



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 22, 2011
 SUBJECT: Variance No. 523-11
 APPLICANT/
 OWNER: Rodolfo Padilla
 455 East Pacific Street
 Carson, CA 90745

REQUEST: To permit a new two-car attached garage in the required side yard area of a single-family residential lot in the RS (Residential, Single-family) zone district and within the Carson Consolidated Redevelopment Project Area

PROPERTY INVOLVED: 24021 Fries Avenue

COMMISSION ACTION

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

COMMISSIONERS' VOTE

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

Item No. 11C

I. Introduction

Date Application Received

- January 19, 2011

Applicant/ Property Owner

- Rodolfo Padilla
- 455 East Pacific Street
- Carson, CA 90745

Project Address

- 24021 Fries Avenue, Carson, CA 90745

Project Description

- The proposed project is to permit a new two-car attached garage in the required side yard area of a residential property. The application includes:
 - A variance for encroachment of a new two-car attached garage into the required side yard setback.
- The project site is located on a 6,053-square-foot parcel with two dwelling units totaling approximately 2,193 square feet. The front unit is 1,189 square feet and the rear unit is 1,004 square feet.
- The subject property is a corner lot located at the northwest corner of Pacific Street and Fries Avenue. The property frontage is located on Pacific Street.
- The space for the proposed garage is currently vacant. Previously, an illegally converted carport and attached, unpermitted open patio storage area to the west occupied the proposed space but have been demolished. The new garage will be accessible from Fries Avenue.

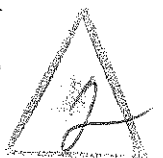
II. Background

History of Property

- The front unit was built in 1920 and the rear unit was built in 1944. The front unit was relocated to the site in 1949. The rear unit was relocated to the site in 1959.

Previous Discretionary Permits

- Conditional Use Permit (CUP) No. 758-09: Approved in 2010 to permit a second dwelling unit located within the RS (Residential, Single-Family) zoning district.
 - At the September 28, 2010 Planning Commission meeting, staff required the applicant to provide a two-car garage within one year of the approval of CUP No. 758-09.



Public Safety Issues

- There are no open Code Enforcement cases for the subject property.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 24021 Fries Avenue. The subject site is rectangular in shape and is compatible with surrounding residential single family uses.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned RS (Residential, Single-Family) with the surrounding properties to the north, south, east and west sharing the same zoning designation.
- The zoning designation for the subject property is consistent with the General Plan Land Use designation of Low Density Residential.

Applicable Zoning Ordinance Regulations

- The following table summarizes the proposed project's consistency with current site development standards for the RS zone district and other zoning code sections applicable to the proposed use:

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
Subdivision Regulations			
Refer to the Subdivision Regulation code included with this correspondence, if you choose to develop and subdivide the property in order to sell the proposed houses separately.			
Residential Development Standards			
9121.1, Uses Permitted	x		
9126.221, Parking Setback		x	25' setback required. Garage length shall be 21 feet and garage width shall be 24 feet.



Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
9126.24, Side Yards		x	5' side yard required. Approval of a variance by the Planning Commission is required.
General Development Standards			
9162.21 (A)2, Parking Spaces Required	x		2 spaces within a garage is required
Procedures			
9171.4, Environmental Review Requirements	x		Exempt per Section 15303 of CEQA

Required Findings: Variance

Pursuant to Section 9172.22 - Variance, the Planning Commission may approve the proposal only if the following finding can be made in the affirmative:

- a. A Variance from the terms of this Chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

All of the required findings pursuant to Section 9172.22, "Variance Findings and Decision", can be made in the affirmative. Details can be found in the attached resolution.

Issues of Concern / Mitigation:

- Issue – Parking Setback: Per Section 9126.221, Parking Setback, of the Carson Municipal Code, any garage having its vehicular access facing a public street shall be set back at least twenty-five (25) feet from the street property line. In addition, the proposed garage length shall be increased to 24 feet to accommodate a landing, heater, and washer and dryer which will be located inside the garage.
 - *Proposed Condition/Change:* The proposed garage width (depth of garage) shall be reduced to 21 feet and the proposed garage length shall be increased to 24 feet.



IV. Environmental Review

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA), construction of the two-car garage is considered a small structure and is "Categorically Exempt."

V. Recommendation

That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No._____, entitled "A Resolution of the Planning Commission of the City of Carson approving Variance No. 523-11 for the property located at 24021 Fries Avenue."

VI. Exhibits

1. Land Use Map
2. Proposed Resolution
3. Site plan, elevations, floor plans (under separate cover)

Prepared by:




Max Castillo, Assistant Planner

Reviewed by:



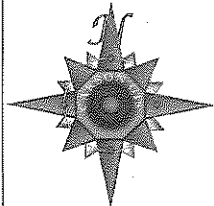
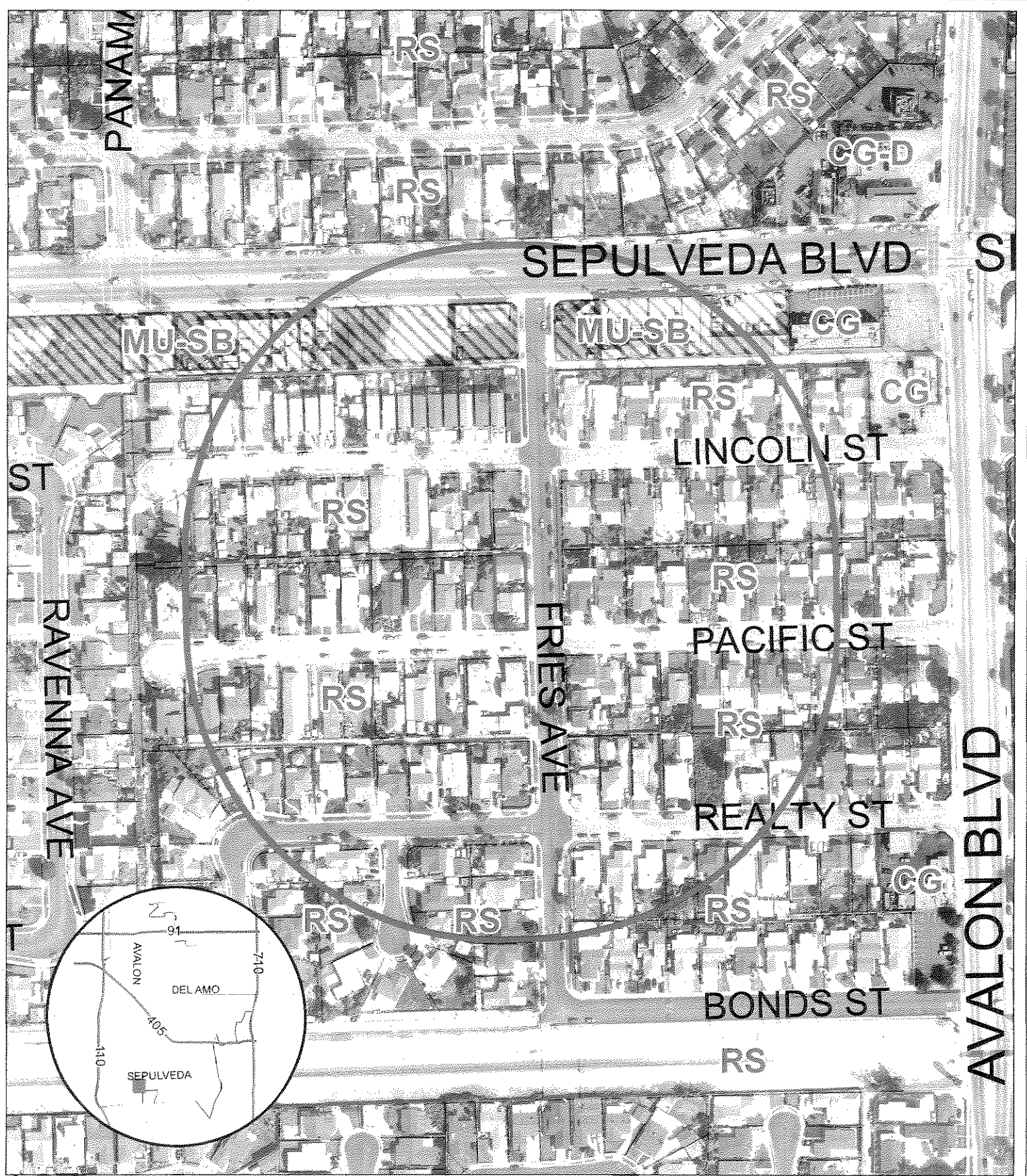
John F. Signo, AICP, Senior Planner

Approved by:



Sheri Repp-Loadsman, Planning Officer





City of Carson
 500 Foot Radius Map
 24021 Fries Ave EXHIBIT NO. 1



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING VARIANCE NO. 523-11 FOR
THE PROPERTY LOCATED AT 24021 FRIES AVENUE**

**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, Rodolfo Padilla, with respect to real property located at 24021 Fries Avenue, and described in Exhibit "A" attached hereto, requesting the approval of a new two-car attached garage in the required side yard area of a single-family residential lot in the RS (Residential, Single-family) zone district and within the Carson Consolidated Redevelopment Project Area.

A public hearing was duly held on February 22, 2011, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) Special circumstances, in terms of shape and location of the subject property would deprive this property of certain privileges enjoyed by other properties in the vicinity. The strict application of the zoning code would cause a hardship to this property in that an adequate attached two-car garage would be in violation of the of the side yard setback requirements of the Municipal Code.
- b) A variance is requested from Section 9126.24 of the Carson Municipal Code to encroach into the required 5 foot side yard setback. The western wall of the proposed two-car garage will be located along the side property line with a 3-foot 8 inch setback which will align with the existing residence. The property is a corner lot that has been developed with two residential units. The proposed garage and driveway for the second unit is perpendicular to the length of the lot and therefore limited space is provided for parking, maneuvering and setbacks for the site. In addition, the reduced side yard setback would allow the garage to have a continuous building line with the existing residence and therefore better design.
- c) The orientation of the residence and garage structure, combined with the location of the lot make meeting all applicable regulations a significant hardship.

Section 4. The Planning Commission further finds that the use permitted by the proposed variance will not have a significant effect on the environment. The proposed use will not alter the predominantly residential single family character of the surrounding area and meets or exceeds all city standards for protection of the environment. Therefore, the



proposed project is found to be categorically exempt under the CEQA Guidelines, Section 15303 (New Construction or Conversion of Small Structures)

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves the categorical exemption and grants Variance No. 523-11 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 22nd DAY OF FEBRUARY, 2011.

CHAIRMAN

ATTEST:

SECRETARY

MC/V52311_24021Fries_455EPacific_pr

A handwritten signature, possibly the number '8', is enclosed within a hand-drawn triangle in the bottom right corner of the page.

EXHIBIT "A"

Legal Description

LOT 23 AND LOT 24 IN BLOCK 7 OF FACTORY CENTER TRACT IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 23 PAGES 18 – 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
VARIANCE NO. 523-11

GENERAL CONDITIONS

1. If Variance No. 523-11 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division within 90 days of receiving approval by the Planning Commission.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Variance No. 523-11. 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

8. The proposed garage width (depth of garage) shall be reduced to 21 feet and the proposed garage length shall be increased to 24 feet.

BUILDING & SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

12. 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.

