



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: August 19, 2020

TO: Hearing Officer

SUBJECT: Tentative Parcel Map #82996

LOCATION: 750 & 752 Manzanita Ave.

APPLICANT: Mark Van Lue

ZONING DESIGNATION: RM-12 (Multi-Family Residential, Two Units Per Lot)

GENERAL PLAN DESIGNATION: Low-Medium Density Residential

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Tentative Parcel Map #82996 with the Conditions of Approval in Attachment B.

PROJECT PROPOSAL: Tentative Parcel Map: To allow the creation of two air parcels on one land lot for residential condominium purposes.

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. Class 1 consists of projects involve negligible or no expansion of an existing use. The creation of air parcels for residential condominium purposes will not constitute a significant expansion of the existing residential use on the site. The proposed Tentative Parcel Map is for a mapping action and does not include review of physical changes to the site.

BACKGROUND:

Site characteristics: The site is a 10,979 square-foot rectangular-shaped parcel located on the west side of Manzanita Avenue, north of West Orange Grove Boulevard, and south of West Mountain Street. The site is developed with two detached residential units and two detached garages.

Adjacent Uses: North – Multi-Family Residential
South – Multi-Family Residential and Commercial
East – Multi-Family Residential
West – Multi-Family Residential

Adjacent Zoning: North – RM-12 (Multi-Family Residential Two Units Per Lot)
South – FGSP-C-3D (Fair Oaks-Orange Grove Specific Plan)
East – RM-12 (Multi-Family Residential Two Units Per Lot)
West – RM-12 (Multi-Family Residential Two Units Per Lot)

Previous zoning cases: None.

PROJECT DESCRIPTION:

The applicant, Mark Van Lue, has submitted a Tentative Parcel Map application to allow the subdivision of an existing 10,979 square-foot parcel into two air parcels on one land lot for residential condominium purposes. The property is currently developed with two detached residential units (both 1,359 square feet in size) and two detached two-car garages. Through the Tentative Parcel Map process, the two existing residential dwelling units would be converted to individual ownership (residential condominiums) on one common parcel. Given that renting tenants currently occupy the units, the proposed project is considered a condominium conversion. No demolition of existing structures or new construction is proposed as part of this application.

ANALYSIS:

Tentative Parcel Map applications are subject to compliance with Title 16 (Subdivisions) of the Pasadena Municipal Code and applicable standards of the City's Zoning Code and General Plan. The intent of the Subdivision ordinance is to regulate divisions of land. The Hearing Officer may approve a Tentative Parcel Map provided findings in the affirmative are made pursuant to Municipal Code Section 16.20.170 (Required Findings). Findings are generally necessary to demonstrate the subdivisions consistency with the General Plan, suitability of the site, design, and that the subdivision would not cause serious public health problems, violate water quality control standards, or conflict with public easements.

The subject property is located in the RM-12 (Multi-Family Residential Two-Units per lot) zoning district. The 10,979 square-foot lot size is limited to a maximum of two dwelling units. The applicant has constructed two dwelling units and is therefore in compliance with the maximum density requirement.

The site is relatively flat and is currently improved with two detached residential dwelling units. The residential units completed the Building Permit approval and inspection process on November 5, 2019. This application does not any proposed changes to the completed Building Permit. The project was determined to be in compliance with all applicable development

standards of the RM-12 zoning district including but not limited to setbacks, height and parking development standards. The off-street parking requirement for multi-family uses is two-car covered parking spaces per dwelling unit.

STANDARDS FOR CONVERSION PROJECTS:

Chapter 16.46 of the Pasadena Municipal Code provides the standards for conversion projects, as discussed below:

16.46.010 – Compliance with electrical code, plumbing code, and housing code.

All conversion projects are required to comply with Pasadena electrical code and Pasadena plumbing code in effect on the date the tentative map for the project is approved.

Building permit (BLD2018-00888 & BLD2018-00889), electrical permit (ELE2019-00472, ELE2019-00473), plumbing permit (PLM2019-00388 & PLM2019-00389), which were issued to allow the construction of the two dwelling units, were reviewed and approved in compliance with all applicable electrical code, plumbing code, and building code requirements as determined by the Building and Safety Division. The construction of the two unit residential project received its Certificate of Occupancy on November 5, 2019 after its final inspection was approved and completed. The conversion project plans were routed to the Building and Safety Division for review and is found to be in compliance with the City's current electrical and plumbing codes.

