



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** September 2, 2020

**TO:** Hearing Officer

**SUBJECT:** Minor Variance #11926

**LOCATION:** 841 N. Fair Oaks Avenue

**APPLICANT:** Armen Baroonian

**ZONING DESIGNATION:** FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A)

**GENERAL PLAN DESIGNATION:** Low Mixed Use

**CASE PLANNER:** Carlos Chacon

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11926 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Minor Variance: To allow the construction of a new 3-story mixed-use project consisting of seven residential units above one floor of office space with a reduced three-foot six-inch front yard for the residential portion of the project (second and third floors), where a ten-foot setback is required. The subject property is located within the FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A). A Minor Variance is required for the reduction of a required setback.

**ENVIRONMENTAL DETERMINATION:** In conjunction with the Consolidated Design Review approval on August 30, 2019, it was determined that the project is Categorically 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, §15332, Class 32, In-fill Development Projects) and that there were no features that distinguish the project from others in the exempt class; therefore, there are no unusual circumstances. It has further been determined that there are no changed circumstances or new

information as part of the proposed Minor Variance that necessitate further environmental review.

**BACKGROUND:**

**Site characteristics:** The subject site is comprised of two adjacent parcels (APN 5726-002-010 and APN 5726-002-011) with L-shaped configuration, totaling 8,205 square feet, located on the northwest corner of North Fair Oaks and Yale Street. The site is currently vacant.

**Adjacent Uses:** North – Commercial Mixed Use  
South – Commercial Mixed Use  
East – Light Manufacturing/Commercial  
West – Single-Family Residential

**Adjacent Zoning:** North – FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A)  
South – FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A)  
East – FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A)  
West – FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A)

**Previous zoning cases on this property:** None.

**PROJECT DESCRIPTION:**

The applicant, Armen Baroonian, has submitted an application for a Minor Variance to allow the construction of a new 3-story mixed-use project, with seven residential units above one floor of office space, to be built with a reduced 3-foot 6-inch front yard setback for the residential portion of the project (second and third floors), where a ten-foot setback is required. The subject property is located within the FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A) zoning district.

The mixed-use building would be 8,886 square feet in total size, with 939 square feet of commercial office on the first floor, and seven residential units, ranging in size from 649 square feet to 1,126 square feet, on the second and third floors. Parking will be located on the first floor directly behind the commercial office area and accessible from Yale Street.

**ANALYSIS:**

The subject property is located within the FGSP-C-3A (Fair Oaks Orange Grove Specific Plan-Limited Commercial District 3, Sub district A) zoning district and is subject to the development standards provided in Section 17.33.050.E (FGSP Development Standards - Mixed-Use development standards) of the Zoning Code. The project has been analyzed to determine its compliance with the applicable development standards in Section 17.33.050.E, and that analysis has concluded that as proposed, the project would comply with applicable development standards of the Zoning Code, except for the front yard setback, as demonstrated below.

Development Standard		Requirement	Proposed Project	Compliance
<b>Ground Floor Frontage</b>		A min. of 20% of ground floor frontage designated for nonresidential use	100%	Complies
<b>Density</b>		For lot sizes 7,000 s.f.-8,499 s.f.: 5 units + 2 units with density bonus	7	Complies with Density Bonus
<b>Floor Area</b>		1.00 FAR or 8,205 s.f.	7,731 s.f.	Complies
<b>Setbacks</b>	Front	5 ft. for nonresidential portion; 10 ft. for the residential portion in CL-1 and C-3 zones	3 feet 6 inches	<i>Minor Variance</i>
	Corner Sides	5 feet	5 feet	Complies
	Interior Side	5 ft. for a minimum distance of 40 ft. from the front setback line	5 feet	Complies
	Rear	5 feet	5 feet	Complies
<b>Height</b>		40 feet and 3 stories for office structures in C-3a, b, and c on Fair Oaks Avenue	38.5 feet	Complies
<b>Parking</b>	Residential	2 covered spaces per unit 650 sq. ft. or larger; 1 covered space per unit less than 650 sq. ft. of net floor area. Total of 11 spaces required	11	Complies
	Commercial (Office)	3 spaces per 1,000 sq. ft.	3	Complies
<b>Open Space</b>	150 square feet per dwelling unit (1,050 s.f.)	Minimum 25% must be common space (minimum 600 s.f. recreation room may count)	720 s.f. Roof Deck & 630 s.f. Rec Room (1,350 s.f.)	Complies
		Private open space must be 35 s.f. to qualify	35 s.f. balcony per unit (245 s.f.)	Complies

