



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: March 25, 2014
SUBJECT: Workshop regarding multifamily units in the RS zone
APPLICANT: City of Carson
REQUEST: Workshop to discuss properties zoned RS (Residential, Single-family) with existing multifamily units
PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

____ Concurred with staff
____ Did not concur with staff
____ Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

I. Introduction

The Planning Commission held workshops on June 23, September 8 and October 13, 2009, and May 11 and November 23, 2010, regarding residential development standards and second dwelling units. During the process, staff found approximately 28 properties zoned RS with three units or more. Based on Section 9182.22 of the Carson Municipal Code (CMC), these properties are nonconforming and are given an amortization period to be brought into conformance. The amortization period is either 20 years from adoption of the Ordinance in 1977 or 35 years from the date of construction, whichever results in a later termination date. Since many of the homes were built in the 1950s and 1960s, both termination dates have passed. However, due to the sensitivity of the issue and the likelihood that families would be displaced, this provision has not been actively enforced by staff unless a property is for sale.

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 legal nonconforming second dwelling units to obtain a conditional use permit (CUP) by December 4, 2008.

In 2009, letters were sent to property owners indicating the status of their second dwelling unit. The notices indicated two ways of bringing a legal nonconforming second dwelling unit into compliance:

1. Obtain ministerial approval from the Planning Division by demonstrating that the second dwelling unit meets the requirements of Section 9122.8 (Second Dwelling Units) and Section 9125.6 (Second Dwelling Unit Development Standards) of the CMC; or
2. Obtain a conditional use permit if the second dwelling unit does not meet the requirements described in option 1.

III. Background

By adopting Ordinance No. 03-1290, the City accommodated existing legal nonconforming second dwelling units in an RS zone. However, the ordinance did not address properties zoned RS that have three or more existing units. As such, these units are subject to abatement under Section 9182.22, Termination of Existing Nonconforming Use, as described above.

The following are options that the City can consider to bring these properties into conformance.

Creating a Special District – For neighborhoods that have many properties with three or more units the City can consider creating a special district that could allow the nonconformity to continue. The best example is the neighborhood west of Fries Avenue along Lincoln Street and Pacific Street (400 East block). Staff has

identified 13 out of 35 properties that have multiple units. If a special district is considered, the Planning Commission should decide if it is fair to leave the remaining 22 properties as single-family. If the remaining properties are allowed to build additional units it may place a burden on the existing infrastructure.

Zone Change – The Planning Commission can consider a zone change for clustered properties with existing multiple units. The best example are the properties south of 213th Street between Perry Street and Weiser Avenue (1200 East block). Unlike other neighborhoods that have properties with multiple units spread throughout, these properties are contiguous and all have direct access to 213th Street. At the October 13, 2009 workshop, the Planning Commission advised that they were in support of rezoning the south side of 213th Street between Perry Street and Weiser Avenue. However, an application from those homeowners has not been received.

Ordinance Amendment – An ordinance amendment allowing multiple units in the RS zone can be considered. However, given that the RS zone was created to preserve single-family neighborhoods, allowing multiple units would be contrary to the intent of the zone and the General Plan.

Another option would be to do an ordinance amendment to allow properties with existing multiple units (3 or more) to continue indefinitely with a CUP. This would be similar to Ordinance No. 03-1290, which provided options to allow existing nonconforming second dwelling units to remain.

No Change – If the City decides to proceed with the status quo, these properties with three or more units will continue to be nonconforming and subject to abatement. One option is to remove units and create fewer but larger units. For example, if a property has 5 units in the RS zone, three units could be combined to create one larger main unit, and the remaining two units could be combined to create a second dwelling unit. The size of the building would not change, but the number of units drops from 5 to 2 making the property eligible to meet the second dwelling unit requirements under Section 9122.8 and 9125.6.

Housing Element

On October 15, 2013, the City adopted the 2014-2021 Housing Element to the General Plan. Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of housing types for all income levels, including multi-family rental housing, factory-built housing, mobile homes, emergency shelters, and transitional housing. The City has a regional housing needs assessment (RHNA) of 1,698 housing units for the 2014-2021 planning period. According to the Housing Element, the City's residential sites can support the development of 2,190 units, which is more than sufficient to meet its projected housing needs. In regards to existing housing, the City should be aware of the following housing policies:

POLICY 2.4: Encourage community involvement in addressing the maintenance and improvement of housing stock and neighborhood context.

POLICY 4.3: Encourage the preservation of affordable rental units to ownership units.

POLICY 4.4: Limit the conversion of affordable rental units to ownership units.

