All parking areas and driveways shall remain clear to facilitate automobile parking and access. No encroachment into parking areas and/or driveways shall be permitted.

FENCES/WALLS

18. Any wall or fence located in the required front yard setback shall have a height not to exceed 42 inches, pursuant to Section 9126.23 of the CMC.

PLANNING DIVISION

19. Techniques such as obscure glazing, window placement above eye level, screening treatments or locating windows toward the existing on-site residence shall be used to further lesson privacy impacts on the neighboring properties. An inspection shall be made with the Planning Division prior to certificate of occupancy.

BUILDING AND SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

21. All requirements by the Los Angeles County Fire Department shall be complied with.
22. There shall be no storage allowed within any required building setback yard area to promote fire safety.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

23. A construction permit is required for any work to be done in the public right-of-way.
24. Any city-owned improvements damaged during construction shall be removed and reconstructed per the City of Carson Standard plan and to the satisfaction of the City Engineer.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

25. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.