



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: April 3, 2019
TO: Hearing Officer
SUBJECT: Minor Conditional Use Permit #6703
LOCATION: 1914 Corson Street
APPLICANT: Ludis Benitez
ZONING DESIGNATION: CG (Commercial General)
GENERAL PLAN DESIGNATION: Medium Mixed Use (0.0-2.25 FAR)
CASE PLANNER: Nathan Gapper
STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6703 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit - To allow for the alteration and enlargement of an existing, non-conforming, single-family residence in the CG (Commercial General) zoning district. The proposed project consists of a 476 square-foot, one-story addition to a one-story 1,016 square-foot single-family residence. A Minor Conditional Use Permit is required for an expansion and/or alteration of an existing, non-conforming use.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b) (9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual

circumstances. Section 15301 exempts projects that involve additions to existing structures, provided that the alteration or addition will not result in an increase of more than 50% of the existing floor area. The proposed project includes a 476 square-foot addition to an existing 1,016 square-foot single-family residence, less than 50% of the existing floor area.

BACKGROUND:

Site Characteristics: The subject site is a rectangular 5,032 square foot lot. The parcel is located on the south side of Corson Street, between North Allen Avenue and Linda Rosa Avenue. The site is developed with an existing 1,016 square-foot nonconforming, one story, single-family residence and a detached accessory structure that provides two covered parking spaces.

Adjacent Uses: North – 210 Freeway
South – Commercial (storage facility)
East – Vacant lot
West – Single-Family Residential

Adjacent Zoning: North – PS (Public, Semi-Public)
South – CG (Commercial General)
East – CG (Commercial General)
West – CG (Commercial General)

Previous Cases: None

PROJECT DESCRIPTION:

The applicant, Ludis Benitez, has submitted a Minor Conditional Use Permit (MCUP) to allow the expansion of an existing nonconforming use. The subject property is located within the Commercial General (CG) zoning district where single-family residential uses are not permitted. The subject property is currently developed with a single-family residential use and is therefore considered nonconforming. The project consists of a 476 square-foot, one-story addition to an existing 1,016 square-foot, one-story single-family residence. An MCUP is required for the alteration or expansion of a nonconforming use within the CG zoning district.

ANALYSIS

The 5,032 square-foot site is developed with a one-story single-family residence. A detached accessory structure, that provides two covered parking spaces, is located at the rear of the site. One covered parking space is provided in a 239 square-foot garage and the other covered parking space is provided in a 191 square-foot carport. Records indicate that the residence was built in 1924.

The site is located in the CG zoning district, which does not allow a single-family residence use. This zoning designation is intended for providing opportunities for the full range of retail and

service businesses deemed suitable for locations that attract heavy vehicular traffic or traffic not destined for Pasadena residential areas. Residential uses, including single- and multi-family residences and mixed-uses are prohibited in this zoning district.

Chapter 17.71 of the Zoning Code establishes provisions for the regulation of nonconforming land uses, structures, and lots. The intent of this Chapter is to generally discourage the long-term continuance of nonconformities and to establish procedures and criteria for evaluating the allowable enlargement of specific nonconforming uses and structures.

Minor Conditional Use Permit

Enlargement or alteration to a nonconforming use is permitted through the approval of an MCUP application as specified in Section 17.71.080.E. of the Zoning Code. The MCUP process allows the City to review a project and its configuration, design, location, and potential impacts of the use in order to evaluate if the project would be compatible with the surrounding uses and the suitability of the use to the site.

Ordinarily, nonconforming uses are analyzed as to whether they are in compliance with the development standards of the applicable zoning district; however, for a property developed with a single-family residence in a commercial zone, it has been the City's policy to apply the RS-6 (Single Family Residential) development standards. The proposed project would comply with all the applicable development standards of the Zoning Code for a single-family residence, as discussed below.

Gross Floor Area:

In the RS-6 zoning district, the maximum allowable gross floor area is 30 percent of the lot area plus 500 square feet. Based upon the lot size of 5,032 square feet, the maximum allowable floor area is 2,010 square feet. The existing single-family residence has a floor area 1,016 square feet, the existing accessory structures have a total floor area of 515 square feet, and the proposed addition would have a floor area of 476 square feet resulting in a total floor area of 2,007 square feet, which would be in compliance with the maximum allowable gross floor area requirement.