Need for Larger Rental Units

Multifamily housing comprises 11 percent of the City's existing housing stock. According to the 2010 Census, there is a disparity between the number of larger rental units available in the City and the number of large households in Carson. For example, only about 15.2 percent of the City's rental units have four or more bedrooms, despite the fact that the average household size of renter-occupied units is higher at 3.74 persons per household compared to 3.62 persons per unit for owner-occupied units. About 38.4 percent of owner occupied units contain four or more bedrooms. The housing needs of large households can be addressed through the expansion of existing smaller units, and the provision of new, affordably-priced larger units. The fact that the majority of unit overcrowding occurs in the City's rental housing stock indicates the need for larger rental units and/or rental subsidies to allow for large households to afford adequately sized units.

Based on the options discussed above, the City could consider not changing its requirements and have properties in the RS zone with multiple units combine smaller units for the creation of larger units that conform to Code.

IV. Recommendation

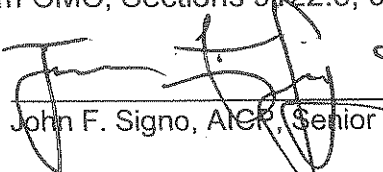
That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop; and
- DIRECT staff in procedures dealing with properties with existing nonconforming multiple units located in the RS zone.

V. Exhibits

1. Excerpts from Planning Commission minutes dated June 23, 2010, September 8, 2010, October 13, 2009, May 11, 2010, and November 23, 2010
2. Excerpts from CMC, Sections 9122.8, 9125.5, and 9125.6

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed by: Barry Waite, Acting Community Dev. Director

Staff Recommendation:

REVIEW and PROVIDE comments on the proposed development.

Ricky De La Rosa, applicant's representative, stated that due to the complexity and size of the proposed project, the applicant is seeking additional time to present an acceptable project.

The Commission noted its preference to hear staff's presentation on this matter this evening.

Staff presented its report. Associate Planner Song explained that while the proposal is a good project, it is not well suited for this site.

Commissioner Schaefer noted the need for more rental units in this community.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Verrett, to continue this matter to the July 14, 2009, Planning Commission meeting. Motion carried (absent Commissioners Brimmer, Gordon).

(Chairman Faletogo recessed the meeting at 7:47 P.M. Chairman Faletogo departed the meeting during break. Vice-Chairman Saenz reconvened the meeting at 7:58 P.M.)

12. NEW BUSINESS DISCUSSION -- Workshop

B) Workshop to Review Residential Development Standards

Applicant's Request:

The city of Carson is requesting the Planning Commission conduct a workshop to discuss development standards applicable to legal nonconforming residential units and new residential development.

Staff's Report and Recommendation:

Senior Planner Signo presented staff report, highlighting various development standards, and noted staff's recommendation for the Planning Commission to CONSIDER and DISCUSS the information provided by staff regarding residential development and to RECEIVE and FILE.

Associate Planner Gonzalez provided input on affordable housing and other special needs housing.

Planning Manager Repp clarified for Vice-Chairman Saenz that senior housing does not necessarily mean it's affordable housing.

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Schaefer, to receive and file the workshop report. Motion carried (absent Commissioners Brimmer, Faletogo, and Gordon).

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Repp announced there will be a community workshop on The Boulevards project this Wednesday at 5:00 P.M., June 24th at the Community Center.

15. COMMISSIONERS' REPORTS

Commissioner Schaefer thanked staff for the informative workshops; and asked for clarification on the legality of using razor wire.

Planning Manager Repp explained that the code is not clear on the use of razor wire, noting that in some cases, its use is needed to deter vandalism.

16. ADJOURNMENT

At 9:00 P.M. the meeting was formally adjourned to Tuesday, July 14, 2009, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary



Planning Technician Alexander presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. _____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1310-09, Conditional Use Permit No. 724-09 and Conditional Use Permit No. 725-09 for a freestanding 60-foot high wireless telecommunication facility disguised as a broad-leaf tree (mono-broadleaf) located at 21136 South Wilmington Avenue." She deleted the last sentence in Condition No. 25, "~~When adjacent to multi-story buildings, said enclosure shall incorporate an overhead door (standard electrical or manual,~~" noting this condition does not apply in this case.

Commissioner Brown stated he'd like staff reports to reflect what other cell sites have been considered for co-location.

Chairman Faletogo opened the public hearing.

Saundra Jacobs, representing the applicant, noted her concurrence with the amended conditions of approval.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Vice-Chairman Saenz moved, seconded by Commissioner Brimmer, to approve staff's recommendation with the amendment to strike the last sentence in Condition No. 25, "~~When adjacent to multi-story buildings, said enclosure shall incorporate an overhead door (standard electrical or manual;~~" and to adopt Resolution No. 09-2270. Motion unanimously carried.

12. NEW BUSINESS DISCUSSION

A) Workshop Regarding Second Dwelling Units

Applicant's Request:

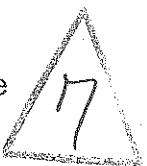
The applicant, city of Carson, is requesting the Planning Commission discuss and consider requirements for second dwelling units for properties citywide.

