



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: April 7, 2021

TO: Hearing Officer

SUBJECT: Variance #11908

LOCATION: 1388 West Colorado Boulevard

APPLICANT: Frank Martinez

ZONING DESIGNATION: CL-2 (Commercial Limited)

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

CASE PLANNER: Jason Van Patten

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Variance #11908 with the conditions in Attachment B.

PROJECT PROPOSAL: Variance: To facilitate the development of a proposed 675 square-foot, single-story medical office building, the applicant requests the following due to easements that traverse the property:

- 1) Variance: To allow no on-site parking, where six spaces are required for the site;
- 2) Minor Variance: To adjust the required five-foot fixed front setback (Colorado Boulevard) and allow a 64'-9" setback; and
- 3) Minor Variance: To adjust the required five-foot fixed corner setback (Melrose Avenue) and allow a 17'-4" setback.

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, Class 3, New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts

construction and location of limited numbers of new, small facilities. The variances are associated with the construction of a small (675 square feet) nonresidential medical office building, and therefore, is exempt from environmental review.

BACKGROUND:

Site characteristics: The project site is located at the southwest corner of Colorado Boulevard and Melrose Avenue and is currently improved with a 710 square-foot, single-story medical office building, and four-space surface parking lot. The existing improvements, including vehicular access, are confined to the western half of the site. The eastern half is limited to a grass lawn and pedestrian walkway. Three separate subterranean easements (two at 10 feet wide, and one at three feet wide) for sewer, water, and gas purposes traverse a majority of the eastern half of the site, with a portion passing through the western half. The topography of the site gradually slopes, descending in elevation north-to-south. Existing properties on the block located west of the site are developed with nonresidential uses that have on-site surface parking lots. The 134 freeway is located directly north across Colorado Boulevard with San Rafael Park located to the east, across Melrose Avenue. Abutting the site to the south is an existing single-family dwelling.

Adjacent Uses: North – Freeway
South – Single-family dwelling
East – San Rafael Park
West – Office

Adjacent Zoning: North – Freeway
South – CL-2 (Commercial Limited)
East – OS (Open Space)
West – CL-2 (Commercial Limited)

Previous Zoning Cases on this Property: Variance #28353: To build dwelling with gift shop. Approved February 25, 1936.

PROJECT DESCRIPTION:

The applicant, Frank Martinez, has submitted a Variance application to adjust parking requirements and two Minor Variance applications to adjust the required front (Colorado Boulevard) and corner (Melrose Avenue) setbacks in conjunction with the construction of a 675 square-foot, single-story medical office building. Specifically, the applicant requests: 1) no on-site parking, where six spaces are required for the existing and proposed buildings; 2) a 64'-9" front setback, where a five-foot fixed setback is required; and 3) a 17'-4" corner setback where a five-foot fixed setback is required. No other adjustments are requested. The applications are intended to facilitate the infill of additional medical office space to a site that is currently occupied by a small medical office.

BACKGROUND:

On September 16, 2020, a project of a similar scope was scheduled to be considered by the Hearing Officer. Specifically, the applicant requested two minor variances to reduce the required five-foot fixed front and corner setbacks to zero feet in conjunction with the construction of a new 620 square-foot, single-story medical office building that included five surface parking spaces. The building was to be located within the existing landscaped lawn area in the northeast corner of the site, at the intersection of Colorado Boulevard and Melrose Avenue. The existing single-story building on-site, which features an exterior clock was to remain.

In advance of the public hearing, and during the required public noticing period, staff received 17 letters in opposition. The comments expressed concerns regarding: 1) pedestrian and vehicular visibility at the intersection; 2) loss of the landscaped open space; and 3) loss of the existing clock building and/or visibility of the building on-site. In light of community feedback, staff requested that the Hearing Officer continue the item to a date uncertain. The Hearing Officer concurred and did not hear the item as scheduled, opting instead to continue the item.

Based on the feedback from the community, the applicant modified the original proposal. In order to preserve the landscaped open space and maintain visibility to the existing clock building, the applicant relocated the new medical office building to the southeast corner of the site, within the existing surface parking lot. As a result, the applicant continues to propose two minor variances to adjust the required front and corner setbacks, and has included a variance to allow no on-site parking. The April 7, 2021 hearing with this request was noticed based on the latest ownership list.

