



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 2, 2020

TO: Hearing Officer

SUBJECT: Variance #11931

LOCATION: 1972-1994 Lincoln Avenue

APPLICANT: Michael Bollenbacher

ZONING DESIGNATION: LASP-CG-1 (Lincoln Avenue Specific Plan, Commercial General, sub-district 1)

GENERAL PLAN DESIGNATION: Low Commercial (0.0 – 1.0 FAR)

CASE PLANNER: David Sinclair

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Variance #11931 with the Conditions of Approval in Attachment B.

PROJECT PROPOSAL: Variance: To exceed the maximum walking distance for off-site customer parking for a new restaurant. The maximum allowed walking distance is 500 feet and the proposed distance is approximately 1,200 feet.

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, §15303(e), Class 3, New Construction or Conversion of Small Structures). The provision of off-site parking will facilitate the conversion of the existing catering kitchen building to a restaurant, which is considered a negligible expansion to an existing commercial structure.

BACKGROUND:

Site characteristics: The subject site is comprised of two parcels totaling approximately 20,100 square feet (0.46 acres) in size. Primary access is via one driveway on Lincoln Avenue with secondary access from Row Alley at the rear. The project site is occupied by two one-story buildings of

approximately 5,000 square feet and 2,000 square feet in size with a shared surface parking lot with 19 parking spaces.

Adjacent Uses: North: Commercial/Retail
South: Plant Nursery
East: Single-Family Residential
West: Commercial/Retail

Adjacent Zoning: North: LASP-CG-1 (Lincoln Avenue Specific Plan, Commercial General, sub-district 1)
South: LASP-CG-1 (Lincoln Avenue Specific Plan, Commercial General, sub-district 1)
East: RS-6 (Single-Family Residential, 0-6 units per acre)
West: LASP-CG-1 (Lincoln Avenue Specific Plan, Commercial General, sub-district 1)

Previous Cases: None

PROJECT DESCRIPTION:

The applicant, Michael Bollenbacher, has submitted a Variance application to exceed the maximum allowed walking distance for off-site parking, in order to facilitate the conversion of a catering kitchen to a restaurant. The Zoning Code permits off-site parking for customers within a walking distance of 500 feet from the entrance of the use. As proposed, the off-site parking would be located approximately 1,200 feet to the east, at 1993 Glen Avenue (Pasadena Buddhist Temple). The total parking requirement for the new restaurant, and the existing offices and retail stores that share the common parking lot is 42 parking spaces. There are currently 19 parking spaces on-site and the remaining 23 spaces would be located off-site. A Variance is required in order to deviate from a Zoning Code development standard.

ANALYSIS:

Variance: To exceed the maximum walking distance for off-site customer parking for a new restaurant.

Section 17.46.020.I.3 (Parking for nonresidential uses) of the Zoning Code permits parking for a non-residential use to be located on a different site, and under different ownership, provided the off-site parking is located within the maximum allowed distance, as measured, "...from the nearest corner of the parking facility to the entrance of the use served via the shortest pedestrian route." For all zoning districts, except the CD (Central District), the maximum walking distance for customer parking spaces is 500 feet.

The applicant is proposing to establish a restaurant at the subject building, which was last occupied by a catering kitchen business (formerly 'Lincoln'). The previous catering business use required 2.5 spaces per 1,000 square feet. The proposed restaurant is classified as a change in use which results in a higher parking ratio requirement, as restaurant uses require ten parking spaces for every 1,000 square feet of gross floor area, including the outdoor seating area. For the 1,956 square-foot building and 800 square-foot outdoor dining area, that is an increase from five parking spaces to 28 spaces; a difference of 23 spaces. The site is also developed with an existing 4,898 square-foot building, occupied by retail and office uses. As discussed above, there currently are 19 existing parking spaces on-site.

Therefore, in order to facilitate the conversion of the catering business to a restaurant the applicant is proposing to secure 33 parking spaces (10 more than required) at the Pasadena Buddhist Temple (Temple) at 1993 Glen Avenue, which is located east of the subject site, in the interior of the block bounded by Montana Street on the north, Wyoming Street on the south, Glen Avenue on the east, and Mentone Avenue on the west. The Temple's site has access from Glen Avenue and Wyoming Street, and per the agreement between the applicant and the Temple, the 33 parking spaces would be accessed from Wyoming Street.

