



Staff Report

Agenda Item No. E-1

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: August 5, 2025

Item: Variance 25-02 Deviation from the Residential Property Development Standards for Front Yard Setback Measurements

Applicant:	Carlos A. Felix Saguchi
Project Location:	642 Costa Azul Street
Zoning:	R-1 Single-Family Residential
Environmental:	Categorically Exempt from CEQA per Section 15303, Class 3(e) - New Construction or Conversion of Small Structures
Recommendation:	Staff does not recommend Planning Commission approval of Variance 25-02.

Background

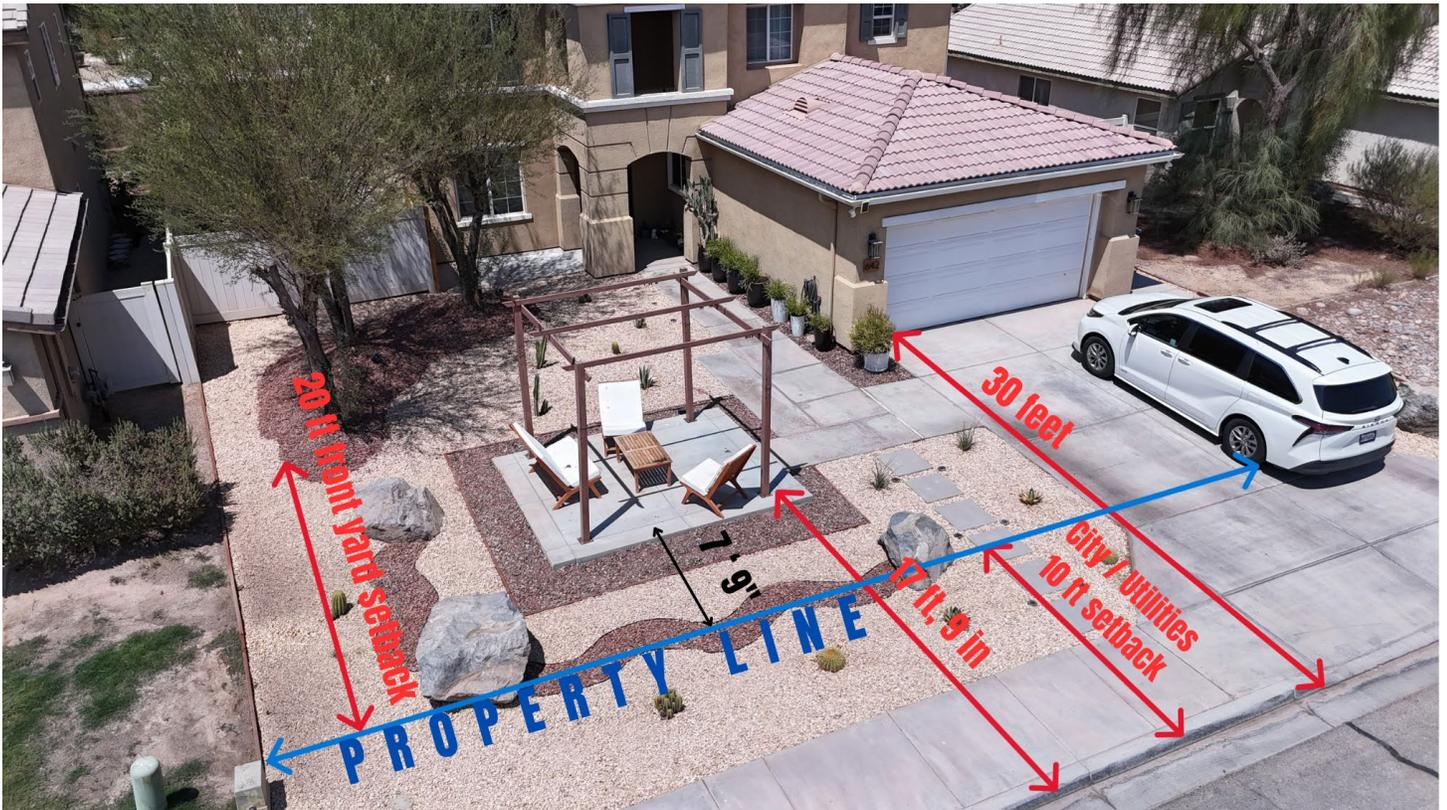
Applicant Carlos A. Felix Saguchi is requesting a variance to deviate from the City's Property Development Standards for an existing, partially built soft top pergola in the front yard setback at 642 Costa Azul Street. Since the accessory structure has a total area of 100 sq ft, a building permit is not required. A building permit is needed if an accessory structure exceeds 120 sq ft. However, all accessory structures, regardless of permit requirements, must comply with the City's Zoning Code development standards. In residential zones, the minimum required front yard setback is 20 feet from the property line. As a result, the Community Development Department did not review Mr. Saguchi's project until Code Enforcement noticed the illegal structure and informed him that it violated front yard setback standards. Mr. Saguchi has chosen to request a variance in hopes of keeping and completing the project for his family's enjoyment. The Applicant's

responses to the required Variance Findings are included in Attachment A, and the staff's findings are provided within this Staff Report.