Minor Variance to Allow a Reduced Front Yard Setback

As noted above, the minimum required front yard setback for this property is five feet for the commercial office portion on the first floor and 10 feet for the residential portion of the mixed-use building, which is located on the second and third floors. The proposed building would have a chamfered corner entryway at the southeast corner of the building on the first floor, which supports the design of the corner window on the second and third floor front façade. These corner windows are for the residential portion of the mixed-use project, and are set back three feet and six inches from the front property line at the closet point. However, the majority of the second and third floor facade is set back five feet from the front property line, which is in line with the first floor.

The surrounding structures in the project vicinity consists of a variety of one-, two- and three-story commercial and residential buildings on both sides of Fair Oaks Avenue, and one-story single-family residences east along Yale Street. The adjacent properties to the north of the site are 24,461 square feet in size and 102 feet wide, and 21,750 square feet in size and 150 feet wide. The subject site is 8,205 square feet in size and 48 feet wide, narrower than the recently redeveloped surrounding properties.

Additionally, the site is further confined by its L-shaped configuration, which limits the efficient development of the site. The irregular shape of the lot in conjunction with the minimum required 10-foot front yard setback limits the development of the residential units on the second and third floor. The reduced setback would facilitate the number of units allowed with the density bonus. As such, in order to accommodate the residential portion of the mixed-use project, facilitating the number of units and commercial floor area allowed on the site with a density bonus, the reduced front yard setback is necessary.

Overall, the design of the building incorporates a unique distribution of mass that is consistent with the other surrounding buildings in the Fair Oaks Avenue corridor.

Staff finds that there is an exceptional circumstances related to L-shaped configuration of the site, the narrower 48-foot frontage, in conjunction with the smaller lot size of 8,205 square feet. The adherence to the required 10-foot front yard setback requirement would result in an unreasonable restriction of developable area, in comparison to the larger developed lots along the N. Fair Oaks corridor which are able to provide ample setbacks due to the larger parcel sizes and relatively larger frontages. Granting of the Minor Variance would result in increased conformity of front setbacks among the properties included in the blockface, and allow the development of the proposed mixed-use building, preventing an unreasonable property loss.

Further, granting the Minor Variance for a reduced front setback would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare, as the project was reviewed by the Fire Department and Building and Safety Division, who expressed no concerns regarding the project. The reduced setback will contribute to the overall pedestrian focused corridor, whose front yard setback expands in size as the corridor extends to the north to facilitate the view of the mountains. The project also promotes an active pedestrian street façade, which will allow the establishment of the office space to be oriented and accessible from the major street frontage, directly from the public sidewalk in conformity with the goals of the Fair Oaks Orange Grove Specific Plan.

#### Tree Protection Ordinance

The tree inventory provided by the applicant identified one 15" DBH multi-trunk tree *Acacia longifolia* onsite. The tree is not protected under the City's Tree Protection Ordinance, and is proposed to be removed as part of the project.

#### **GENERAL PLAN CONSISTENCY:**

The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Mixed Use in the General Plan Land Use Element, which is intended to support the development of properties and/or buildings with a mix of compatible uses, including work/live units or ground floor retail and restaurant uses with office and/or residential uses above. The project as proposed, with official commercial use on the ground floor and residential units on the second and third floor, is a permitted use within the FGSP-C-3A zoning district. The project would be consistent with Goal 28 (Places to Live, Work, Shop, Recreate) which promotes a diversity of well-designed corridors and villages containing an integrated mix of commercial uses and/or housing that enable Pasadena's residents to live close to businesses, services, and employment, reduce automobile use, and actively engage and enhance pedestrian activity. Furthermore, Policy 28.2 (Development Scale) encourages the establishment of standards to assure that an adequate scale and footprint of any single use is achieved in mixed-use areas to establish a cohesive environment that minimizes impacts attributable to the adjacency of different uses. This may define minimum parcel and building size, number of housing units, and/or

nonresidential square footage, as well as relationships to the surrounding developments. In the case of this project, a reduced setback to accommodate the adequate development of the irregularly shaped and size site.

**ENVIRONMENTAL REVIEW:**

In conjunction with the Consolidated Design Review approval on August 30, 2019, it was determined that the project is Categorically 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, §15332, Class 32, In-fill Development Projects) and that there were no features that distinguish the project from others in the exempt class; therefore, there are no unusual circumstances. It has further been determined that there are no changed circumstances or new information as part of the proposed Minor Variance that necessitate further environmental review.