Lot Coverage:

There is no maximum allowable lot coverage requirement for single-family residences on lots less than 7,200 square feet in total area. Lot coverage is defined as the percentage of a site covered by roofs, soffits or overhangs extending more than three feet from a wall, and by decks more than four feet in height. Roofs with openings or perforations of 50 percent or greater of their surface area, pools, or hot tubs are not included in lot coverage calculations. The proposed lot coverage for the 5,032 square foot lot is 2,007 square feet (40%) and complies.

Setbacks:

The required front yard setback is based upon the blockface average of Corson Street from North Allen Avenue to Linda Rosa Avenue with a minimum of 25 feet. However, the proposed addition is in the rear of the property and therefore the existing front yard setback will remain unchanged. The required rear yard setback is 25 feet and the project would provide a setback of 31'-6" from the proposed addition to the rear property line. The minimum required interior side yard setback is 10 percent of the lot width, with a minimum of 5 feet, and a maximum of 10

feet. The lot width is approximately 48 feet; therefore, the minimum required side yard setback is 5 feet. As proposed, the rear addition would provide a side yard of 5 feet along the east side property line to remain consistent with the existing structure and 13'3" along the west side property line. As a result, the proposed project is in compliance with front, sides, and rear yard setback requirements.

Encroachment Plane:

The proposed project is subject to the encroachment plane requirement per Section 17.40.160.D.1 of the Zoning Code. The Zoning Code requires residences not to be located within a side setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the interior side property line. No portion of the existing residence nor the proposed addition encroaches into the encroachment angle. The project as proposed is in compliance with the encroachment plane requirement.

Height:

The maximum allowable height for properties in the RS-6 zoning district is 23 feet to the top plate and the maximum overall height is 28 feet, measured from existing grade. The overall height of the existing single-family residence and the proposed addition is 17'11". As a result, the proposed project is in compliance with the height limit requirements.

Parking:

The Zoning Code requires two covered parking spaces to be provided on-site for a single-family residence. The site currently provides a detached structure that contains a single-car garage and a single-car carport. No change is proposed to the existing two covered parking spaces.

Trees

The project will not result in the removal of any trees on-site. There is one tree located in the front yard of the site, a Canary Island date palm tree. The tree does not meet the size criteria for protection as established in Pasadena Municipal Code, Chapter 8.52 (City trees and tree protection ordinance).

GENERAL PLAN CONSISTENCY:

General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project is to improve and maintain a nonconforming single-family residence in an area of the City with other well-maintained single-family residences. The proposed addition would be located at the rear of the site and, as such, the site will continue to be compatible and harmonious with the surrounding neighborhood and consistent with the City's General Plan.

ENVIRONMENTAL DETERMINATION:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b) (9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts projects that involve additions to existing structures, provided that the alteration or addition will not result in an increase of more than 50% of the existing floor area. The proposed project includes a 476 square-foot addition to an existing 1,016 square-foot single-family residence, less than 50% of the existing floor area.

COMMENTS FROM OTHER DEPARTMENTS:

The Building and Safety Division, Design and Historic Preservation Section, Public Works Department, Transportation Department, Pasadena Water and Power, and the Fire Department have reviewed the project. The Public Works Department and Pasadena Water and Power provided conditions, which are included in Attachment B. No other departments provided comments on the proposed project and would review the plans again through the building permit plan check process.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the MCUP to allow the expansion of an existing nonconforming use can be made. The project complies with all applicable development standards of the Zoning Code. The project would maintain the existing nonconforming single-family residence use of the property and comply with the development standards for the RS-6 zoning district. Conditions of approval will ensure that the use will not deviate from the planned operation reviewed under this application. Furthermore, the City's General Plan encourages the renovation of existing housing stock in residential neighborhoods. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings for Approval

Attachment B: Conditions of Approval

ATTACHMENT A
FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6703

Minor Conditional Use Permit – Expansion and Alteration of a Non-Conforming Use.