The City's Property Development Standards require a minimum front yard setback of twenty feet (20') from the front property line for accessory structures in Residential Zones. This standard ensures that all structures are properly set back from the public right-of-way, allowing space for utilities, sidewalks, and safe access.

In this case, the unfinished structure is located 7 feet 9 inches from the property line, which is 12 feet 3 inches short of the required 20-foot setback. Therefore, the structure encroaches into the required setback and is in violation of the City's development standards.

It's important to note that the property line is typically located approximately ten feet (10') behind the face of the curb, depending on the specific parcel and right-of-way width. The combination of the public right-of-way and the required private setback ensures adequate sunlight, airflow, and privacy between properties, regulates building size and land-use compatibility, maintains safety, and preserves the consistent character and visual appeal of neighborhoods.



Project Location

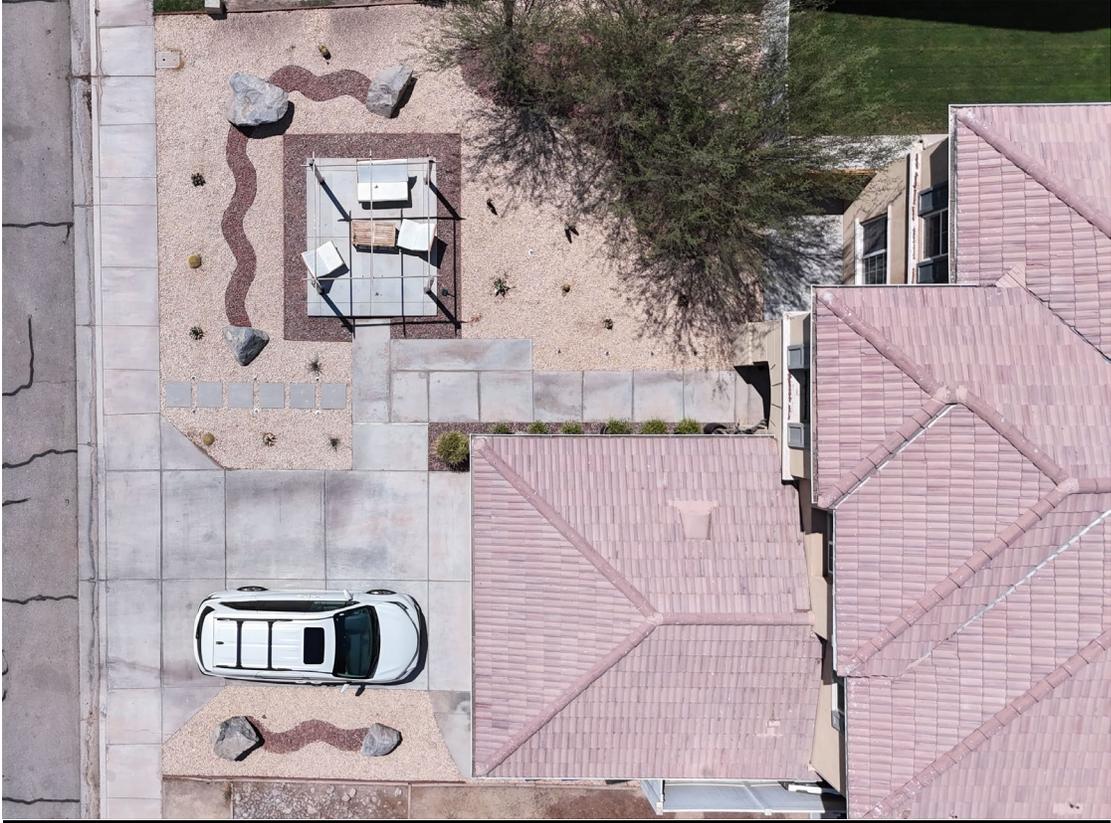
The project site consists of an approximate 6,016 square foot property at 642 Costa Azul Street, within the R-1 Single Family Residential Zone in the Monterrey Park Development. The surrounding area’s zoning and land uses are as follows:

DIRECTION	ZONING	LAND USE
North	R-1 Single Family Residential Specific Plan Overlay	Residential
East	R-1 Single Family Residential	Residential
South	R-1 Single Family Residential	Residential
West	R-1 Single Family Residential	Residential

The R-1 Single Family Residential Zone is intended as an area for single-family residential development on minimum lot sizes of 6,000 square feet and maximum densities of 6 units per net acre. Additional uses are permitted that are complementary to, and can exist in harmony within a single-family residential neighborhood. Accessory uses, such as accessory structures, located on the same site, are a permitted use within the R-1 zone.

Project Site Photos





Similar Soft Top Pergola



Required Findings for Variance 25-02:

In order to approve Variance 25-01, the Planning Commission is required to review six findings per Section 24.19.400 of the City of Imperial's Zoning Ordinance. The findings are listed below, along with the reasons why staff consider that the findings are or are not met in this case. These findings are:

- 1. There are special circumstances, such as size, shape, topography, location or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The subject site is located within the Single-Family Residential Zone in Monterrey Park's residential development. The project site's lot size is slightly larger than the minimum lot size requirement of 6,000 square feet (sf), measuring 6015.81 sf, according to Imperial County Assessor's records. The parcel provides ample space within the parcel for the Applicant to install a 10 x 10 accessory structure and comply with the development standards. There are no special circumstances, such as shape, topography, location, or surroundings, that limit the property's rights compared to nearby properties under the same zoning.

- 2. The granting of the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought.**

Accessory structures within the vicinity and zone are allowed as long as they comply with the City of Imperial's Property Development Standards. Granting the requested Variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zone.

- 3. That granting the Variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

Front yard setbacks in our Residential Property Development Standards are essential for ensuring safety and maintaining a consistent appearance along residential streets. The 20-foot setbacks are designed to provide space for sidewalks, utilities, and safe ingress and egress from the property. These lines ensure that buildings are positioned at a specific distance from streets, other structures, and property lines, promoting safety, privacy, and aesthetic uniformity within neighborhoods. Placing an accessory structure within the

front yard setback can pose a safety hazard by obstructing the view of car and pedestrian traffic on Costa Azul Street.

4. The Variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Variance approval will be a privilege inconsistent with the Property Development Standards upon other properties in the vicinity. Making such exceptions inconsistent with the characteristics of the properties in the area, encouraging others to seek similar exceptions, which may ultimately undermine established standards and planning regulations.

5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

The approval of this variance will allow a structure that presents to be a safety hazard and does not conform to and is expressly not authorized by the zoning regulations established in our Residential Zone Development Standards.

6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

Granting Variance 25-02 will be incompatible with The City of Imperial's General Plan's Land Use Element. Within the Land Use Element, the Residential Zone's Property Development Standards are one of the primary means of implementing the General Plan. The success of the Land Use Element rests in part upon the effectiveness of a consistent adherence to the Residential Zone Ordinance and in translating the long-term objectives and policies into everyday decisions through compliance with the Property Development Standards.

CEQA Analysis:

1. No significant environmental impact-The existing accessory structure will not result in significant environmental effects. No sensitive environmental resources, such as wetlands or endangered species habitats, are present at or near the location. The project will not significantly impact air quality, noise levels, or traffic generation.

2. Land Use Consistency-The existing project is located within the (R-1) Single Family Residential Zone, which allows for accessory structures that meet the setback requirements.

3. Adequate Infrastructure-The project will not result in an increase in population or demand for public services that would exceed the capacity of public utilities.

4. Traffic and Parking Considerations-The accessory structure of a private residence does not present a significant impact on traffic generation. Any potential traffic generation

or parking concerns are to be addressed through compliance with local traffic ordinances and regulations.

Environmental Compliance & Noticing Requirements:

The project qualifies for an exemption under CEQA Guidelines Section 15303, Class 3(e)-New Construction or Conversion of Small Structures. The conversion of existing small structures from one use to another, where only minor modifications are made to the exterior of the structure. Examples of this exemption include, but are not limited to, (e) accessory structures, including garages, carports, patios, swimming pools, and fences.

The public hearing scheduled for August 13, 2025, was duly noticed in the Holtville Tribune and Calexico Chronicle, a newspaper of general circulation, on July 31, 2025. A Notice of Public Hearing was sent to all property owners within 300 feet of the property. Inquiries for information regarding the project were received.