Planner Officer Repp and Senior Planner Signo presented staff report. Planning Officer Repp explained that significantly blighted properties, dangerous conditions, or circumstances which create a nuisance will not be permitted, noting that each parcel will be considered on a case-by-case basis.

Commissioner Park addressed his concern with areas where infrastructures were not designed for multi-family dwellings and those large populations taxing the infrastructure services.

Planning Officer Repp noted that some properties will require upgrades, reinvestment into their property.

Staff noted for the Commission that the state does not allow a city to place a limit on the number of people living in a home.



Commissioner Brimmer suggested a workshop for those property owners who will be impacted by this effort.

Chairman Faletogo requested a checklist of guidelines to refer to as the Commission is making its decisions on future second unit cases.

Commissioner Schaefer noted that each application will have unique circumstances and will require consideration on a case-by-case basis.

Planning Officer Repp indicated that staff could provide a checklist and rating system to evaluate the benefits and/or detriments for consideration.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Verrett, to direct staff to present to the Commission a checklist of the standards to reference when considering future second dwelling unit conditional use permits. Motion carried.

Commissioner Brimmer suggested that staff conduct a community workshop to educate those homeowners who will be impacted by these requirements.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Leadership Workshop, Saturday, **September 12, 2009, 7:30 a.m. – 1:00 p.m. noon** at the **Community Center, Carson-Dominguez Room**. The workshop will cover important topics such as the duties and responsibilities of commissioners, committee and board members, the Brown Act, parliamentary procedures, and many others.

Planning Officer Repp encouraged the Commission's attendance at the Leadership Workshop.

15. COMMISSIONERS' REPORTS

Vice-Chairman Saenz commented on the hazards mylar balloons pose to the electrical grids and transformer boxes and asked that this issue be placed on the Planning Commission agenda with a recommendation to ban the sale and use of mylar balloons in Carson. He noted his communications with Director Ray Cruz, stating that code enforcement activities will be taking place with nonconforming businesses along Main Street near Torrance Boulevard.

Commissioner Park invited everyone to attend the community meeting at the Dominguez Community Center on Wednesday, September 9, 2009, 6:30 P.M. to discuss the proposed sound wall along the Alameda Corridor.

Commissioner Brown noted his appreciation of this evening's friendly debate on the second units, expressing his intent to be proactive rather than reactive.

Commissioner Graber stated he is looking forward to this weekend's Leadership Workshop.

Commissioner Verrett echoed the sentiments on this evening's debate. She invited everyone to the NAACP's 100th birthday celebration on Saturday, September 19, 2009,

8

9. CONSENT CALENDAR

Minutes: September 22, 2009

Commissioner Brown moved to approve the September 22, 2009, Minutes as presented. There was no objection (Commissioners Brimmer and Verrett had not yet arrived; absent Chairman Faletogo).

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

**A) Conditional Use Permit No. 735-09 and Design Overlay
Review No. 1335-09**

Applicant's Request:

The applicant, Clear-Wire Corporation, is requesting to add three panel antennas and two microwave dishes to an existing lattice tower wireless telecommunication facility on a property located in the ML-D (Manufacturing, Light Design Overlay Review) zone and within Redevelopment Project Area 1. The subject property is located at 17311 South Main Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to approve Conditional Use Permit No. 735-09 and recommend approval of Design Overlay Review No. 1335-09 to the Carson Redevelopment Agency for a major wireless telecommunication facility located at 17311 South Main Street.

Vice-Chairman Saenz opened the public hearing.

Lynn Van Aken, representing the applicant, noted his concurrence with the conditions of approval.

Vice-Chairman Saenz closed the public hearing.

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Schaefer, to approve the applicant's request as submitted, adopting Resolution No. 09-2272. Motion carried (Commissioner Verrett had not yet arrived; absent Chairman Faletogo.)

12. NEW BUSINESS DISCUSSION

A) Workshop: Second Dwelling Units

Senior Planner Signo presented staff report and fielded questions from the Commission.

Commissioner Brimmer asked about the anticipated fees.



Senior Planner Signo explained that the Conditional Use Permit fee is \$1,500 and the mailing labels are \$100, for a total of \$1,600; that the home inspection report, which is prepared by a private, licensed building inspector, is approximately \$500 based on reports already prepared; that additional fees for consultants, such as an architect, draftsman, or engineer, may apply; but indicated that staff has accepted plans prepared by property owners as long as the plans are complete, accurate, and to scale.

Commissioner Park stated that some financial assistance should be available for the impacted property owners who can prove a financial hardship, stating that at the least, the City should provide some assistance with drawing the elevations.

Senior Planner Signo noted for Commissioner Gordon that the requirement for the home inspection can be done after the Conditional Use Permit is approved.

Commissioner Graber expressed his belief the fees are too excessive.