In order to ensure these 33 parking spaces can be leased to the new restaurant, it first must be shown that the 33 spaces are excess parking, as determined by the applicable Zoning Code requirement. The Temple is located within the PS (Public, Semi-Public) Zoning District, where the minimum parking requirement for a Religious Facility use is 20 spaces per 1,000 square feet of seating area in the sanctuary. The size of the Temple's sanctuary is 2,800 square feet, which results in a minimum parking requirement of 56. Currently, the Temple's parking lot has 154 parking spaces, which is an excess of 98. As such, there are excess parking to be leased to the new restaurant.

As noted earlier, the maximum walking distance allowed by the Zoning Code for off-site parking is 500 feet, measured from the nearest corner of the parking facility to the entrance of the use served, via the shortest pedestrian route. As proposed, the walking distance would be approximately 1,200 feet. This was measured from the existing entry door located at the northwest corner of the proposed restaurant building, south through the parking lot to the entry at Row Alley, further south to the sidewalk on the north side of Wyoming Street, and then due east to the southern entry to the Temple's parking lot. Because this distance is more than 500 feet, a Variance is needed to deviate from this requirement.

A Variance application allows the City to review whether a deviation from the Zoning Code development standards can be granted for a project. It may only be granted when, because of special circumstances applicable to the subject property, the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. A Variance shall not be granted if the granting of the application would be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

In reviewing the proposed request to exceed the maximum distance for off-site parking spaces, staff finds that the subject site is located on a portion of Lincoln Avenue, with a mix of older industrial-style buildings, where, the proposed restaurant would re-use the former Steel Craft manufacturing building. Due to the long-standing mix of residential, industrial and light commercial uses in the area, parking is scarce. One option to comply with the parking requirement would be to demolish the buildings on the site and construct a new building, likely multi-story and with underground parking. Although such a project would presumably satisfy the applicable parking requirements, such a project would also result in the loss of locally-notable buildings and contribute to the character of the area, just to satisfy a parking requirement that can be reasonably met at a nearby off-site location.

In addition, permitting off-site parking, regardless of the walking distance, would not result in any physical development or changes to the neighborhood. The subject site is located within Lincoln Avenue Specific Plan, the purpose of which is "to repurpose the Lincoln Avenue corridor from an

industrial and limited commercial area into a vibrant neighborhood-oriented district, with new housing options and a complement of local-serving retail and service businesses, office spaces and community uses, all tied together with public improvements that create a vibrant and enjoyable pedestrian environment.” To permit a walking distance further than 500 feet, would encourage a vibrant and enjoyable pedestrian-oriented environment while supporting development. The proposed restaurant is a use that is encouraged within the Lincoln Avenue Specific Plan as it emphasizes a safe and pleasant pedestrian oriented environment. The sharing of available parking spaces is an ideal use of existing resources and encourages pedestrian activity in the area.

GENERAL PLAN CONSISTENCY:

As stated above, the purpose of the Lincoln Avenue Specific Plan is to repurpose the Lincoln Avenue corridor from an industrial and limited commercial area into a vibrant neighborhood-oriented district, with new housing options and a complement of local-serving retail and service businesses, office spaces and community uses, all tied together with public improvements that create a vibrant and enjoyable pedestrian environment.

Furthermore, the proposed project would be consistent with General Plan Land Use Element Policy 35.4 (Catalytic Projects), which encourages catalytic developments that provide desired neighborhood-oriented retail and service businesses, local employment opportunities, and a link to the community, and Policy 35.5 (Re-Use of Industrial Properties), where there would be phasing out of industrial uses that create conflicts with surrounding neighborhoods. The re-use of the former Steel Craft manufacturing building as a restaurant, facilitated by off-site parking, would repurposing the building into a neighborhood-oriented use, and it would potentially be a catalytic development as envisioned above.

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, §15303(e), Class 3, New Construction or Conversion of Small Structures). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts, in urbanized areas, to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The provision of off-site parking will facilitate the conversion of the existing catering kitchen building to a restaurant.

REVIEW BY OTHER CITY DEPARTMENTS:

The Variance application was provided to the Fire, Public Works, and Transportation Departments for review. It was also provided to the Building & Safety Division and Design and Historic Preservation Section of the Planning Division, as well as the Northwest Programs Office. Conditions of approval were received from the Department of Transportation, and Public Works, and Building and Safety Division, and have been included in Attachment B.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Variance to allow off-site parking that is approximately 1,200 feet from the new restaurant, and would therefore exceed the 500-foot maximum, can be made. The site is located in the Lincoln Avenue Specific Plan, whose purposes include facilitating catalytic development on the corridor and the re-use of industrial properties such as the project site. In addition, increased pedestrian activity on Wyoming Street would not have a negative impact on the surrounding neighborhood. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11931

Variance: To exceed the maximum walking distance for off-site customer parking for a new restaurant.

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 subject site is located on Lincoln Avenue developed with a mix of older industrial-style buildings. The proposed restaurant would re-use the former Steel Craft manufacturing building. However, due to the long-standing mix of residential, industrial and light commercial uses in the area, parking is scarce. The alternative of demolishing the buildings on the site and constructing a new building to satisfy the applicable parking requirements will result in the loss of locally-notable buildings that contribute to the character of the area.
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 subject site is located on a portion of Lincoln Avenue, with a mix of older industrial-style buildings. The proposed restaurant would re-use the former Steel Craft manufacturing building. However, due to the long-standing mix residential, industrial and light commercial uses in the area, parking is scarce. Granting the application to allow the required parking to be located at a nearby off-site location is necessary for the repurpose use of the building.
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.* Permitting off-site parking, regardless of the walking distance, would not result in any physical development or changes to the neighborhood. To permit a walking distance further than 500 feet, encourages a vibrant and enjoyable pedestrian-oriented environment while supporting development. The proposed restaurant is a use that is encouraged within the Lincoln Avenue Specific Plan as it emphasizes a safe and pleasant pedestrian oriented environment. The sharing of available parking spaces is an ideal use of existing resources and encourages pedestrian activity in the area.
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 proposed project is consistent with General Plan Land Use Element Policy 35.4 (Catalytic Projects), which encourages catalytic developments that provide desired neighborhood-oriented retail and service businesses, local employment opportunities, and a link to the community, and Policy 35.5 (Re-Use of Industrial Properties), where there would be phasing out of industrial uses that create conflicts with surrounding neighborhoods. The re-use of the former Steel Craft manufacturing building as a restaurant, facilitated by off-site parking, will repurpose the building into a neighborhood-oriented use, and it will potentially be a catalytic development as envisioned above.
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 as the main factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR VARIANCE #11931

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

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Received at Hearing, December 2, 2020," except as modified herein.
2. In accordance with Section 17.64.040 (Time Limits and Extension) of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Hearing Officer may grant a one-year extension of your approval.
3. The approval of this application allows off-site parking for the uses at 1972-1994 Lincoln Avenue to be located more than 500 feet from the site.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Variance if sufficient cause is given.
5. Any change to these conditions of approval may require the modification of this Variance or a new Variance.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of any applicable building plan check process.
8. The proposed project, Activity Number **ZENT2020-10071**, may be subject to a Final Zoning Inspection. Contact the Planning Case Manager, David Sinclair at (626) 744-6766 to inquire about a Final Zoning Inspection.

Planning Division

9. Prior to the issuance of building permits for the new restaurant a lease agreement between the property owner of 1972-1994 Lincoln Avenue and the Pasadena Buddhist Temple shall be approved by the Zoning Administrator in conformance with Zoning Code Sections 17.46.020.1.4-5.
10. A lease agree agreement, as required in Condition No. 9 shall be maintained for the duration of the restaurant use. If the lease terminates, the applicant, or successor in interest, shall be required to satisfy the parking requirement pursuant to Chapter 17.46.

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.

Department of Transportation

12. Loading: Any project loading/unloading spaces shall be on-site. DOT will not install a loading zone for exclusive project use along the project frontage.
13. Valet Parking: If valet parking will be proposed, two permits will be required: valet operator permit and business valet permit. If the valet operator is not already a permitted company with the City, an application to be a new valet operator in Pasadena will be required. Please contact the Parking Division at (626) 744-7665 for more information.

Building and Safety Division

14. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.

The current edition is the 2019 series starting January 1, 2020 thru December 31, 2023.

15. Building Code Analysis: Document on the plans the Allowable Height & Area, Occupancy Groups, Type of Construction, and Height & Area Increases.
16. Fire Protection: Provide wall & opening protection for exterior walls & openings near property lines and between buildings based on the fire separation distance.
17. Means of Egress (Exiting): Provide Occupant Load Calculations, and provide an "Exit Plan". Identify exit separation and travel distance.
18. California Disabled Access Requirements: Project to be accessible to the disabled in accordance with Chapter 11B of the CBC.
19. Permit(s): Separate permits are required for building (for each address), fire sprinkler (if modified), mechanical, electrical, and plumbing.