16.46.020 – Parking requirements.

A condominium conversion project is required to meet the required number of parking spaces for the zoning district in which it is located. This includes both guest parking requirements and back up distance requirements. The required off-street parking for a multi-family use is two-covered space for each unit 650 square feet or greater and one-covered space for each unit less than 650 square feet. Both existing dwelling units are greater than 650 square feet in size, as such, a minimum of four covered spaces are required to be provided on site. The submitted plans confirm that four covered spaces are provided within the two existing detached garages on site. The parking spaces were reviewed and approved as part of building permits BLD2018-00888 and BLD2018-00889, which verified compliance with the backup distance, and minimum parking space dimension requirements of the Zoning Code. The existing site condition has not changed since the project was constructed and finalized in November 2019. The conversion project as proposed is found to be in compliance with the with the current off-street parking requirements of the Zoning Code, including back up distance and minimum parking space dimension as determined on the date the tentative map for the project is approved.

16.46.030 – Utility meters.

The consumption of gas and electricity within each dwelling unit is required to be separately metered so that the unit owner can be separately billed for each utility. There are two separate electrical meters and two separate gas meters on site.

16.46.040 – Warranties.

The applicant is required to grant the homeowners' association or other body responsible for the management of the project a warranty against all defects in common areas for not less than one

year from sale of first unit. To comply with this standard, the applicant has provided a written and signed document granting a warranty against all defects in common areas for not less than one year. The warranty covers at a minimum the bearing walls, columns, floors, roofs, foundations, central heating cooling and other utility installations.

Conditions of approval have been included in this report requiring the applicant to comply with Section 16.46.040, Warranties of the City's Municipal Code.

16.46.050 – Relocation allowance for displaced tenants.

The applicant has prepared a written notice to all tenants notifying them of their relocation allowance amount and rights. The tenants have signed the notice and have been aware of all applicable tenant rights and benefits, as identified in 16.46.050 of the Pasadena Municipal Code.

16.46.060 – Relocation counseling.

The applicant is required to submit a counseling assistance plan to provide relocation counseling and assistance to qualified tenants, to aid such tenant in finding and relocating to equivalent housing. The applicant has agreed to provide relocation counseling and assistance to qualified tenants should it be necessary.

16.46.070 – Notices to tenants.

The applicant is required to provide to each tenant written notification of intent to convert at least 60 days prior to filing a tentative map as required by state statutes. On May 21, 2020, the applicant delivered the notices by personal delivery to all tenants, which is more than 60 days prior to the application's public hearing date on August 19, 2020.

16.46.072 – Tenant right to purchase.

Any present tenant or tenants is/are required to be given the exclusive right to contract for the purchase of the unit upon the terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The applicant has provided a written notice to all tenants notifying their exclusive right to purchase. The tenants have reviewed, signed, and acknowledged the tenant right to purchase in compliance with Section 16.46.072 of the Pasadena Municipal Code.

16.46.074 – Vacation of units.

Each non-purchasing tenant, not in default under the obligations of the rental agreement of lease under which the unit is occupied, will have at least 180 days from the date of approval of the conversion by the Hearing Officer or, if an appeal is filed, the date of approval by the City Council, to find substitute housing and to relocate. The applicant has provided a written notice to all tenants notifying them of this requirement. The tenants have reviewed, signed, and acknowledged the vacation of units in compliance with Section 16.46.074 of the Pasadena Municipal Code.

16.46.076 – Tenant right to terminate lease.

Any present tenant or tenants have the right to terminate their lease agreement without penalty, following the receipt of notification from the owner of the intent to convert. The applicant has provided a written notice to all tenants notifying them of intent to convert and the tenant right to terminate lease agreement. The tenants have reviewed, signed, and acknowledged the tenant right to terminate lease agreement in compliance with Section 16.46.076 of the Pasadena Municipal Code.

16.46.078 – Household with disabled persons, senior citizens, or minor children.

In case where the household has a tenant or tenants who are disabled, senior citizens, or minor children, the applicant is required to allow an additional period of time, not exceeding six months beyond the time specified in Section 16.46.070(D). In addition, if the tenant or tenants have minor children, the applicant does not have to require that tenant to vacate the unit until the end of the school year in which the 180 day notice expires. The applicant has provided a written notice to all tenants notifying them of this requirement. The tenants have reviewed, signed, and acknowledged of their rights in compliance with Section 16.46.078 of the Pasadena Municipal Code.

16.46.080 – Notices to new tenants.

After submittal of the application to convert, any prospective tenants for units included in the conversion project is required to be notified in writing of the intent to convert prior to leasing or renting of any unit, and if such notice is given, the applicant is not required to give such tenants the benefits provided by Sections 16.46.050 (Relocation allowance for displaced tenants) and 16.46.060 (Relocation counseling). The applicant has been made aware and has agreed to comply with this requirement.

16.46.085 – Increase in rents.

From the date of approval of the application to convert until the date of conversion, tenants' rent cannot be increased more frequently than once annually nor at a rate greater than the rate of increase in the Consumer Price Index (Los Angeles-Long Beach) on an annualized basis, for the same period. This limitation does not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the application to convert. The applicant has been made aware and has agreed to comply with this requirement.

Tenant Protection Ordinance

The proposed project would create two new residential air parcels in conjunction with new construction. The Housing Department has reviewed the application and determined that the project does not entail the demolition of any existing multi-family rental units and as a result, the City's Tenant Protection Ordinance is not applicable.

Inclusionary Housing

Zoning Code Chapter 17.42 (Inclusionary Housing Requirements) establishes standards and procedures to encourage the development of housing that is affordable to a range of households with varying income levels. These standards apply to new residential projects consisting of 10 or

more dwelling units. Because the project consists of two units, it is not subject to the inclusionary housing requirements.

GENERAL PLAN CONSISTENCY:

The subject property is designated Low-Medium Density Residential (Two units per lot) in the General Plan Land Use Element. The two-unit project complies with the maximum density allowed. The Tentative Parcel Map for two air parcels is consistent with General Plan Policy 2.1 (Housing Choices) and Goal 23 (Multi-Family Neighborhoods). The project supports these policies by expanding the type, and increasing the inventory of housing units available for Pasadena residents. The project will enhance the neighborhood character and quality through implementation of the RM-12 multi-family development standards.

TREE PROTECTION ORDINANCE:

Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance) establishes standards for the protection and removal of protected trees on private property. There are no trees proposed to be removed on site.

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. Class 1 consists of projects involve negligible or no expansion of an existing use. The creation of air parcels for residential condominium purposes will not constitute a significant expansion of the existing residential use on the site. The proposed Tentative Parcel Map is for a mapping action and does not include review of physical changes to the site.

REVIEW BY OTHER DEPARTMENTS:

The City's Department of Transportation, Public Works Department, Housing Department, Fire Department, Design and Historic Preservation Section, and Department of Water and Power have reviewed the proposal. AT&T California and Southern California Edison have also reviewed the current application. The Department of Public Works provided comments and recommended conditions of approval that have been included in Attachment B of this staff report.

CONCLUSION:

The Tentative Parcel Map would create two air parcels on a single lot for residential condominium purposes. It is staff's assessment that the proposal is consistent with land use policies of the General Plan, development standards applicable to multi-family projects, and applicable sections of the City's Subdivision Ordinance. Therefore, staff recommends approval of the application based on the findings in Attachment A and the conditions in Attachment B.

Attachments:

Attachment A: Findings

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR TENTATIVE PARCEL MAP #82996