ANALYSIS:

Zoning, Land Use and Development Standards

The subject property is located in the Commercial Limited (CL-2) zoning district. The district is intended to provide sites for businesses serving the daily needs of nearby residential areas. Pursuant to Table 2-5 (Allowed Uses and Permit Requirements for Commercial and Industrial Zoning Districts), Zoning Code Section 17.24.040 (Commercial and Industrial District General Development Standards), medical office uses are permitted by-right.

The new medical office building is proposed in the southeast corner of the site within the existing surface parking lot, and to the south of the existing clock building. The location avoids subterranean easements for sewer, water and gas that traverse the site, and preserves the existing landscaped open space. It further maintains the unobstructed appearance of the existing clock building when viewed from the street and intersection. The architectural design is consistent with the existing development in order to present a unified appearance, and the total development across the site remains well below maximums for height and floor area ratio. Access to the proposed building would be via an existing paved corridor from Colorado Boulevard that currently functions as a driveway. The access would provide circulation for patrons through the site as well as a route for deliveries, trash collection, and maintenance. There would be no access to the building from Melrose Avenue, the same as the existing condition. The proposed development is subject to applicable development standards in Zoning Code Section 17.24.040 (Commercial and Industrial District General Development Standards) as reflected in the table 1 below.

Table 1

Development Standards	Requirement	Proposed	Compliance
Commercial and Industrial District General Development Standards			
<i>Setbacks</i>	Front (Colorado) – 5' (min/max)	64'-9"	Minor Variance
	Corner (Melrose) – 5' (min/max)	17'-4"	Minor Variance
	Side – none	5'4"	Complies
	Rear – none	1'-5"	Complies
<i>Height Limit</i>	45'	16'-6"	Complies
<i>FAR*</i>	0.8	0.2	Complies
<i>Parking</i>	Medical Office – 4 spaces per 1,000 sf Existing floor area – 710 sf Proposed floor area – 675 sf Total floor area – 1,385 sf $1,385 / 1,000 \times 4 = 6$ spaces	0 spaces	Variance

*Floor Area Ratio (FAR) is gross floor area divided by total area of the lot

Within commercial zoning districts, there are provisions (Zoning Code Section 17.24.050; Commercial Frontage and Façade Standards) that cater to pedestrian orientation and traditional building form. The purpose, and principal design objective, is for the street frontages in commercial areas to have continuous building facades with as few interruptions as possible in the progression of stores and other buildings, creating highly attractive, pedestrian-oriented streetscapes. These provisions consider the elevation of the first floor, building placement, building treatment, and pedestrian access. The ease at which people can interact with the building form as well as the aesthetics can contribute to an active, prosperous commercial area that results in a positive experience for residents and visitors. The Hearing Officer may approve variations to the standards as appropriate, provided that the building continues to comply with the purpose outlined. Table 2 provides a summary of the proposal relative to the standards.

Table 2

Standard	Requirement	Proposed
Commercial Frontage and Façade Standards		
<i>First Floor Elevation*</i>	At least 75 percent of the street-fronting length of the first habitable floor of a nonresidential structure shall be located no more than two vertical feet above or below the sidewalk elevation at any point along the street property line.	25 percent of the street fronting façade is located no more than two feet above the elevation along the Melrose Avenue property line
<i>Building Placement*</i>	Each building shall be designed so that its front facade occupies 100 percent of its front property line. The review authority may grant exceptions for: a pedestrian corridor.	Existing corridor from Colorado Boulevard, and landscaped open space with walkway along Melrose Avenue to remain
<i>Building Treatment</i>	Clear, untinted glass windows shall occupy a minimum of 50 percent of the width of the building facade parallel to the public sidewalk, with a minimum height of eight feet.	66 percent of the width of the building with a minimum height of eight feet
<i>Pedestrian Access</i>	The primary entrance of each ground-floor use shall be located within the primary building frontage, and shall be recessed a minimum of three feet when accessed from the public right-of-way.	Entrance set 64'9" from the Colorado Boulevard street frontage

*See discussion regarding variation

In designing the project, the applicant adapted to the existing topographic conditions. The existing grade at the location of the proposed building (within the current surface parking lot) has a gradual slope. This slope is minimal due to the previous development of the site for parking. However, since the street and sidewalk descend quicker, a majority of the finished floor elevation of the proposed building (while kept as low to the ground as possible) is more than two feet above the sidewalk elevation at Melrose Avenue. Although the Zoning Code specifies at least 75 percent of the street-fronting length shall be located no more than two vertical feet above or below the sidewalk elevation, the Hearing Officer may allow variation. In this case, the applicant has designed the project to follow the existing slope of the site at the location of construction. The proposed building steps-down and sits at a lower elevation than the existing clock building. This approach along with the building setback from Melrose Avenue, diminishes any perceived difference in elevation.

