



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 2, 2020

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #6835

LOCATION: 1196, 1198, 1200 North Summit Avenue

APPLICANT: Martin Ruvalcaba

ZONING DESIGNATION: RM-12 (Multi-Family Residential, 2 dwelling units per lot)

GENERAL PLAN DESIGNATION: Low-Medium Density Residential

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6835 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit: To allow the expansion of a nonconforming use, where a nonconforming use may not be altered or expanded, unless a Minor Conditional Use Permit is first obtained. The project includes additions, totaling 296 square feet, to two existing dwelling units. The project also includes the construction of two attached garages, totaling 853 square feet. The subject site is located within the RM-12 (Multi-family residential - two units per lot) zoning district, and is developed with three residential dwelling units, where the Zoning Code allows for two dwelling units.

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 additions to existing structures, provided the provided the addition will not result in an increase of more than 50

percent of the floor area of the structure before the addition or 2,500 square feet, whichever is less.

BACKGROUND:

Site characteristics: The subject site is a 10,188 square-foot (0.23 acres) parcel located on the east side of North Summit Avenue, south of East Claremont Street and north of East Hammond Street. The site is improved with three units consisting of one detached, two-story, 1,091 square-foot dwelling unit constructed in 1924, and two approximately 600 square-foot attached, single story multi-family units constructed in 1925, and a detached 434 square-foot two-car garage.

Adjacent Uses: North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RM-12 (Multi-Family Residential, 2 dwelling units per lot)
South – RM-12 (Multi-Family Residential, 2 dwelling units per lot)
East – RS-6/LD-2 (Single-Family Residential, 0-6 dwelling units per acre, Garfield Heights Landmark District)
West – RM-12 (Multi-Family Residential, 2 dwelling units per lot)

Previous zoning cases on this property: None

PROJECT DESCRIPTION:

The applicant, Martin Ruvalcaba, has submitted a Minor Conditional Use Permit application to allow the enlargement of a legal nonconforming use. The subject site is located within the RM-12 (Multi-Family Residential) zoning district, and is legally developed with two attached residential dwelling units and a third detached residential unit, where the Zoning Code currently allows for two dwelling units. A legal nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained.

The proposed project includes a 139 square-foot addition to the rear of the 1196 North Summit Avenue unit and a 157 square-foot addition to the rear of the 1198 North Summit Avenue unit, for a total aggregate addition of 296 square feet to the attached units. The project also includes the construction of one attached 426 square-foot garage for the 1198 North Summit Avenue unit and one attached 427 square-foot garage for the detached 1200 North Summit Avenue unit. The project proposal's 1,149 square-foot aggregate addition provides compliant two-car covered parking for each unit. No trees are proposed for removal as a part of the project.

ANALYSIS:

A nonconforming use is defined as a use of a structure (either conforming or nonconforming) or land that was legally established and maintained before the adoption of current Zoning Code regulations governing the allowable land uses for the zoning district in which the use is located.

The subject site is located with the RM-12 zoning district, which allows for two dwelling units per lot. According to the City's permit records, the site is improved with two attached multi-family units

and a third detached unit with a total of 2,291 square feet, legally constructed in 1924 and 1925, respectively. As such, the land use of the site with three dwelling units is considered legal nonconforming.

Section 17.71.080(E) of the Zoning Code states that a nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained, in compliance with Section 17.61.050. The Minor Conditional Use Permit application allows the City to review the project and determine if the proposed enlargement would be compatible with the surrounding area. In order to approve a Minor Conditional Use Permit, six findings must be made in the affirmative. These findings relate to project conformance with the Zoning Code and General Plan, potential project impacts on the surrounding properties, and compatibility with the surrounding uses.

The proposed enlargement to the nonconforming use must comply with the development standards of the applicable zoning district. In this case, the project has been analyzed to determine its compliance with the applicable development standards of the RM-12 zoning district, regardless of the number of dwelling units on the site. That analysis has concluded that as proposed, the project would comply with applicable development standards of the Zoning Code, as demonstrated below.

Development Feature		Requirement	Proposed Project	Analysis
RM-12– Multi- Family Residential – General Development Standards				
Density (0-12 du per acre)		Two dwelling units per lot	Three dwelling units	<i>Nonconforming*</i>
Maximum Allowable Floor Area Ratio		4,556 square feet, or 30% of the lot size plus 500 square feet per unit	3,972 square feet	Complies
Maximum Allowable Site Coverage		3,565 feet, or 35%; up to 40% provided any additional coverage over 35% shall be single-story only.	3,436 square feet	Complies
Minimum Setbacks	Building Separation	10 feet	10 feet	Complies
	Side	5'-1" feet or 10% of the lot width, and within the encroachment plane	4'-2" (existing legal nonconforming) 19'11" feet	Complies
	North South			
Height		28 feet	12'-7"	Complies
Multi-Family Dwelling Unit Parking		6 covered parking spaces	6 covered parking spaces	Complies

Tree Protection Ordinance

The tree inventory identified that there are no protected trees on-site or within the public right-of-way. Further, no trees are proposed for removal as a part of the project.

