



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 6, 2020

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #6817

LOCATION: 1645-1647 Walworth Avenue

APPLICANT: Alfred Edwards

ZONING DESIGNATION: RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Carlos Chacon

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6817 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit: To allow the enlargement of a nonconforming two residential dwelling unit property. The project includes additions totaling 652 square feet to two existing dwelling units, and the construction of a new 470 square-foot attached garage, and a new 368 square-foot detached carport. The subject site is nonconforming because it is developed with two residential dwelling units, and located within the RS-6 (Single-Family Residential) zoning district, where the Zoning Code allows for one dwelling unit. A Minor Conditional Use Permit is required for an expansion and/or alteration of a legally established 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 additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet,

and the area in which the project is located is not environmentally sensitive.

BACKGROUND:

Site characteristics: The subject site is an 11,330 square-foot (0.26 acres) parcel located on the west side of Walworth Avenue, south of Atchison Street and north of Elizabeth Street. The site is improved with two, detached single-family dwelling units. The 1,008 square-foot front unit was constructed in 1921, and the 576 square-foot rear unit was constructed in 1935.

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

Adjacent Zoning: North – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
South – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
East – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
West – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

Previous zoning cases on this property: MCUP# 4828 – To expand a nonconforming use with a 250 square-foot single-story addition to the rear unit, and two 2-car garages (February 21, 2007).

PROJECT DESCRIPTION:

The applicant, Alfred Edwards, has submitted a Minor Conditional Use Permit application to allow the enlargement of a nonconforming use. The subject site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district, and is developed with two residential dwelling units, where the Zoning Code allows for one dwelling unit. A nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained.

The proposed project includes a 150 square-foot addition to the front unit, and a 502 square-foot addition to the rear unit, for a total of 652 square feet. The project also includes a new 77 square-foot outdoor deck to the rear of the front dwelling unit, a 470 square-foot attached two-car garage addition to the front of the rear dwelling unit, and a 368 square-foot two-car carport to be constructed at the rear of the site. 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 this Zoning Code and

which does not conform to current Code provisions governing the allowable land uses for the zoning district in which the use is located.

The subject site is located with the RS-6 zoning district, which allows for one single-family residence per lot. According to the City's permit records, the site is improved with two, detached single family dwelling units; a 1,008 square-foot front unit constructed in 1921 and a 576 square-foot rear unit constructed in 1935. As such, the land use of the site with two dwelling units is considered 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 if it is in compliance with the applicable development standards of the RS-6 zoning district, regardless of the number of dwelling units on the site. As proposed, the project would comply with applicable development standards of the Zoning Code.

Maximum Allowable Floor Area

Pursuant to Section 17.22.040 Table 2-3 (RS and RM-12 Residential Districts General Development Standards), in the RS-6 zoning district, the maximum allowable gross floor area for a lot with less than 12,000 square feet in area, is 30 percent of the lot area plus 500 square feet. Gross floor area is defined as the floor area between the floor and roof above it, measured from the outside edge of the exterior walls of the main structure and all accessory structures, including required parking (either garage or carport).

The subject site is 11,330 square feet in area, thus the maximum allowable gross floor area is 3,899 square feet. The existing floor area is 1,584 square feet. The project includes additions totaling 652 square feet to both dwelling units, a new 470 square-foot attached two-car garage to the front of the rear dwelling unit, and a 368 square-foot two-car carport at the rear of the site. As proposed, the total floor area of all structures on the site would be 3,074 square feet, which is in conformance with the maximum allowable floor area requirement.

Maximum Site Coverage

In addition to the maximum allowable gross floor area, single-family residential properties are subject to site coverage. Site 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. As prescribed in the Zoning Code, the maximum allowable site coverage for a site less than 12,000 square feet in area is 35 percent and up to 40%; any additional coverage over 35% shall be single-story only.

The site is 11,330 square feet in area, which allows for a maximum allowable site coverage of 4,532 square feet. The total proposed site coverage is 3,222 square feet, which includes the

existing dwelling units, porches, the additions, the proposed garage and carport. Therefore, as proposed the project complies with the maximum allowable site coverage.