The Zoning Code also requires that each building be designed so that its front façade occupies 100 percent of its front property line, in this case, Colorado Boulevard. In locating the proposed building to the south of the clock building, the applicant was able to maintain pedestrian corridors. The paved corridor from Colorado Boulevard and the landscaped corridor from Melrose Avenue are beneficial because they provide a defined transition from the street and serve as an outdoor area for circulation. To create the appearance of a continuous façade when viewed from the intersection and Melrose Avenue, the applicant aligned the eastern wall of the new building with the eastern wall of the existing clock building. The separation between the existing and proposed buildings provides a limited interruption that would be screened by landscaping. Clear glass windows occupy more than half of the eastern façade of the proposed building visible from Melrose Avenue, presenting a more inviting appearance. The proposed project is complimentary to the existing clock building, an existing focal point of the site. Therefore, staff is recommending the Hearing Officer grant variations to the first floor elevation and the building placement as proposed. The overall project meets the purpose, and principal design objectives for street frontages in commercial areas.

Variance – Adjust Parking Requirement

Table 4-6 (Off-Street Parking Space Requirements), Zoning Code Section 17.46.040 (Number of Off-Street Parking Spaces Required) specifies a minimum parking requirement of four spaces for every 1,000 gross square feet for medical office uses. The aggregate of the existing and proposed project would include 1,385 square feet, and require six parking spaces. The applicant proposes no on-site parking. Pursuant to Zoning Code Section 17.61.080 (Variances), an adjustment to the required number of off-street parking spaces requires a Variance. The Hearing Officer may approve a Variance only after making five findings pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

In this case, subterranean utility easements for sewer, water, and gas traverse approximately 2,032 square feet, or 28 percent, of the 7,183 square-foot site. Two easements, each measuring 10 feet in width, extend the depth of the site, north to south. A third easement, measuring three feet in width, extends the width of the site, east to west. The Public Works Department requires that permanent structures, including but not limited to any portion of a building, walls, foundations, footings remain clear of the easements that pass through the site. The easements effectively split the site, significantly constraining the buildable area and area for parking. Additionally, the existing landscaped open space through the eastern half of the site functions as a prominent gateway into

the neighborhood. These exiting circumstances represent exceptional conditions that are not present and do not generally apply to sites in the same zoning district.

Granting the adjustment to the parking requirement would accommodate the proposed construction while preserving the character and enjoyment of the green space, a substantial property right. It would also prevent the unreasonable loss of a prominent gateway to surface parking and paving. Aside from their small footprint and limited capacities, medical office uses schedule appointments and follow set schedules. This would limit the number of people on-site at one time. Additionally, it is customary for visitors of medical office uses to be dropped off, to carpool/rideshare, and those residing or working in the vicinity who use the services may walk. Visitors may also use the adjacent bus stop located along Melrose Avenue. These operational characteristics and opportunities would minimize concern about detriment or injury to property or improvements in the vicinity.

Minor Variances – Adjust Front and Corner Setbacks

Zoning Code Section 17.24.040 (Commercial and Industrial District General Development Standards) requires a proposed building maintain five-foot setbacks to both the front and corner property lines. The applicant has proposed a 64'-9" front setback, and 17'-4" corner setback. Pursuant to Table 6-4 (Allowable Minor Variances), Zoning Code Section 17.61.080, an adjustment to each of the front and corner setback requirements is subject to approval of separate Minor Variances. A Minor Variance is a form of Variance intended for adjustments that are determined to have lesser, or minor, potential impacts. The Hearing Officer may approve a Minor Variance to adjust the front setback and/or a Minor Variance to adjust the corner setback only after making five findings. These findings are the same as a Variance. Though the requests are analyzed concurrently, findings shall be made separately by the Hearing Officer to approve each setback request.

Granting the adjustment to expand the front and corner setback allows placement of the building towards the interior and rear of the property, away from the intersection and out of the landscaped open space. In order to remain clear of easements, a strict application of the setback requirements would place the building near the street intersection. This would unnecessarily change the aesthetics of the property. Open space would be lost, visibility to the existing clock building would be altered, both prominent elements of the site. The proposed location alleviates concerns regarding pedestrian and vehicular visibility at the intersection. With the adjustment, the property would continue to provide open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; and space for privacy and landscaping. Maintenance of these existing conditions would preserve public health, safety, and general welfare.

Further, the proposed adjustments would facilitate the construction of a new medical office building that will serve daily needs of nearby residential areas, consistent with the applicable zoning district. The adjustment to the setback results in a building façade that is consistent with existing development on-site, and on the block. The alignment of the existing and proposed building facades as viewed from Melrose Avenue would also be in keeping with the pattern of surrounding structures that have facades that are aligned. The continued progression of storefronts encourages pedestrian activity, a goal within commercial areas of the City. It further allows for development in a location that is away from residential uses. The orientation of the building and entrance facing north, would also buffer the proposed medical office use from the existing adjacent residential property to the south, and provide privacy.

Tree Protection Ordinance

The project site does not include any trees protected by the City's Tree Protection Ordinance. The minimum protection size of any tree species is a diameter-at-breast height (DBH) of eight inches. The applicant has noted that there are no trees with a DBH of four inches or more on-site.

GENERAL PLAN CONSISTENCY:

Granting the adjustment to the parking requirements, front and corner setbacks is in conformance with the applicable General Plan Land Use designation, Low Commercial. Commercial land use classifications are intended to accommodate commercial uses that are located along or close to Pasadena's arterial corridors. The proposed adjustments achieve the purpose and conforms to applicable goals and policies that include Policy 4.6 (Neighborhood Villages), 4.9 (Gateways), Goal 25 (Vital Districts and Corridors), Policy 25.2 (Compact Infill Development). The adjustment to the parking requirement allows for the clustering of commercial services while retaining a prominent point of entry. The adjustment to the front and corner setbacks encourages infill development adjacent to existing commercial uses, will contribute to a more active, prosperous corridor, while maintaining compatibility with uses in the immediate area.

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, Class 3, New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts construction and location of limited numbers of new, small facilities. The variances are associated with the construction of a small (675 square feet) nonresidential medical office building, and therefore, is exempt from environmental review.

COMMENTS FROM OTHER DEPARTMENTS:

The proposal was reviewed by the Public Works, Transportation, and Fire Departments, Building and Safety Division, and Design and Historic Preservation Section. Recommended conditions of approval from other responding departments are incorporated in Attachment B.

CONCLUSION:

It is staff's assessment, based on the analysis of the project, that the findings necessary for approving the Variance to adjust the parking requirement and Minor Variances to adjust the front and corner setbacks can be made as included in Attachment A of this report. Easements that traverse the site for sewer, water, and gas significantly constrain the buildable area, and represent an exceptional condition. Granting the adjustment to the parking requirement, front and corner setback accommodates the proposed construction while preserving the character and enjoyment of the green space, a substantial property right. It would also prevent the unreasonable loss of a prominent gateway to surface parking and paving. With the adjustments, the property would continue to provide open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; and space for privacy and landscaping. Maintenance of these conditions preserve public health, safety, and general welfare. The adjustments to the parking and setbacks do not constitute a grant of special privilege, but instead provides relief from exceptional constraints. The applicant is still required to comply

with all other applicable requirements in order to develop the site. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the recommended Conditions of Approval in Attachment B.