Commissioner Verrett stated that the proposed fees are too high, noting that those who can prove a hardship should be provided some financial assistance or reduction in fees; noted her support for the suggested zone change; and stated there will be instances when a property owner should not be required to live on site.

Commissioner Brown suggested the City coordinate with the drafting students at Harbor College in helping these residents provide the drawings of the elevations, noting this would also assist the students in obtaining work experience. He questioned whether the quoted number of sites with second units has been verified.

Senior Planner Signo explained that staff used the County Assessor's records in obtaining this information. He pointed out that residents are allowed to do their own elevations drawings.

Commissioner Gordon stated that the Commission should be provided complete information on what the total financial impact might be for these property owners; noted his support to request that City Council reduce the fees for these residents; and added that something ought to be provided to these residents which clearly guides them through the entire process. With regard to the suggested rezoning, he stated that this effort should be clearly communicated to that entire community before they individually get started on this process.

Commissioner Brimmer stated that staff should continue to educate these residents and guide them through the entire process; and that staff should verify whether each of these parcels does or does not have a second unit.

Commissioner Park stated that the Commission does not have the discretion to deviate from codes; and that the Commission needs to be clear on what the codes are for second dwellings and that its decisions should be the same across the board. He noted his support in looking for ways to find some financial assistance for these property owners.

Senior Planner Signo explained that the code does allow the Commission some discretion.



Commissioner Brimmer requested a copy of the development standards before making a decision.

Following some debate about the Commission's authority for discretionary review/approval, Commissioner Schaefer stated that the Commission may benefit in having a Conditional Use Permit workshop.

Commissioner Brown suggested that community workshops be scheduled for the suggested rezoning area so they will know exactly what they will need to do to get through this Conditional Use Permit process; and noted his support to recommend City Council reduce the fees for these homeowners.

Commissioner Graber asked that staff study how other cities address this issue.

Commissioner Schaefer stated that each parcel will be different and that it is likely the Commission will need to use some discretion on a case-by-case basis.

It was the consensus of the Commission that the fees for this Conditional Use Permit process should be decreased, suggesting that City Council consider reducing these fees for the residents who will be impacted; that financial assistance should be available for those who need it; and that the Commission is in support of rezoning the south side of 213th Street between Perry Street and Weiser Avenue.

13. **WRITTEN COMMUNICATIONS** None

14. **MANAGER'S REPORT** None

15. **COMMISSIONERS' REPORTS**

Commissioner Park invited everyone to attend the Community Update meeting on the 2535 East Carson Street Project (an affordable housing project) on Wednesday, October 21, 2009, at 6:00 P.M. to 7:30 P.M., Dominguez Community Center.

Commissioner Graber stated he enjoyed today's groundbreaking ceremony at the Safran mixed use project across the street from City Hall and he welcomed the Cal State University Dominguez Hills students in the audience.

Commissioner Schaefer stated she also enjoyed today's groundbreaking ceremony, noting she is looking forward to seeing this exciting development; and she noted that she attended the Country Western Fair last weekend.

Commissioner Verrett commended Chief Pele Faletofo for his exceptional efforts in collecting numerous donations and humanitarian supplies for the victims of the recent tsunami in American Samoa.

16. **ADJOURNMENT**

At 8:30 P.M. the meeting was formally adjourned to Tuesday, October 27, 2009, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary



expansions to the secondary unit will constitute as an intensification of use, and the nonconforming parking privilege for the primary unit will no longer be continued. An additional two-car garage to the one uncovered parking space on site will be required to be provided prior to the approval of any expansions to the primary, except up to approximately fifty (50) square feet on the rear of the unit, or second unit, including, but not limited to, the addition of bedrooms, other habitable areas, and additional square footage."

Planning Commission Decision:

Commissioner Graber moved, seconded by Chairman Faletogo, to approve the applicant's request with the following amendments: to delete Condition No. 9d and add an additional condition, "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 the conditions and applicable Carson Municipal Code requirements," renumbering accordingly; to amend Condition No. 12, "Any expansions of the primary unit, except up to approximately fifty (50) square feet on the rear of the unit, or any expansions to the secondary unit will constitute as an intensification of use, and the nonconforming parking privilege for the primary unit will no longer be continued. An additional two-car garage to the one uncovered parking space on site will be required to be provided prior to the approval of any expansions to the primary, except up to approximately fifty (50) square feet on the rear of the unit, or second unit, including, but not limited to, the addition of bedrooms, other habitable areas, and additional square footage." Motion carried, 6-0 (absent Commissioners Diaz, Park, Saenz).

12. NEW BUSINESS DISCUSSION

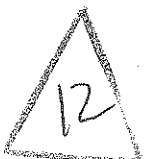
A) Workshop: Second Dwelling Units

Applicant's Request:

The applicant, city of Carson, Planning Division, is requesting the Planning Commission discuss and consider requirements for second dwelling units for properties citywide.