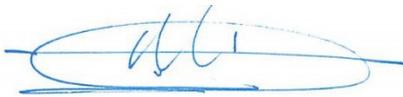
Staff Recommendation:

Staff recommends that the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, staff recommends that the Planning Commission **DENIES** Variance 25-02 to allow the deviation of the required front yard setbacks defined in the City of Imperial's Property Development Standards.

Attachments

- Attachment A – Applicant's Variance Findings
- Attachment B – DRAFT Resolution PC2025-11

Respectfully submitted,



Othon Mora, MCM, CBO
Community Development Director

ATTACHMENT A

APPLICANT'S RESPONSES TO VARIANCE FINDINGS

Variance Findings

1. Special circumstances apply to the property.

My property has a unique configuration with limited usable space in the rear yard due to This limits my ability to place an accessory structure like a pergola behind the home, as is typically expected in R-1 zones. Additionally, many nearby homes have large front setbacks that allow for visible and usable landscape features that are not functional in my case without a variance. Without approval, I am denied the reasonable use of outdoor shade and recreation space enjoyed by others with different lot layouts in the same zone.

2. The Variance will meet the intent of the zoning on the parcel and will not be materially detrimental.

The intent of the R-1 zoning code is to preserve residential character, ensure orderly development, and protect neighborhood safety. The pergola is a small, open, freestanding structure that will not obstruct traffic views, interfere with utilities, or negatively affect public health or safety. It is well within the scale of the neighborhood and will enhance the front yard's aesthetic without creating any visual or functional hazards. The structure will remain subordinate to the primary residence and consistent with the residential use of the property.

3. The Variance will not be a grant of special privilege.

This request does not grant any exclusive or extraordinary rights. Other properties with larger or differently configured lots may already enjoy similar front yard features without requiring a variance. I am simply seeking to enjoy a common amenity—a shaded outdoor structure—on a property where traditional placement is not feasible. The pergola's modest size and open-air design ensure it remains consistent with neighborhood character and avoids the appearance of special treatment.

4. The granting of the Variance will not constitute a special privilege inconsistent with the zoning limitations.

The proposed pergola placement does not allow any use or construction that would be inconsistent with what is generally allowed in R-1 zones, provided the same physical constraints were present. Any similarly situated homeowner in the R-1 zone with comparable property limitations could request the

same variance under the same standards and would have equal opportunity for approval. Therefore, the variance does not confer a special privilege.

5. The granting of this Variance does not allow a use or activity not authorized by the zoning regulation.

Pergolas are recognized as permissible accessory structures within the R-1 zoning designation, provided they meet setback and location requirements. This variance request does not seek to change the use of the property or introduce any non-residential function. It simply seeks a minor setback adjustment to allow for reasonable placement of a structure that is otherwise permitted.

6. The granting of the Variance is consistent with the City of Imperial General Plan.

The City of Imperial General Plan supports the enhancement of residential properties, encourages the aesthetic and functional improvement of outdoor living areas, and promotes compatible neighborhood development. This pergola will provide usable, shaded outdoor space and improve the property's curb appeal while respecting neighborhood scale and character. Therefore, it aligns with the goals and policies of the General Plan.

ATTACHMENT B
DRAFT RESOLUTION NO. PC2025-11

A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, DENYING VARIANCE 25-02 TO ALLOW THE DEVIATION OF THE RESIDENTIAL ZONE PROPERTY DEVELOPMENT STANDARDS FOR FRONT YARD SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 642 COSTA AZUL STREET (APN 064-271-006)

WHEREAS, Carlos A. Felix Saguchi submitted a variance approval request to allow for the deviation of the Residential Zone's Property Development standards for an accessory structure's front yard setback requirements at 642 Costa Azul Street; and

WHEREAS, the subject site's accessory structure's front yard setback deviates from the twenty (20) foot front yard setback required in the Residential Zone's Property Development Standards, and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on August 13, 2025; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff, and considering any written comment received, the Planning Commission considered all facts relating to the request for Variance 25-02; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial grants as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorically Exempt under Section 15303, Class 3(e), New Construction or Conversion of Small Structures; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby **DENIES Variance 25-02** for Carlos A. Felix Saguchi to allow for the deviation of the Residential Zone's Property Development Standards for front yard setback requirements, and based on the following findings:

- 1. There are special circumstances, such as size, shape, topography, location or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

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E) The City Attorney is authorized to make minor typographical changes to this Resolution that do not change the substance of this Resolution.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of August 2025.

Ruben Rivera
Planning Commission Chairperson

ATTEST:

Kristina Shields
City Clerk