Setbacks

The minimum required front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet, as provided in Section 17.22.050 of the Zoning Code. In calculating the block-face average, measurement shall be from the front property line to the principal structure. Building projections (such as eaves or bay windows) and unenclosed porches shall not be used as the reference point for this measurement. The existing front yard setback is measured at 31 feet 6 inches. The project as proposed does not include any additions to the front of the property; therefore the existing front yard setback will remain unchanged.

The required side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of ten feet. The lot width is 50 feet, resulting in a minimum side setback of five feet.

The addition to the front dwelling unit proposes a north side setback of five feet and a south side setback of 20 feet 7 inches. The addition to the rear dwelling unit proposes a north side setback of five feet, and a south side setback of 24 feet. Therefore, as proposed the side setbacks for both the front and rear dwelling units comply with the minimum side setback requirement.

The minimum required rear setback is 25 feet. The addition to the rear dwelling unit is proposed at the front of the unit, which currently has a 69-foot 8-inch setback that already complies with the minimum rear setback requirement.

Encroachment Plane

Principal structures located within the RS-6 zoning district, may not be located within an encroachment plane that slopes upward and inward at a 30-degree angle. The plane commences at a point six feet above existing grade along the side property lines. The intent of the encroachment plane standard is to moderate the mass and scale of structures and maintain desired neighborhood character. Plans provided by the applicant depict the encroachment plane and demonstrate the additions to both dwelling units comply with the encroachment plane requirement.

Height

Pursuant to Section 17.22.040 Table 2-3 of the Zoning Code, a property located within the RS-6 zoning district, with a lot width of less than 75 feet, is limited to a maximum height of 28 feet and within the encroachment plane. The plans demonstrate that the front unit would maintain a height of 16 feet 6 inches, and the rear unit would maintain a 17-foot 2-inch height, measured from existing grade to the highest ridge of the structure. As proposed, the project complies with the maximum allowable building height.

Parking

Pursuant to Section 17.46.040 Table 4-6 of the Zoning Code, the parking requirement for a multi-family residential land use is two covered parking spaces for each dwelling unit over 650 square feet in size, and one covered parking space for each dwelling unit less than 650 square feet. After

the proposed additions, the front dwelling unit would be 1,158 square feet, and the rear dwelling unit would be 1,078 square feet; therefore, four covered parking spaces would be required.

The subject site currently does not have any covered parking. The project proposal includes a the construction of a new 470 square-foot attached two-car garage to the front unit, and a detached 368 square-foot two-car carport at the rear of the site. Therefore, as proposed the subject site would be in compliance with minimum parking requirements.

Accessory Structure Placement

Pursuant to Section 17.50.250(D)(2) of the Zoning Code, an accessory structure may be located in a required side or rear setback; provided it is more than 100 feet from the front property line or in the rear 25 feet of the site. Otherwise, the minimum required setbacks of the primary structure shall also apply to the accessory structure.

The proposed detached two-car carport would be constructed 204 feet from the front property line, and set back 3 feet 3 inches from rear property line, 18 feet 5 inches from the south side property line, and 11 feet 7 inches from the north property line.

Pursuant to section 17.50.250(E)(2), in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure that can be located less than five feet from a side or rear property line shall be limited to 22 feet. An accessory structure, shall maintain a minimum separation of six feet from any other structure on the site. The separation shall be clear and unobstructed by any encroachments.

The horizontal length of the carport along the rear property line would be 20 feet, therefore in compliance with the maximum the maximum allowable length of 22 feet with a rear setback of less than five feet. Furthermore, the carport would be constructed with a 48-foot separation from the rear dwelling unit, therefore complies with the minimum separation requirement.

Furthermore, pursuant to Section 17.50.250(H)(2), a carport shall only be located behind the main structure and not visible from a public right-of-way, and shall not be allowed on a corner lot.

The proposed carport will be located within the rear setback and behind the rear wall plane of the front unit and rear unit not visible from the public right of way.

Accessory Structure Height

Pursuant to Section 17.50.250(E) of the Zoning Code, the top plate height for an accessory structure shall not exceed nine feet. Additionally, the overall height of an accessory structure may exceed the nine-foot height limit as it steps, or slopes, away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height and rising a maximum of one and one-half feet of distance starting at the two-foot setback. Furthermore, an accessory structure may rise to, but shall not exceed, an overall height of 15 feet, so long as the structure does not intercept the encroachment plane.

