



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: April 22, 2014
SUBJECT: Workshop regarding second dwelling units
APPLICANT: City of Carson
REQUEST: Provide follow-up on second dwelling units
PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

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

COMMISSIONERS' VOTE

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

I. Introduction

The purpose of this workshop is to provide the Planning Commission with an update on second dwelling units. The last workshop was on November 23, 2010. A more recent workshop on nonconforming multifamily units of 3 or more was held on March 25, 2014.

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 July 2009, staff reexamined the issue since the due date had expired and identified 131 properties with two or more dwelling units in the RS zone, of which 10 had already been approved, 60 had adequate building permits and were eligible for a CUP, and 61 did not have building permits on file.

On August 12, 2009, letters were sent to those 61 property owners in which building permits could not be found. The letter advised property owners to obtain records from the County Assessor's office supporting the legal development of their second dwelling unit. Of the 61 properties, 20 were determined to be legal through the County Assessor's records and eligible for a CUP.

From September 2009 to February 2010, staff sent notices to property owners indicating their second dwelling unit was legal nonconforming and eligible for a CUP. 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.

On December 1, 2009, due to concerns by property owners regarding the state of the economy and the cost to submit an application, the City Council reduced the CUP fee for legal nonconforming second dwelling units from \$1,500 to \$750. The City Council also advised the Planning Commission to consider the effectiveness of requiring a CUP for legal nonconforming second dwelling units.

On November 23, 2010, the Planning Commission was update on the status of second dwelling units and the requirements for obtaining approval for legal nonconforming second dwelling units.

Currently, the Planning Commission has reviewed and approved 41 CUPs for legal nonconforming second dwelling units. There are 3 CUP applications currently being

processed by staff and 1 CUP was withdrawn after the owner demolished the structure. There are 57 legal nonconforming second dwelling units that remain noncompliant with owners choosing not to obtain a CUP.

Update on CUP Applications

A total of 102 legal nonconforming second dwelling units were constructed prior to Ordinance No. 03-1290 and are required to obtain a CUP or receive administrative approval pursuant to Section 9122.8 (Second Dwelling Units) and Section 9125.6 (Second Dwelling Units Development Standards). Staff has received a total of 45 CUP applications of which 41 have been reviewed and approved by the Planning Commission, 3 are still pending, and 1 has been withdrawn after the structure was demolished.

Of the 61 properties originally identified to have no building permits, 20 were determined to be legal through the County Assessor's records; 16 were referred to the Code Enforcement Division for enforcement; and eight (8) actually did not have a second dwelling unit and were referred to the County Assessor's office to correct property records. The remaining second dwelling units have since been referred to Code Enforcement as well; however, due to caseload many of those referrals are still pending.

Of the 16 that were referred to Code Enforcement, eight (8) properties have been resolved: two (2) have been verified to not have a second dwelling unit and the Assessor's records for those properties have been updated and six (6) were found eligible for a CUP. The remaining properties have been referred to Code Enforcement.

Conditional Use Permit Information

Second Dwelling Units Eligible for CUP	102
CUP applications submitted	45
41 CUPs approved	
0 CUPs denied	
1 CUP withdrawn (building demolished)	
3 CUPs pending for existing units	
Number of Existing Properties Remaining to Submit	57

Residential Property Report – Property Remediation Agreement

It should be noted that six of the approved CUPs were brought to staff's attention through the residential property report (RPR) process which requires a City inspection and clearance before a home is sold. Due to certain circumstances including the ability to obtain a CUP for a second dwelling unit in a timely manner, staff has agreed to enter into a property remediation agreement (PRA) with prospective buyers. The City would allow a buyer to take ownership only if the buyer agrees to complete the CUP process and make appropriate improvements to the property. To ensure the buyer follows through with the obligations, the buyer must

deposit sufficient funds into an escrow account. Those funds are held and only released after the CUP is obtained and the improvements are made.

Recommendation

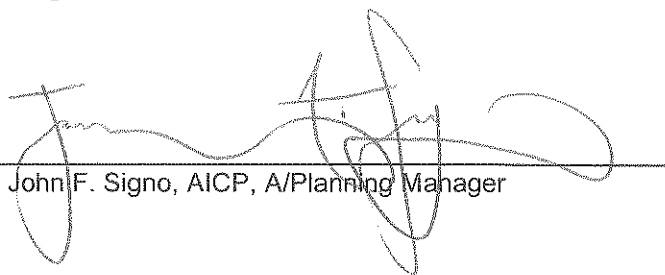
That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop; and
- RECEIVE and FILE.

III. Exhibits

1. Second dwelling unit flowchart

Prepared by:



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