

STAFF ANALYSIS

PROJECT NUMBER:

R2006-03795-(2)

CONDITIONAL USE PERMIT NO.

200600329-(2)

OVERVIEW OF THE PROPOSED PROJECT

The applicant, Salud F. Rivera, is requesting a Conditional Use Permit (CUP) to authorize the construction of a three-story, two-family residence in a C-3 (Unlimited Commercial) zone within the Carson zoned district of Los Angeles County.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property contains a single-family residence and is located at 21603 Berendo Avenue. The site is within the community of West Carson in the Carson zoned district of unincorporated Los Angeles County.

Physical Features

The subject property is approximately 4,800 square feet and is relatively level. The existing single-story, single-family residence is located on the southern portion of the property. There is also an unpermitted secondary dwelling unit attached to the residence on the western portion of the property, which will be demolished. Access to the facility would be from the east via Berendo Avenue. The area is relatively urbanized and is surrounded by commercial and residential uses in all directions.

ENTITLEMENT

The applicant, Salud F. Rivera, is requesting a Conditional Use Permit (CUP) to authorize the construction of a two-family residence in a C-3 (Unlimited Commercial) zone.

EXISTING ZONING

Subject Property

The project site is zoned C-3 (Unlimited Commercial).

Surrounding Zones

Surrounding properties are zoned as follows:

North: R-1 (Single-family Residence)

South: C-3 (Unlimited Commercial)

East: R-1 (Single-family Residence); C-3 (Unlimited Commercial)

West: R-1 (Single-family Residence)

EXISTING LAND USES

Subject Property

The subject is currently utilized as a single-family residence. An unpermitted secondary dwelling unit is attached to the residence, although it is not in use and will be demolished as part of the subject property's redevelopment.

Surrounding Land Use

Surrounding land uses consist of:

North: Single-family residences

East: Single-family residences, Multi-family residences

South: Apartment building, Retail buildings

West: Single-family residences

GENERAL PLAN

Land Use Policy Map

The subject property is located within the C (Commercial) classification of the Countywide Land Use Plan. This designation allows for mainly commercial service and retail uses. However, residential uses may be allowed when determined appropriate through a discretionary review such as a Conditional Use Permit.

SITE PLAN

The site plan depicts the proposed two-family residence (duplex) to be constructed on the 4,800 square-foot parcel. One unit would have a floor area of 1,250 square feet, and would consist mainly of the existing one-story, single-family residence structure. The second unit would have an area of 3,500 square feet, not including a 2,600 square-foot loft area. This unit would be attached to the first unit and would be constructed both above and beside it, consisting of three stories in total, when considering the loft. A staircase and elevator would access all three stories of this unit. The site plan also indicates that the third story—referred to as a “loft”—would be used exclusive for storage. The footprint of the proposed structure would occupy approximately 63 percent (3,050 square feet) of the lot area, and 17 percent of the lot area (816 square feet) would be landscaped. The maximum height of the proposed structure is 35 feet. Four (4) covered parking spaces would be provided on-site, and would be located directly below the second floor of the 3,500 square-foot unit. This site takes access from Berendo Avenue to the east.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

The property on which the proposed facility is to be located is zoned C-3 (Unlimited Commercial). A two-family residence is a permitted use in this zone, subject to the issuance of a Conditional Use Permit. Development standards for the C-3 zone require that no more than 90% of the property's net area be occupied by buildings, and that a minimum of 10% of the net area be landscaped with lawn, shrubbery, flowers, and/or trees. The site plan indicates that approximately 63% of the net area will be occupied by buildings, while approximately 17% of its net area would be landscaped.

Section 22.52.2230 of the County Code requires that a minimum of 75% of the total landscaped area shall contain plants from the County's drought-tolerant plant list. Because the specific plants to be used are not specified on the current site plan, staff shall add as a Condition of Approval that an appropriate drought-tolerant landscape plan be submitted prior to final approval of the project.

Section 22.52.1180 determines parking requirements for residential uses. The Code requires two covered parking spaces, plus one uncovered parking space for each two-family residence. This requirement is consistent with the site plan submitted by the applicant, which depicts four (4) covered parking spaces.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (small structures) under the California Environmental Quality Act (CEQA) reporting requirements. This exemption specifically allows for the construction of a two-family residence.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 137 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property on December 9, 2008, regarding the subject proposal. The notice was published in the *Daily Breeze* and in *La Opinion* on

December 13, 2008. Case-related materials were sent on December 9, 2008 to the Carson Regional Library. The public hearing notice was posted at the project site at least 30 days prior to the public hearing.

PUBLIC COMMENTS

At the time of this report, staff has received phone calls from two (2) area residents and a letter from one (1) area resident (enclosed) regarding the project. All three residents opposed the project for a variety of reasons. The 35-foot height of the structure was described as out of character for the surrounding neighborhood, which consists mostly of low-rise residential buildings. Adjacent residents also felt that the structure would be an invasion of their privacy, as it incorporates several windows that look directly into two rear yards. Also cited as a concern was the multi-family use of the proposed structure, which one residents felt would attract a more transient population to the neighborhood.

PUBLIC AGENCY COMMENTS AND RECOMMENDATIONS

Staff consulted with both the Department of Public Works and the County Fire Department regarding the project proposal. Public Works recommended approval of the project, as they had no requests for additional street improvements or dedications. County Fire initially put a hold on the project, pending a fire flow test and verification of the distance from the nearest fire hydrant. This hold was lifted and the project cleared for public hearing in August 2008.