Senior Planner Signo presented staff report, highlighting the following topics: creation of Ordinance No. 03-1290 regarding second dwelling units and accessory structures within residential zones, reduction of CUP fee for second unit homeowners, concentrated areas of second units within Carson, second units and how they provide housing opportunities for Carson residents, ministerial versus discretionary review, general requirements, submittal requirements, development standards, home inspection reports to identify deficiencies, summary of approved CUP's, those CUP's pending, and those yet to have applied for CUP's. He addressed some of the multiple family dwellings currently in the RS zone and a possible zone change to consider, and he noted some of the issues of concern, such as lot size, unit size, parking requirements, owner occupancy, and appropriateness of requiring these CUP's.

Commissioner Schaefer expressed her belief that home inspection reports should be required for both ministerial and discretionary reviews.



Senior Planner Signo mentioned that he has yet to see a second unit property be eligible for ministerial review.

Planning Officer Repp addressed the state's review of the City's Housing Element, noting that the state has questioned whether the City's parking restrictions/requirements are too harsh; and she explained that the Commission may discuss this policy decision this evening.

Commissioner Brimmer stated that these residents have been given adequate time to comply with this 2003 ordinance.

Commissioner Graber stated he would like to see the owner occupancy requirement deleted from the ordinance.

Commissioner Schaefer stated she'd like the owner occupancy requirement to remain in the ordinance, believing the properties will be better maintained with an owner living on site; and she noted that second unit properties can be considered on a case-by-case basis.

Commissioner Verrett stated she'd like to see the owner occupancy requirement deleted, pointing out that conditions can be put in place for proper site maintenance.

Commissioner Brimmer stated she'd like more discussion on what conditions can be put in place for proper site maintenance absent a property owner living on site. She stated she would consider reducing the parking requirement for a 2-bedroom second unit.

Planning Officer Repp stated that consideration of reducing any parking requirement on existing second units could be taken on a case-by-case basis; pointed out that new construction would be considered differently; and she added that when considering a reduction in parking requirements, the Planning Commission should consider the ramifications of reducing those standards.

Commissioner Gordon asked for input on what the City is attempting to accomplish in requiring second unit CUP's, pointing out there are many properties in Carson that need code enforcement attention.

Commissioner Brimmer stated she'd like the new dwelling requirements to remain, but highlighted the need for more housing in Carson.

Planning Officer Repp suggested that staff could provide the Commission with data related to the number of properties with second units, the number of properties that would qualify for second units, and how many would qualify if the lot size requirement was reduced.

Commissioner Graber stated, echoed by Commissioner Verrett, that he would only support deleting the owner occupancy requirement in the ordinance. He added that because each case is unique, they should be considered on a case-by-case basis.

Chairman Faletogo agreed that there are a lot of blighted properties in Carson that have owners living on site, noting he would be amenable to deleting the owner occupancy requirement.

Following discussion concerning a proposal to eliminate the owner occupancy requirement, Commissioner Schaefer stated she would support its elimination; and she questioned how the City can further encourage the remaining 69 property owners to come forward and apply for their CUPs. She noted it is possible that this owner occupancy requirement may be deterring some second unit property owners from applying for a CUP because they currently don't live on site.

Commissioner Brimmer noted her concern that some of the required repairs are costly and are required to be fixed in a short period of time.

Commissioner Graber stated that structures built many years ago should be allowed to remain as long as their safety/aesthetic deficiencies are addressed.

Senior Planner Signo noted that additional information can be provided to the Commission concerning CUP's for multiple units on undersized lots.

Chairman Faletogo asked that the owner occupancy issue be brought back to the Commission for further discussion to eliminate it from the ordinance.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Officer Repp invited the Commission to attend a meeting on May 20, 2010, at 4:00 P.M. with the UCLA/Rand organization and a few Carson High School students to discuss walkability issues.

Senior Planner Signo highlighted the Consolidated Redevelopment Project Area Draft Environmental Impact Report CD that was provided to the Commissioners, noting that issue will be addressed at a June Planning Commission meeting.

15. COMMISSIONERS' REPORTS

Commissioner Schaefer stated this evening's meeting was interesting.

Commissioner Brimmer stated that the City's outreach efforts need to be intensified.

Commissioner Graber stated he enjoyed the National Day of Prayer event at the Home Depot Center.

Chairman Faletogo thanked the Commissioners and staff for their continued hard work.

16. ADJOURNMENT

At 9:46 P.M., the meeting was formally adjourned to Tuesday, May 25, 2010, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary

14

Mr. Henry stated that the legal description for this site is listed as two separate parcels, though the assessor's map identifies it as one parcel.

Associate Planner Gonzalez stated that the City's information identifies this as one parcel.

Planning Officer Repp stated that if this site is two legal parcels, then staff could justify two monument signs along Carson Street.

Chairman Faletogo stated this parcel issue needs to be cleared up and suggested this matter be continued to the next meeting.