**REVIEW BY OTHER DEPARTMENTS:**

The proposed project was reviewed by the Building Department, Pasadena Fire Department, Department of Transportation, Public Works Department, and Design and Historic Preservation Section. No comments or recommended conditions of approval were provided to be incorporated in Attachment B of this staff report.

**CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the Minor Variance can be made. The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the front setback. The site's relatively narrow frontage, combined with a relatively small lot size and the L-shaped configuration limits the efficient development and use of the vacant lot. Strict adherence to the front setback requirement for the residential portion of the mixed-use project would result in a potential unreasonable property development loss. Furthermore, the new building as proposed is consistent with the goals and policies of the General Plan. Therefore, staff recommends that the Hearing Officer adopt the environmental determination and the specific findings in Attachment A to approve the application with the conditions in Attachment B.

**ATTACHMENTS:**

- Attachment A: Minor Variance Findings
- Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR VARIANCE #11926**

Minor Variance – To Reduce the Minimum Required Front Yard Setback

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The exceptional circumstances emanate from the L-shaped configuration of the site, the relatively narrow frontage of 48-feet, in conjunction with the relatively small lot size of 8,205 square feet. The adherence to the required 10-foot front-yard setback requirement for the residential portion of the mixed-use building, will limit the developable area. Granting of the Minor Variance will be consistent with front setbacks among the properties included in the blockface, and allow the applicant to build the mixed-use building, preventing an unreasonable property loss.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The required 10-foot front setback for the residential portion of the proposed mixed-use building on the second and third floor will result in a reduction of developable area. The project as proposed complies with the applicable density, with the provision of affordable units and density bonus, height requirements, and the reduced front setback is consistent to that of the surrounding properties and their existing structures. Approval of a Minor Variance will allow the proposed structure a reasonable enjoyment of real property, while maintaining uniformity with the front setbacks of the surrounding structures.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed mixed-use development is a permitted use in the FGSP-C-3A zoning district and compatible with surrounding mixed-use developments. Furthermore, a reduced front setback will not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare, as the project was reviewed by the Fire Department and Building and Safety Division, who expressed no concerns regarding the project. The project is also required to comply with all applicable Fire Department and Building and Safety Division standards through the City's plan check process.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The subject site is designated as Low Mixed Use in the General Plan Land Use Element, which is intended to support the development of properties and/or buildings with a mix of compatible uses, including work/live units or ground floor retail and restaurant uses with office and/or residential uses above. The proposed mixed-use project, with office commercial on the ground floor and residential units on the second and third floor is a permitted use within the FGSP-C-3A zoning district. The project is consistent with Goal 28 (Places to Live, Work, Shop, Recreate) which promotes a diversity of well-designed corridors and villages containing an integrated mix of commercial uses and/or housing that enable Pasadena's residents to live close to businesses, services, and employment, reduce automobile use, and actively engage and enhance pedestrian activity. Furthermore, Policy 28.2 (Development Scale) allows for the establishment of standards to assure that an adequate scale and footprint of any single use is achieved in mixed-use areas to establish a cohesive environment that minimizes impacts attributable to the adjacency of different uses. This may define minimum parcel and building size, number of housing units, and/or nonresidential square footage, as well as relationships to the surrounding

developments, and in the case of this project, a reduced setback to accommodate the adequate development of the irregularly shaped and size site.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the City's development standards has not been considered a factor at any time throughout the review of this application.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11926**

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 submitted, 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 Section 17.64.040.C of the Zoning Code.
3. The approval of this Minor Variance #11926, allows for a reduced front yard setback of three feet six inches., measured from the front property line to closet point of the residential portion of the mixed-use principal structure, as measured to the second floor and third floor southeast corner windows.
4. Any change to these conditions of approval may require a modification of this Minor Variance or a new Minor Variance or Variance.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number **PLN2020-00163**, 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 appointment for the Final Zoning Inspection.

Planning Division

8. A final landscape and irrigation plan, in compliance with Chapter 17.44 (Landscaping) of the Zoning Code, identifying all remaining and proposed vegetation and trees shall be submitted along with plans for building permit. The plan shall include a mix of plant size and materials. Plant materials shall emphasize drought-tolerant and/or native species.
9. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.

10. 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. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
11. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.