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The addition to the nonconforming use is permitted through the approval of a Minor Conditional Use Permit application as indicated in Section 17.71.080.E. of the Zoning Code. It is the City's policy to apply the RS-6 (Single-Family Residential) development standards to expansions on properties containing single-family residences. No Variances are requested as the improvements comply with the applicable development standards of the RS-6 zoning district.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The site is currently within the CG zoning district, which is designated for a variety of commercial uses. The proposed project is a rear addition to an existing single-family residence and will not have any significant adverse impacts to the existing development in the CG district. Alterations or expansions that are compatible with the existing development of the neighborhood for the continuation of a nonconforming use may be allowed with the approval of a Minor Conditional Use Permit.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project is to improve and maintain a nonconforming single-family residence in an area of the City with other well-maintained single-family residences. The proposed addition would be located at the rear of the site and, as such, the site will continue to be compatible and harmonious with the surrounding neighborhood and consistent with the City's General Plan.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The proposal is for an addition to the existing single-family residence on the site. The use of the site will remain residential; therefore, the proposed addition will not be detrimental to the health safety, or general welfare of the persons residing or working in the neighborhood. All new construction proposed will adhere to all requirements as they relate to the Zoning Code and building and safety codes.
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* Approval of the application will not intensify the use of the land as no new dwelling units will be created. The existing single-family residence was constructed in 1924 and will remain as a nonconforming use. The proposed addition will be required to meet all zoning, building, and fire codes which will be reviewed through the building permit plan check process.

6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The proposed addition is at the rear of the existing single-family residence and will not be visible from the street. The design for the proposed addition is consistent with the design of the existing single-family residence. The existing single-car garage and attached carport will remain unaltered and accessible to vehicles. The proposed addition will be designed to match the design and character of the existing residential structure while enhancing the quality of life of the residents on the site.

**ATTACHMENT B
CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT #6703**

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, elevations, and building section drawings submitted for building permits shall substantially conform to plans submitted stamped "Approved at Hearing, April 3, 2019", except as modified herein.
2. This approval allows a 476 square-foot, one-story addition to a one-story, 1,016 square-foot single-family residence.
3. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
4. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
5. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
6. The proposed project, Activity Number **PLN2018-00632**, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Nathan Gapper, Current Planning Section, at (626) 744-7096 to schedule an inspection appointment time.

Planning Division

7. Pursuant to Section 17.40.140 of the Zoning Code, if more than 50 percent of the exterior walls of the single-family residence are removed, the replacement construction shall constitute a new structure that would have to comply with all current land use and development standards of the Commercial General zoning district. A single-family residence is not an allowed land use in the CG zoning district.
8. The project shall comply with all applicable Zoning Code, Building Code, and Fire Code requirements as determined during the building permit plan check process.

Public Works Department

9. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance

from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

10. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
11. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>.

12. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
13. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)

In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.

City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC

The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.

Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/public-works/street-maintenance-waste-management/recycling-resources/construction-and-demolition-debris-recyclers/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
- b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

Water Division, Pasadena Water and Power

14. Pasadena Water and Power (PWP), Water Division can serve water to this project. There is a 6-inch cast iron water main in Corson Street that was installed under Work Order 1257 in 1924. This water main is located approximately 34 feet north of the south property line of Corson Street.
15. The applicant shall verify with Public Works Department regarding any street construction moratorium affecting this project.
16. The approximate water pressure in the area is 50-60 psi.
17. PWP records reflect a 1-inch water services (21895) serving 1914 Corson Street. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. Additionally, if it is determined that a water main must be upgraded due to size, age, pressure deficiencies, and/or the integrity of the existing water main; the upgrade will be paid for by the owner/developer. A deposit will be requested for the water main design and a cost estimate will be provided to the owner/developer for the new water service installations, main design, and main construction. The owner/developer must be aware that the design of a new water main will take 3 to 4 months after the initial deposit is made by

the owner/developer. Also, an additional 4 to 6 months will be needed for the construction of the water main after the balance of the estimate is paid in full by the owner/developer. The design and construction estimated time depends on the size and length of the water main and other mains in the queue. For this reason, it is imperative that the initial deposit be submitted promptly.

18. Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
19. The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
20. All services not in use must be abandoned at the distribution main at the applicable rate.
21. For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
22. Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.
23. All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
24. There shall be no taps between the meter and the backflow assembly.
25. The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.
26. The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
27. The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
28. The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
29. All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.

30. An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.
31. The fire service requires a detector meter and back-flow prevention assembly.
32. The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
33. All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
34. Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
35. All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow prevention assembly. The assembly will be registered and require an annual test certification.
36. If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
37. The applicant shall choose from one of the below listed options and incorporate into the fire sprinkler plans.
 - Option 1:
Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.
The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.
 - Option 2:
Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.
The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.
38. The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.

39. The Pasadena Fire Department (PFD) has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer.
40. There is one fire hydrant in close proximity to the project site. Fire hydrant 916-16 is located on the south curb of Corson Street, approximately 25 feet east of the east property line of 1914 Corson Street. If the applicant would like to request for a fire flow test, please contact Marco Sustaita at (626) 744-4498.

Fire Hydrants Details:

