



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 8, 2014

SUBJECT: Conditional Use Permit No. 948-13

PROPERTY OWNER/APPLICANT: Elliot Lewis
203 Santa Ana
Long Beach, CA 90803

REQUEST: To approve a conditional use permit for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district.

PROPERTY INVOLVED: 2739-2739½ East Monroe Street

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

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

Item No. 11B

I. Introduction

Property Owner/Applicant
Elliot Lewis
Long Beach, CA 90803
elewisbroker@gmail.com

Project Address
2739-2739½ East Monroe Street

Project Description

Property owner, Elliot Lewis, is requesting approval of Conditional Use Permit (CUP) No. 948-13. The property owner purchased the property and assumed responsibility through a property remediation agreement (PRA) with the City contingent upon clearing all noted corrections on the residential property report (RPR) correction checklist which includes obtaining an approved conditional use permit to maintain the existing second dwelling unit. As such, the applicant is seeking a determination 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 2739-2739½ E. Monroe Street.

II. Background

Existing Site Conditions/Current Use of Property

The 5,513-square-foot subject property is a flat, rectangular-shaped lot. According to the Los Angeles County Assessor records, the subject property is two 25-foot wide lots tied together with 110-foot depth. The front yard setback is a well-maintained, landscaped area with a driveway from Monroe Street leading to a 2-car garage.

There are currently three structures on the subject site: a 653-square-foot second-dwelling unit; a 638-square-foot detached 2-car garage with an attached laundry room are located in the front; and a 512-square-foot (building footprint), two-story main dwelling consisting of about 1,000-square-foot of living area located in the rear of the property. The three structures were constructed in the late 1940's. The structures are architecturally similar in terms of features, materials and colors. Both dwelling structures have two bedrooms, one bathroom, a kitchen, living and dining room.

Pursuant to Section 9125.6, a conditional use permit is required because the lot size, off-street parking, side and rear yard setbacks are deficient. The conditional use permit addresses all deficiencies on the site.

Previous Proposals/Approved Discretionary Permits

There were no discretionary permits found on record.

There is no open code enforcement case regarding the subject property.

III. Analysis

The second dwelling unit incorporates substantially similar architectural features, building materials and colors as the main dwelling and is compatible with dwellings located on adjacent properties.

Location/Site Characteristics/Existing Development

The project site is located in the eastern portion of the City within the Presidential Tract residential development (north of Carson Street, between Alameda Street and Santa Fe Avenue). The residential neighborhood has single-family homes that were predominantly built in the mid 1920's to mid-century.

Zoning/General Plan Designation:

The subject property as well as the properties to the north, south, east and west are zoned RS (Residential, Single-Family) and has a General Plan Land Use designation of Low Density. As such, the existing single-family dwelling and second dwelling unit are consistent with the RS zoning district and the General Plan land use designation of low density. (Exhibit No. 2)

Conditional Use Permit No. 948-13

Pursuant 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 north, south, east, and west share the same zoning designation.

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

The proposed project 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."

Pursuant to CMC Section 9125.6, the minimum lot size to have a second dwelling unit within the RS zone is 7,500 square feet, the minimum side yard setback is five (5) feet, and the rear yard setback for a two-story residential structure is 15 feet. Additionally, pursuant to CMC Section 9125.6, a two-bedroom second dwelling unit is required to provide a two-car garage.

The existing property lot size and the required setbacks for the second dwelling unit do not meet the minimum required standards: the property lot size is 5,513 square feet, the side yard setback is 3 feet and, and no off-street parking is provided. (Exhibit No. 3)

The subject site are two 25-foot-wide lots with 110-foot depths tied together with the two dwellings and the detached 2-car garage located on each half of the property. Building permit records indicate the garage cannot be used as a dwelling and no construction of a residential structure shall be located on the same portion as the garage (25-foot-wide, east side of the property).