ZONING ENFORCEMENT CASES

Zoning Enforcement has received a total of one (1) request for service regarding the subject property. The case is currently closed.

1. Zoning Enforcement Case 04-0037586
Trailers, inoperable vehicles, and junk on property.
Opened August 28, 1997
Action: Complied; all items removed.
Closed October 22, 1997

STAFF EVALUATION

The applicant, Salud F. Rivera, is requesting a permit to construct and maintain a two-family residence (duplex) in a C-3 (Unlimited Commercial) zone. A two-family residence is an allowed use within this zone, subject to the issuance of a Conditional Use Permit. The project site currently contains a single-family residence. As part of the project, a 450 square-foot addition to the existing residence would be demolished. An existing carport and garage would also be demolished.

The proposed duplex would occupy approximately 63% of the net parcel area, which is below the maximum allowable coverage of 90% in the C-3 zone. The proposed landscaping is also adequate, as approximately 17% of the parcel's net area will be covered—greater than the minimum requirement of 10%. The project would require a minimum of two (2) covered and one (1) uncovered off-street parking spaces, and four (4) covered off-street parking spaces are proposed. The project also proposes a

maximum height of 35 feet, which does not exceed the height limit for the zone. Therefore, the proposed project would meet all applicable development standards for the zone and the General Plan Land Use category. There is no Community Standards District or Town Council for the West Carson community.

It was discovered during staff's research of the history of the subject property that—at some point subsequent to the construction of the existing residence in 1927—an unpermitted 450 square-foot addition was added to the northern portion of the structure. This addition was used as a secondary dwelling unit and was rented by the property owner at various times in the past. Because the addition is proposed to be demolished as part of the proposed project, staff did not refer the violation to Zoning Enforcement. Instead, the applicant voluntarily vacated the illegal addition pending its demolition, a permit for which would be issued by Building & Safety upon approval of the proposed project. If the project is denied, the issue shall be referred to Zoning Enforcement for resolution.

Because of the maintenance of an illegal secondary dwelling unit in the past, staff has some concern that the large third-story area—identified as a “loft”—may be utilized as an unpermitted secondary dwelling unit at some point in the future. The applicant has indicated that the space would be used solely to store a large number of personal items, which are currently kept in numerous sheds and the existing garage. In order to ensure that the conversion of this area to living space does not occur, the applicant's architect has offered to alter the design in a way that restricts access to the third story in some way. Staff is open to such a redesign, and would be willing to add it as a Condition of Approval should the Hearing Officer decide that it is necessary and appropriate.

The site is surrounded by single-family residential uses to the north and east. Multi-family residential and commercial uses exist to the south. There are also single-family residential and some multi-family residential uses to the west. There has been concern from area residents that a three-story duplex would not be in character with the surrounding area, which has been described as primarily one-story residences. However, the site is immediately adjacent to an apartment building to the south (21605 Berendo Avenue), and there is a 35-foot high apartment building to the south of this property (21613 Berendo Avenue). There are also some two-story residences in the immediate vicinity, including the houses at 21520 and 21516 Berendo Avenue and all nine (9) houses which take access from the nearby cul-de-sac known as Broadwell Avenue. There is also an extensive development of three-story townhomes approximately 380 feet to the east of the subject property at 945 West Carson Street.

Although the 35-foot height of the proposed duplex is undesirable to the project's immediate neighbors, it should be noted that 35 feet is also the maximum height for the R-1 (Single-family Residence) zone, which borders the subject property to the north, east, and west. Therefore, nothing precludes other neighbors from building to this height without a discretionary permit. The reason that this project must obtain a Conditional Use Permit is that it is proposing a residential use within a C-3 (Unlimited Commercial) zone. The objection to height—although it can be considered as part of

the overall decision—cannot be the sole cause for recommending denial of this project. A commercial building, for example, could be built to the same height on the subject property without a discretionary permit.

One area resident has raised an objection to the project based on the perception that multi-family residences create the potential for a more transient population and thus lower property values. However, this perception cannot be used as a basis to deny a project, especially when it is immediately adjacent to two other existing multi-family apartment buildings.

Due to the fact that all development standards for the underlying zoning will be met by the project proposal, the main aspect to consider for this Conditional Use Permit is whether or not the use of this commercial zone for a residential use would significantly affect the nearby area in a harmful manner. In this case, staff feels that the property would actually be better utilized for a residential use rather than a commercial use, as it is surrounded on all sides by other residential uses, including two apartment buildings also constructed on underlying commercial zones.

Due to the aforementioned factors, staff feels that the applicant has met the required burden of proof for a Conditional Use Permit.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Regional Planning Commission:

Zoning Enforcement

1. Inspection fees of \$300.00 to cover the costs of two (2) recommended biennial zoning enforcement inspections.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project No. R2006-03795-(2) / Conditional Use Permit No. 200600329-(2), subject to the attached conditions.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Maria Masis, Section Head
Zoning Permits Section II

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Letter from Department of Public Works
Letter from County Fire
One (1) Letter from area resident

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Diagram of existing residence and illegal addition
Map of nearby two-story and three-story buildings
Site photographs

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