The proposed top plate height of the proposed two-car carport would be 8 feet 6 inches, with an overall height of 10 feet 6 inches measured from existing grade to highest point of the structure, and does not intercept the encroachment plane at any point. Therefore, as proposed the detached carport height complies with the maximum allowable top plate and overall structure height.

Accessory Structure Floor Area

Pursuant to Section 17.50.250(G) of the Zoning Code, the maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. Based on the lot size of 11,330 square feet, the maximum allowable aggregate size of all accessory structures is 680 square feet. An accessory structure with a roof that is at least 50 percent open shall not be included in the calculation of the maximum allowable size. All other accessory structures shall be counted in the calculation of the maximum allowable size including carports, gazebos, or covered patios or porches.

The project proposal includes a detached 368 square-foot two-car carport would not exceed the 680 square feet; therefore, the proposed floor area of the accessory structure complies with the maximum allowable aggregate floor area for accessory structures.

Tree Protection Ordinance

The tree inventory and plan submitted by the applicant identified three trees, with two trees located on the subject site, and one located within the public right-of-way. The trees identified on the subject site are two Coast Live Oaks with a diameter-breast-height of 8 inches and 14 inches both located on the northwest section of the site, behind the rear unit and within the rear and side yard setbacks. Both of the trees identified on the site qualify for protection as defined in the City's Tree Protection Ordinance, as determined by species, size, and location on the property. No trees are proposed for removal as a part of the project.

As a condition of approval, a Tree Protection Plan for the two identified protected trees that are located in private property will be required to be submitted prior to the issuance of a building permit. This will ensure the health of the trees during and after construction.

GENERAL PLAN CONSISTENCY:

The subject site is improved with two dwelling units (front and rear) constructed with permits in 1921 and 1935 respectively. The site is designated as Low 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 150 square-foot addition to the rear of the front unit, a 502 square-foot addition and a 470 square-foot attached two-car garage to the front of the rear unit, and a detached two-car carport at the rear of the property, all of which are 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 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.

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

addition will not result in an increase of more than 10,000 square feet, and the area in which the project is located is not environmentally sensitive.

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 #6817

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 RS-6 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 RS-6 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 of the RS-6 zoning district and to meet the special purpose of the RS-6 zoning district. The project consists of additions to a nonconforming use and may be permitted with the approval of a Minor Conditional Use Permit. As proposed, the project is in compliance with all development standards of the RS-6 zoning district, and the number of existing dwelling units will remain unchanged.
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 two dwelling units constructed with permits in 1945, and a detached two-car garage. The site is designated as Low 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 150 square-foot addition to the rear of the front units, a 502 square-foot addition and a 470 square-foot attached two-car garage to the front of the rear unit, and a detached two-car carport at the rear of the property, all of which are 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 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 150 square-foot addition to the rear of the front units, a 502 square-foot addition and a 470 square-foot attached two-car garage to the front of the rear unit, and a detached two-car carport at the rear of the property, all of which are not visible from the public right-of-way. The use of the site will remain as two dwelling units on a lot within a single-family residential zoning district. The project will not result in any new dwelling unit onsite. The additions, garage and carport 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 existing units onsite and will not result in any new units added to the site. The existing residential structure were constructed in 1924 and the front unit was constructed in 1921 and 1935, prior to the adoption of the RS-6 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 Density Residential in the General Plan Land Use Element. The additions to both existing residential units, the attached 470 square-foot two-car garage, and a 368 square-foot detached two-car carport, 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 #6817

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, May 6, 2020", except as modified herein.
2. 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 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 150 square-foot addition to the front unit, a 502 square-foot addition to the rear unit, a 470 square-foot attached two-car garage addition to the front of the rear dwelling unit, and a 368 square-foot detached two-car carport at the rear of the site.
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 **PLN2020-00022** 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 Carlos Chacon, Current Planning Section, at (626) 744-7123 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), and Section 17.50.250 (Residential Uses – Accessory Uses and Structures).
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 project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
10. As part of its analysis, the tree protection plan shall take into account the trees on adjoining properties along the north property line, and protected trees within the public-right-of way, adjacent to the project site. The plan shall provide mitigation measures, if necessary, and

analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.

11. 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).
12. 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

13. 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.

In addition to the above condition, the requirements of the following ordinances may 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://www.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://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:
 - 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.