CMC Section 9182.3 allows the Planning Commission discretion to determine if the existing nonconformities of side yard setback, off-street parking, and minimum lot size are appropriate and can continue. The applicant has submitted a lot merger application to the Engineering Division to create a single, conforming 50-foot-wide property. In order to prevent further intensifications of non-conformities, staff has included conditions of approval restricting any additions to the property and to record a deed restriction with the County Recorder's Office.

Although the site does not meet all the development standards within CMC Section 9125.6, adequate fire and safety access is provided on-site. In addition, a condition of approval is included to ensure all required setbacks are to remain clear for safe access.

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 the 1940's and the applicant agrees to the conditions of approval addressing nonconformities, 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. 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 considered adequate in size, shape, topography, location, and utilities to accommodate the proposed use.

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

The minimum driveway width is 10 feet and the existing driveway is about 12 feet wide. Staff believes adequate access is available for circulation and provides safety for pedestrians and motorists. Thus, 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 permitted second dwelling unit and primary structure were constructed in the 1940's and 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 originally constructed in the 1940's within a single-family neighborhood that was developed from the 1920's through mid-century. The property will not change the intended character of the area as a single-family neighborhood.

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 than those included in the conditions of approval. A reasonable and appropriate amount of landscaping is provided within the front yard and areas visible to the public. Exterior modifications (replace windows, and re-paint) to all of the structures have been done and new landscape throughout to improve the property.

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 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. Environmental Review

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 – Existing Facilities. The existing second dwelling unit does not have the potential to cause a significant effect on the environment.

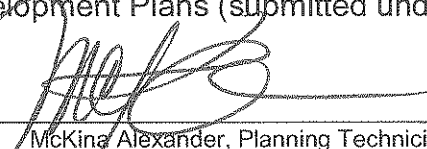
V. Recommendation

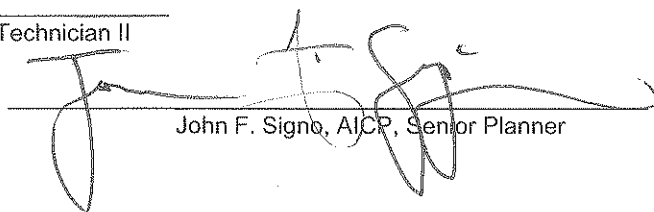
That the Planning Commission:

- **APPROVE** Conditional Use Permit No. 948-13 subject to the conditions of approval attached as Exhibit "B" to the Resolution;
- **WAIVE** further reading and **ADOPT** Resolution No. 14-____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 948-13 FOR AN EXISTING SECOND DWELLING UNIT FOR A PROPERTY LOCATED AT 2739-2739½ EAST MONROE STREET.

VI. Exhibits

1. Draft Resolution
2. Site Map
3. Second Dwelling Unit Checklist
4. Development Plans (submitted under separate cover)

Prepared by: 
McKina Alexander, Planning Technician II

Reviewed and Approved by: 
John F. Signo, AICP, Senior Planner

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 14-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 948-13 FOR AN EXISTING SECOND DWELLING UNIT FOR
A PROPERTY LOCATED AT 2739-2739½ E. MONROE 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, Elliot Lewis, with respect to real property located at 2739-2739½ East Monroe Street, and described in Exhibit "A" attached hereto, requesting the approval of an existing second dwelling unit located within the RS (Residential, Single Family) zoning district. The second dwelling unit is a two-bedroom unit that is 653 square feet located in the front of the property. The main unit is two stories and located in the rear of the property; a two-car garage is located at the front of the property with driveway access to Monroe Street. The existing second dwelling unit was legally constructed in the 1940s, 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 April 8, 2014, 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 property is legal nonconforming with respect to lot size and setback requirements from the primary residence and rear yard, but is allowed to continue since the nonconformities were legally established and do not pose a health, safety or welfare concern. The second dwelling unit is consistent with the architectural style of the main dwelling unit and is compatible with existing development in the neighborhood.
- c) The property will not generate or intensify nonconformities with the implementation of conditions of approval. The conditions of approval contained in Exhibit "B" of this Resolution restrict future expansions and/or additions to the site unless site development standards are met. Adequate driveways are

EXHIBIT NO. 01



provided on-site and the project will not affect or impact the safe circulation of either pedestrian or vehicular traffic.