GENERAL PLAN CONSISTENCY:

The subject site is improved with three dwelling units constructed with permits in 1924 and 1925. The site is designated as Low-Medium Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and, architectural design. The project scope includes a 296 square-foot addition to the rear of the two attached multi-family

units and two attached two-car garages (426 and 427 square feet), which is not visible from the public right-of-way. Therefore, the project would not affect the scale and massing of the site. The use of the site would remain as three dwelling units on one lot and the project would maintain the unique character and design of the residential neighborhood as the addition is not visible from the street and remains consistent with the City's General Plan.

ENVIRONMENTAL REVIEW:

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 additions to existing structures, provided the additions will not result in an increase of more than 50 percent of the floor area of the structure before the addition or 2,500 square feet, whichever is less. As proposed, the total additions, including the new garages, total 1,149 square feet, which is less than 50 percent (1,362 square feet) of the existing structures.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the Building Division, Fire Department, Department of Transportation, Public Works Department, and Design and Historic Preservation Section. Based on their review of the project, the Public Works Department provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this staff report. The remaining departments had no comments and would review the plans through building permit plan check process.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Minor Conditional Use Permit can be made. The proposed project meets all applicable development standards required by the Zoning Code. The project would maintain the existing nonconforming use and would not result in the creation of any new dwelling unit onsite. Therefore, staff recommends that the Hearing Officer approve the Minor Conditional Use Permit subject to the Findings in Attachment A and recommended Conditions of Approval in Attachment B.

ATTACHMENTS:

- Attachment A: Minor Conditional Use Permit Findings
- Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6835

Minor Conditional Use Permit –To allow the enlargement of a nonconforming use

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district, but does not comply with all applicable provisions of this Zoning Code.* The enlargement of a nonconforming use is permitted through the approval of a Minor Conditional Use Permit as provided in Section 17.71.080(E) of the Zoning Code. The proposed project will comply with all applicable development standards required for the RM-12 zoning district, with respect to height, setbacks, floor area, lot coverage, and parking.
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 purpose of the RM-12 zoning district is to ensure adequate light, air, privacy, and open space for each dwelling and to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects. The proposed project will be designed to comply with the development standards and special purposes of the RM-12 zoning district, and the number of existing dwelling units will remain unchanged. The project consists of additions to a nonconforming use and may be permitted 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.* The subject site is improved with three dwelling units constructed with permits in 1924 and 1925, and a detached two-car garage. The site is designated as Low-Medium Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and, architectural design. The project scope includes a 139 square-foot addition to the rear of the 1196 North Summit Avenue unit and a 157 square-foot addition to the rear of the 1198 North Summit Avenue unit, for a total aggregate addition of 296 square feet for the attached units. The project also includes the construction of one attached 426 square-foot garage for the 1198 North Summit Avenue unit and one attached 427 square-foot garage for the unit at 1200 North Summit Avenue, totaling 1,149 square feet to make all three units compliant in two-car covered parking. The additions would not be visible from the public right-of-way. Therefore, the project would not affect the scale and massing of the site. The use of the site would remain as two dwelling units on one lot and the project would maintain the unique character and design of the residential neighborhood as the addition is not visible from the street and remains 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 project scope includes a 296 square-foot addition to the rear of the attached units and two attached two-car garages with an aggregate of 1,149 square feet, both of which are not visible from the public right-of-way. The use of the site will remain as three dwelling units on a lot within a multi-family residential zoning district. The project will not result in any new dwelling unit onsite. The additions will not be visible from public right-of-way views, therefore will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. The improvements will be required to adhere to all requirements as they relate to the Zoning, Fire, 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.* The project as proposed will result in additions to the two of the three existing units onsite and will not result in any new units added to the site. The existing residential structures were constructed in 1924 and 1925, prior to the adoption of the RM-12 zoning district, resulting in a legal nonconforming status of the site. The additions will be required to comply with all zoning, building, and fire codes which will be reviewed through the building permit plan check process and is designed to not be detrimental or injurious to the surrounding residential uses.

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 subject site is designated as Low-Medium Density Residential in the General Plan Land Use Element. The 296 square-foot addition to the rear of the attached units and two attached two-car garages totaling 1,149 square feet will not increase the number of residential units on the subject site. The site will remain consistent with the existing and future uses within the residential neighborhood, as the proposed additions have been designed in compliance with the development standards applicable to the subject site and uses in the vicinity.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6835

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

General

1. The site plan, floor plan, elevations, and building sections, submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, September 2, 2020", except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Minor Conditional Use Permit allows a 296 square-foot addition to the rear of the two attached units, a 426 square-foot attached two-car garage, and a 427 square-foot attached two-car garage at the rear of the two attached units.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2020-10001** 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 Katherine Moran, Current Planning Section, at (626) 744-6740 to schedule an inspection appointment time.

Planning Division

7. The applicant shall comply with all requirements of the Zoning Code, including the applicable development standards provided in Chapter 17.22 (Residential Zoning Districts).
8. Any above ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
9. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
10. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Public Works Department

11. 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.

12. 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.

13. In addition to the above condition, the requirements of the following ordinances may apply to the proposed project:
 - a) 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.

 - b) 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://www.cityofpasadena.net/public-works/recycling-resources/construction-demolition-recycling/construction-and-demolition-debris-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - I. 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.
 - II. Summary Report with documentation must be submitted prior to final inspection.

14. 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.