Commissioner Brimmer stated she'd support amending the sign ordinance to be more flexible when considering extenuating circumstances such as this and stated that Midas should be able to keep the pole sign.

Commissioner Saenz stated that he does not want to see a precedence set if allowing a pole sign.

Planning Commission Decision:

Chairman Faletogo moved, without objection, to continue this matter to the December 14, 2010, Planning Commission meeting.

12. NEW BUSINESS DISCUSSION

A) Workshop Regarding Second Dwelling Units

Applicant's Request:

The city of Carson is providing a follow-up presentation on second dwelling units for properties citywide.

Senior Planner Signo presented staff report. He stated that currently, there are 66 applications that have yet to be submitted, 26 applications that have been approved, and mentioned that no application at this point has been denied. He noted that the 66 properties will be referred to Code Enforcement for action. He stated that this process is necessary for the elimination of long-term deficiencies and much needed improvements. With the aid of a Power Point presentation, he reviewed the second dwelling flow chart and general requirements for the entire process.

Planning Officer Repp explained that the state has expressed its concern the City's new second unit ordinance is too restrictive and that the City will soon be reviewing this ordinance to address the state's concern.

Vice-Chairman Park expressed his concern that the Commission is being asked to waive the requirements of this ordinance as written and that allowing many of these second units to remain creates a negative impact on those residents in the affected neighborhoods.

Planning Officer Repp explained that many of these property owners are being required to put a substantial reinvestment into these properties; that the Planning Commission does have the discretionary authority to require acceptable standards be met; and she highlighted the need for affordable housing stock that meets health and safety codes. She added that this ordinance is likely to be amended early next year due to the state's comments on the City's Housing Element.

Planning Commission Decision:

Chairman Faletogo moved, without objection, to receive and file this report.

13. **WRITTEN COMMUNICATIONS** None.

14. **MANAGER'S REPORT**

- Planning Commission packet delivery

Planning Officer Repp advised that because of the budget crisis, it has become necessary to cut back on excess staff hours, noting that the hand-delivered Planning Commission packets are done with overtime hours. She advised that each Planning Commissioner will now be responsible for picking up their own Commission packets at the Community Center starting from Friday mornings. She noted that the reports and most exhibits will typically be on the City's website on Thursday evenings.

Senior Planner Signo highlighted the map of Carson neighborhoods and asked the Commission to forward any other neighborhood designations that are missing from the map.

15. **COMMISSIONERS' REPORTS**

Commissioner Saenz stated that in order to cut back on waste, the City should not be allowing any City employees to take home City vehicles.

Planning Officer Repp expressed her belief that the only employees who drive City vehicles home are those who respond to City emergencies.

Commissioner Schaefer thanked staff for the before-and-after photos of the approved second unit CUP's.

Commissioner Diaz advised that he will not be able to attend the Planning Commission's December 14, 2010 meeting.

Chairman Faletogo thanked the Commission and staff for their work and wished everyone a happy Thanksgiving.

There was consensus for the Planning Commission to go dark December 28, 2010.

16. **ADJOURNMENT**

At 8:10 P.M. the meeting was formally adjourned to Tuesday, December 14, 2010, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary



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)

§ 9122.4 Home Occupation.

Subject to the provisions of CMC 9128.4, home occupations may be conducted by the occupants of a dwelling as such term is defined in CMC 9191.202.

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. 88-836, § 1; Ord. 11-1479, § 4)

§ 9122.5 Child Day Care.

Day care for children may be provided as an accessory use in connection with each dwelling unit, subject to the following limits:

Single-family dwelling: not more than six (6) children exclusive of the children of the resident family; with an assistant caregiver present, not more than twelve (12) children, including children of the resident family and of the assistant caregiver.

Multiple dwelling unit: not more than three (3) children including children of the resident family. (Ord. 82-594, § 1)

§ 9122.6 Sale of Produce in RA Zone.

In connection with a permitted agricultural use in the RA Zone, wholesale trade (but no retail sales) of the products raised on the premises may be conducted. No advertising signs are permitted.

§ 9122.7 Motor Vehicle Repair and Service.

Minor repair and service of a motor vehicle as defined in CMC 9191.406 is permitted as an accessory use in conjunction with a dwelling unit, subject to the following limitations:

A. All minor repair and service activities, as defined in CMC 9138.11(A)(4), and minor upholstery repair may be performed on a motor vehicle if conducted within an enclosed garage or in any carport, side or rear yard which is screened from public view.

B. Minor repair and service activities performed on a driveway, in a carport, or other legally paved surface on private property, and visible from the public right-of-way, shall be limited to the following:

1. Washing, cleaning, and polishing of a motor vehicle.

2. Adding or changing fluids such as brake fluid, window washing fluid, oil, water, etc.

3. Changing or replacing wiper blades, head/tail lamps, fuses, flat tires, timing, spark plugs, radiator cap, filters, brakes, and batteries and similar activities.

All minor repairs and services may only be performed on motor vehicles owned by and registered to the occupants of the dwelling or their invitees.

No repair or service work shall involve repetitive testing of an operating engine.

Not more than one (1) motor vehicle, as viewed from a public right-of-way, may be repaired at any one (1) point in time.

No repair or service work shall be performed on any motor vehicle where such work results in any loud, unusual or penetrating noise which is disturbing, obnoxious, discomforting, or annoying to a reasonable person of normal sensitiveness residing in the area. (Added by Ord. 93-1017, § 1)

§ 9122.8 Second Dwelling Units.

A. Purpose and Intent. The purpose of this Section is to comply with amendments made in 2002 to Government Code Section 65852.2, which provides for the City to set standards for the development of second dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with existing neighborhoods.

B. Location.

1. One second dwelling unit may be located on any residentially zoned lot that principally allows single-family dwellings and contains only a legal, single-family detached dwelling.

2. Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.

3. Second dwelling units are not required to meet the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.

C. Permitting Procedures. Any application for a second dwelling unit that meets the location stan-

dards of subsection B of this Section and the development standards of CMC 9125.6, shall be approved ministerially without discretionary review or public hearing. Existing lawfully established second dwelling units that do not meet the standards defined in CMC 9125.6 shall obtain a conditional use permit pursuant to CMC 9172.21 and be subject to the provisions of CMC 9182.3.

D. Submittal Requirements and Application Processing.

1. Step One – Submittal. The application for a second dwelling unit permit shall be submitted to the Planning Division concurrent with the submittal of an application for a building permit. In addition to the standard submittal requirements for a building permit, the second dwelling unit application shall include:

a. Site Plan.

- i. Lot lines and dimensions.
- ii. North arrow and scale of plan.
- iii. All setback lines.
- iv. Footprint of existing and proposed buildings, structures, fences, walls, walks, and landscaping on site (measured from property line and distances between buildings and structures).
- v. Indicate lot size, lot coverage, building area (by floor).
- vi. Locations, dimensions and descriptions of all parking spaces, access to parking spaces, circulation patterns both on and off the site, and curb cuts.
- vii. Indicate all contiguous properties, streets and alleys showing center lines, lane striping, curb lines, street widths, right-of-way lines, street names, fire hydrants and other street furniture.
- viii. Indicate uses of adjoining lots and location of building footprints.
- ix. Indicate all existing and proposed easements.
- x. Identify proposed utility locations (i.e., transformers and water mains).
- xi. Indicate landscape areas including existing trees on the site and parkway.

b. Floor Plans.

- i. Overall building and individual room dimensions, including square footage calculations.

ii. All proposed interior walls and partitions.

iii. Room identification.

iv. Window and door locations.

c. Elevations (photographs may be substituted for elevations on existing buildings unless otherwise required by the Planning Division).

i. Show exterior sides of building(s), label according to which direction the building faces (i.e., north face).

ii. Indicate exterior wall openings.

iii. Show roof pitches.

iv. All roof-mounted equipment and screening.

v. Exterior materials and finishes.

d. Color photographs of the site and adjacent properties. The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.

e. Deed restriction completed as required, signed and ready for recordation.

2. Step Two – Issuance. The Planning Division shall issue a second dwelling unit building permit if it conforms to the specific standards contained in this Section and CMC 9125.6 (Second Dwelling Unit Development Standards). (Ord. 03-1290, § 1)

§ 9122.9 Sex Offender Residency Restrictions.

Permanent and temporary residence for a sex offender is permitted as an accessory use to a mobilehome or dwelling subject to the provisions of Chapter 15 of Article IV and CMC 9182.31. (Ord. 08-1413U, § 2; Ord. 08-1414U, § 3; Ord. 08-1413, § 2)

Division 3. Conditional Use Criteria

§ 9123 Conditional Use Criteria.

In addition to the general criteria for the approval of a Conditional Use Permit pursuant to CMC 9172.21(d)(1), special criteria and limita-

§ 9125.2 Minimum Lot Area.

No lot shall be created which has a net area less than five thousand (5,000) square feet, or if a density designation applies, such larger area as may be required to permit one (1) dwelling unit.*

Any existing lawfully established lot is deemed to have the required lot area.

No lot shall be reduced to less than the required lot area, except a portion of a lot may be acquired for public purposes provided the remainder is not less than eighty (80) percent of the required lot area or four thousand (4,000) square feet, whichever is greater.

* See special requirement for mobile home parks in CMC 9128.2.

§ 9125.3 Street Frontage and Access.

No lot shall be created unless it is capable of being provided with vehicular access directly from a public street or alley. The street frontage shall be at least fifty (50) feet, except that for a lot with frontage on a cul-de-sac the frontage shall be at least forty (40) feet.