1. *The proposed map is consistent with applicable general and specific plans as specified in Section 65450.* The subject property is designated Low-Medium Density Residential (Two Units per lot) in the General Plan Land Use Element. The three-unit project complies with the maximum density allowed. The Tentative Parcel Map for three air parcels is consistent with General Plan Policy 2.1 (Housing Choices) and Goal 23 (Multi-Family Neighborhoods). The project supports these policies by expanding the type, and increasing the inventory of housing units available for Pasadena residents. The project will enhance the neighborhood character and quality through implementation of the RM-12 multi-family development standards.
2. *The site is physically suitable for the type of development.* The two residential dwelling units were reviewed and approved through the City's building permit plan check process. The project is compliant with all applicable development standards of the RM-12 zoning district. Building permits (BLD2018-00888 and BLD2018-00889) were approved and issued on January 10, 2019 and construction was final on November 5, 2019. There are no unique topographical features on the site. The site is relatively flat and is similar in size and topography to other lots in the vicinity. As described above, there are no proposed changes to the development as part of this mapping action.
3. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.* The property and surrounding neighborhood is in an urbanized area and is developed with residential uses. The project has been reviewed in compliance with the California Environmental Quality Act. No fish or wildlife habitats in the vicinity have been identified. As such, approval of the map will not result in significant environmental impacts.
4. *The design of the subdivision or the proposed improvements is not likely to cause serious health problems in that the subdivision is compatible with existing residential land uses in the vicinity.* The design of the development provides appropriate ventilation, light, and circulation within the development and among other existing developments in the vicinity. The development is within the maximum density allowed for the site. The two dwelling units were constructed in compliance with the Zoning, Fire, and Building Code requirements that will not cause serious health problems to the residential neighborhood. There is no new development proposed with this application and therefore the on-site uses will remain compatible with existing residential uses in the vicinity.
5. *The proposed map meets the requirements of Title 16 as applicable.* The proposal to subdivide an existing parcel into two legal air parcels will comply with applicable standards of Title 16. The Tentative Parcel Map was prepared by a registered engineer, obtained a map number assigned by the County, references the locations of adjacent streets and other public properties, labels and identifies easements, and references means of vehicular access. Copies of the Tentative Parcel Map were provided to the applicable parties, including, but not limited to the City Engineer, Water Department, Power Department, Fire Department, and Department of Transportation as required by Title 16. The proposed project complies with the land use designation under the General Plan. As conditioned, the applicant will comply with all applicable requirements identified in Chapter 16.46 "Standards for Conversion Projects" of the Pasadena Municipal Code.

6. *The discharge of waste from the proposed subdivision into existing sewer system would not add to or result in violation of existing water quality control standards.* The residential development standards of the Pasadena Municipal Code require the project site to connect to existing public sewer system. Compliance with this requirement was verified through the building permit process. The building permits for the two units were finalized by the City in November 2019 under BLD2018-00888 and BLD2018-00889.
7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.* The design of the subdivision and type of improvements proposed will not conflict with easements acquired by the public, as the project is existing and there are no physical changes to the site proposed.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP #82996

The applicant or the successor in interest shall comply with the following conditions:

General

1. The final map to be recorded with the Los Angeles County Recorder shall substantially conform to the Tentative Parcel Map submitted with this application and dated "Approved at Hearing August 19, 2020," except as modified herein.
2. The plans submitted for building permits shall be in general conformance to site plan submitted and stamped "Approved at Hearing, August 19, 2020," except as modified herein.
3. This approval allows Tentative Parcel Map #82996 to create two residential air parcels for residential condominiums on a single lot. The creation of the two residential air parcels shall occur substantially as shown on the submitted plans, except as modified herein and shall comply with the applicable land use regulations and development standards of the Pasadena Municipal Code subject to the approval of the Zoning Administrator.
4. The applicant or successor in interest shall comply with the attached conditions of approval from other City Departments.

Planning

5. The common area portion of the site shall be maintained and kept in good condition at all times.
6. The applicant or successor in interest shall grant the homeowners' association or other body responsible for the management of the project a warranty against all defects in common areas for not less than 1 year from sale of first unit, in compliance with Section 16.46.040 of the Pasadena Municipal Code.

Department of Public Works

7. Prior to submission of the final parcel map to the City for approval, the applicant shall pay a non-refundable flat fee (based on the current General Fee Schedule) to cover the cost of processing the final map. The applicant shall complete all required conditions before City's approval of the final map.
8. The applicant's engineer shall set boundary monuments on the proposed subdivision per Pasadena Municipal Code, Section 16.24.060, and furnish to the City a set of field notes that have been recorded with Los Angeles County Department of Public Works. The monuments shall be independently inspected by a third party licensed surveyor; with a certified report submitted to the City.