- d) The size, shape, and topography of the site are similar in nature to the other adjacent and surrounding residential properties with legal second dwelling units. Like other surrounding properties the site does not meet the minimum lot size for a second dwelling unit since it was originally constructed in 1940s, prior to the City's ordinance. The City's current ordinance requires an additional two-car garage for the second unit, however the site cannot provide an additional garage due to the configuration of existing development. The parking nonconformity is allowed to continue indefinitely with approval of the Conditional Use Permit.
- e) The neighborhood is developed and adequate water supply and other utilities are provided.
- f) 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.
- g) 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 California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Structures or Facilities).

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit No. 948-13 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 8th DAY OF APRIL, 2014.

CHAIRMAN

ATTEST:

SECRETARY

PRELIMINARY REPORT
YOUR REFERENCE: 42036-SH

Fidelity National Title Company
ORDER NO.: 00031391-995-LBO-TCR

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 1952 AND 1953 OF TRACT NO. 7644, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 84 PAGES 47 AND 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

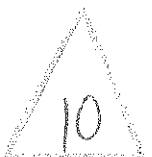
APN: 7308-015-036



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 948-13

GENERAL CONDITIONS

1. If Conditional Use Permit No. 948-13 is 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 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 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 prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. 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.
6. 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.
7. 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.



8. 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.
9. 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.
10. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development agreement, which shall govern over any conflicting provisions of any other approval.
11. City Approvals. All approvals by City, unless otherwise specified shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. 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. 948-13. 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.
13. 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.
14. 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 is restricted unless site development requirements can be satisfied;
 - d. The garage cannot be used as a dwelling unit; and
 - e. 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.
15. 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.
 16. The driveway leading to the garage shall remain clear, except for automobiles, to facilitate automobile parking and access.
 17. All exterior walls and exterior improvements must be consistent in using the same finishing materials and colors.

BUILDING & SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

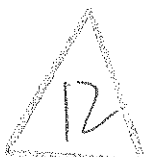
19. All requirements by the Los Angeles County Fire Department shall be met.
20. There shall be no storage allowed within any required building setback yard area to promote fire safety.