A new or additional use (other than a replacement for an existing dwelling accidentally destroyed) shall not be developed on an existing lot unless there is vehicular access from a public street or alley as required per CMC 9162.8(c). The required vehicular access shall be either directly from a public street or alley or by means of a right-of-way on access. (Ord. 79-460, § 1; Ord. 89-868, § 1)

§ 9125.4 Minimum Lot Width.

No lot shall be created unless it has a width of at least fifty (50) feet for an interior lot or fifty-five (55) feet for a corner lot.

Any existing lawfully established lot is deemed to have the required width.

No lot shall be reduced to less than the required width, except a portion of a lot may be acquired for public purposes provided the lot width of the remainder is not less than forty (40) feet.

§ 9125.5 Multiple Single-Family Rental Units.

A. Development Standards. Detached rental units may be constructed on any sewered parcel containing an existing dwelling unit provided:

1. The parcel is ten thousand (10,000) square feet or larger;

2. The density of the parcel will not exceed five thousand (5,000) square feet per unit;

3. Adequate private open space shall be provided to each unit;

4. Adequate guest parking shall be provided to relieve impacts to surrounding properties; and

5. Detached rental units incorporate the same or substantially similar architectural features, building materials and colors as the main dwelling unit or comparable dwellings located on adjacent properties, unless otherwise approved by the Planning Commission.

B. Procedure.

1. Second dwelling units that meet the location and development standards, as defined in CMC 9122.8 and 9125.6, shall be approved ministerially without discretionary review or public hearing.

2. All other units permitted by this Section shall obtain a conditional use permit pursuant to CMC 9172.21. (Ord. 78-434; Ord. 86-728, §§ 1, 2; Ord. 03-1290, § 2)

§ 9125.6 Second Dwelling Unit Development Standards.

A second dwelling unit permit shall be issued per CMC 9122.8 (Second Dwelling Units) only if the unit complies with the following development standards:

A. Lot Criteria.

1. Must contain one (1) single-family residence.

2. No more than one (1) second dwelling unit shall be located on a single lot.

3. Subject lot shall not contain an accessory living quarters or other structure used for living purposes.

B. Minimum Lot Size.

1. Seven thousand five hundred (7,500) square feet within the RS (Residential, Single-Family) Zone.

2. Six thousand five hundred (6,500) square feet within the RM (Residential, Multiple-Family) Zone.

C. Unit Size (Detached).

1. Zero (0) bedroom, one (1) bathroom and kitchen: five hundred (500) square foot maximum.

2. One (1) bedroom, one (1) bathroom and kitchen: six hundred fifty (650) square foot maximum.

3. Two (2) bedrooms, one (1) bathroom and kitchen: seven hundred (700) square foot maximum.

D. Unit Size (Attached).

1. Same requirements as in subsection C of this Section, (Unit Size (Detached)), but shall not exceed forty (40) percent of existing dwelling unit's living area. In case of internal division to create second unit, the floor area of the primary residence shall not be reduced to less than one thousand (1,000) square feet, excluding garage/carport.

E. Setback Requirements.

1. A detached second dwelling unit shall be set back a minimum of ten (10) feet from the primary residential structure and a minimum of six (6) feet from accessory structures. Side yard setback shall be five (5) feet and rear yard setback shall be fifteen (15) feet.

2. If second unit is proposed above accessory structure, minimum side yard setback shall be ten (10) feet, including accessory structure.

F. Height.

1. A second dwelling unit shall not exceed two (2) stories. The maximum building height for a second dwelling unit is thirty (30) feet.

G. Off-Street Parking.

1. The number and type of parking spaces required for second dwelling units shall be as provided in CMC 9162.21(A)(13).

2. Second dwelling unit parking requirement is in addition to any parking spaces required for a primary residence. Existing single-family dwelling shall be conforming to parking requirement as provided in CMC 9162.21. Nonconformity to parking requirement shall be made conforming in order to be eligible for a second unit.

H. Architectural Compatibility.

1. The second dwelling unit shall incorporate the same or substantially similar architectural features, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties, unless otherwise approved by the Planning Division.

I. Permanent Foundation.

1. A permanent foundation shall be required for all second dwelling units.

J. Owner Occupied.

1. Either the main residence or second dwelling unit shall be occupied by owner of the property.

K. Privacy.

1. Any balcony, window or door of a second story second dwelling unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.

L. Resale Requirement and Deed Restrictions.

1. Before obtaining a second dwelling unit permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and 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 development standards.

c. 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.

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. (Ord. 03-1290, § 3)

Division 6. Site Development Standards

Buildings and Structures

§ 9126.11 Reserved.

§ 9126.12 Height of Buildings and Structures.

No building or structure shall exceed a height of thirty (30) feet as measured from the average grade of the existing or proposed curb abutting the subject lot. (Ord. 84-705, § 1)