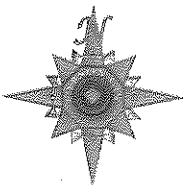
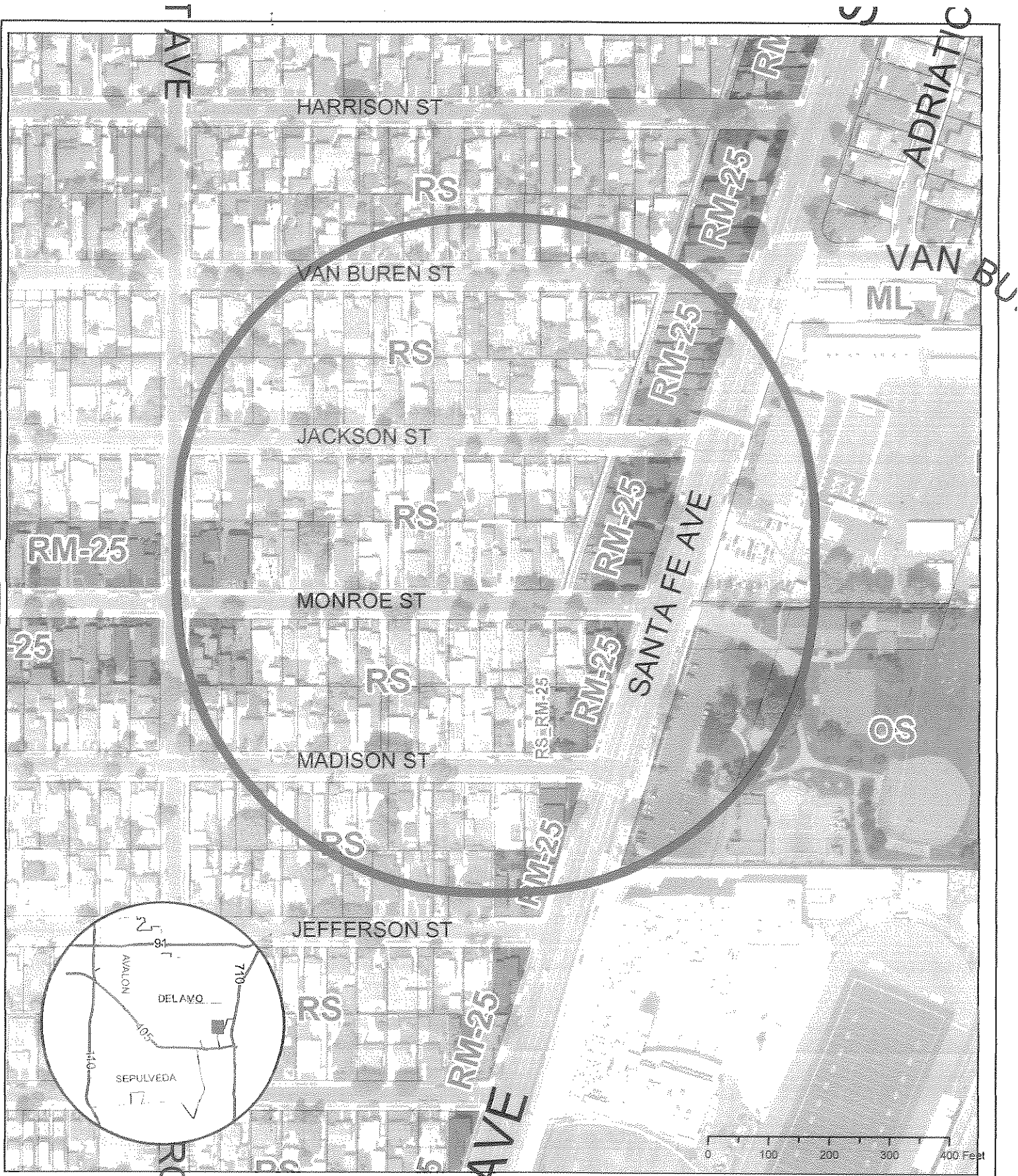
ENGINEERING SERVICES

21. Any City-owned improvement damaged during the construction of a proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.
22. Obtain appropriate approvals, and final map completely merging the two, 25-foot wide lots into one legal 50-foot wide lot.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

23. 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.





City of Carson EXHIBIT NO. 02
 500 Foot Radius Map
 2739-2739 1/2 East Monroe Street



Date Printed: Monday, March 24, 2014
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 Public Hearing Notices\ZoningMap.mxd

Second Dwelling Unit Checklist for Planning Commission

Property Address: 2739-2739 1/2 E. Monroe Street

Application #: CUP No. 948-13

Date 1st Dwelling Unit Built: 1946

Date 2nd Dwelling Unit Built: 1947

Applicable Development Standards per Section 9125.6

MINIMUM LOT SIZE

Meets Code: No

7,500 square feet for RS zone

Comments:

Lot size = 5,513 square feet

UNIT SIZE

Meets Code: Yes

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:

638 square feet

SETBACK REQUIREMENTS

Meets Code: No

10' from primary residence

15' rear yard

6' from accessory structure

If above accessory structure, 10' min. side yard

5' side yard

Comments:

3-foot side yard setback

OFF-STREET PARKING

Meets 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:

2-car garage required for 2 bedroom unit

OWNER OCCUPIED

Meets Code: Not Applicable

Comments:

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