Attachments:

Attachment A: Recommended Specific Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CERTIFICATE OF VARIANCE #11908

Variance – Adjustment to the Parking Requirements

1. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* Utility easements for sewer, water, and gas traverse approximately 2,032 square feet, or 28 percent, of the 7,183 square-foot site. Two easements, each measuring 10 feet in width, extend the depth of the site, north to south. A third easement, measuring three feet in width, extends the width of the site, east to west. Permanent structures, including but not limited to any portion of a building, walls, foundations, footings are required by the Public Works Department to remain clear of the easements that pass through the middle of the site. The easements effectively split the site, significantly constraining the buildable area and area for parking, and represent an exceptional condition that does not generally apply to sites in the same zoning district. Additionally, the existing landscaped open space area in the eastern half of the site functions for many residents and visitors as a prominent gateway into the neighborhood, further constraining the capacity for parking. These circumstances and conditions do not apply generally to sites in the same zoning district.
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.* Granting the adjustment to the parking requirement will accommodate the proposed construction while preserving the character and enjoyment of the green space, a substantial property right. It is also necessary to prevent the unreasonable loss of a prominent gateway to surface parking and paving.
3. *Granting the application 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.* Aside from the small footprint and limited capacities of the proposed and existing structures, medical office uses schedule appointments and follow set schedules. This further contributes to limiting the number of people on-site at one time. Additionally, it is customary for visitors of medical office uses to be dropped off or to carpool, and those residing or working in the vicinity who use the services can walk. Visitors may also use the adjacent bus stop located along Melrose Avenue. These operational characteristics and opportunities minimize concern about detriment or injury to property or improvements in the vicinity.
4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* Granting the adjustment to the parking requirements is in conformance with the applicable General Plan Land Use designation, Low Commercial. Commercial land use classifications are intended to accommodate commercial uses that are located along or close to Pasadena's arterial corridors. The proposed adjustment achieves the purpose and conforms to applicable goals and policies that include Policy 4.6 (Neighborhood Villages), 4.9 (Gateways), Goal 25 (Vital Districts and Corridors), Policy 25.2 (Compact Infill Development). The adjustment to the parking requirement allows for the clustering of commercial services while retaining a prominent point of entry. The adjustment will allow for the proposed development, which will contribute to a more active, prosperous corridor, while maintaining compatibility with uses in the immediate area.

5. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* Cost to the applicant has not been considered a factor at any time throughout the review of this application.

Minor Variance – Adjustment to the Front Setback

6. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* Utility easements for sewer, water, and gas traverse approximately 2,032 square feet, or 28 percent, of the 7,183 square-foot site. Two easements, each measuring 10 feet in width, extend the depth of the site, north to south. A third easement, measuring three feet in width, extends the width of the site, east to west. Permanent structures, including but not limited to any portion of a building, walls, foundations, footings are required by the Public Works Department to remain clear of the easements that pass through the middle of the site. The easements effectively split the site, significantly constraining the buildable area and represent an exceptional condition that does not generally apply to sites in the same zoning district. Additionally, the existing landscaped open space area in the eastern half of the site functions for many residents and visitors as a prominent gateway into the neighborhood, further constraining the capacity for development. These circumstances and conditions do not apply generally to sites in the same zoning district.
7. *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.* Granting the adjustment to the front setback allows placement of the building towards the interior and rear of the property, away from the intersection and out of the landscaped open space. Due to the existing easements, a strict application of the setback requirements will place the building near the street intersection. This would unnecessarily change the aesthetics of the property. Open space will be lost, and visibility to the existing clock building will be altered, both prominent elements of the site. Alteration would be unnecessary as the building could be accommodated with the adjusted setback while maintaining site conditions. A strict compliance with the five-foot front setback requirement will limit the buildable area in the northeast corner of the site. After accounting for a practical design and the space occupied by the exterior walls of a building, the usable floor area of the development would be even less. This would create unnecessary hardship.
8. *Granting the application 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.* Granting the adjustment to the front setback locates the proposed building away from the intersection of the site, and alleviates concerns regarding pedestrian and vehicular visibility at the intersection. There will be no detriment or injury to existing property or improvements on the adjacent sites to the south and west, or east across Melrose Avenue, because development will comply with all other applicable requirements. With the adjustment, the property will continue to provide open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; and space for privacy and landscaping. Maintenance of these existing conditions will preserve public health, safety, and general welfare.
9. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* Granting the

adjustment to the front setback facilitates the construction of a new medical office building that will serve the daily needs of nearby areas, consistent with the applicable CL-2 district. Granting the adjustment to the front setback is in conformance with the applicable General Plan Land Use designation, Low Commercial. Commercial land use classifications are intended to accommodate commercial uses that are located along or close to Pasadena's arterial corridors. The proposed adjustment achieves this purpose and conforms to applicable goals and policies that include Goal 25 (Vital Districts and Corridors), Policy 25.2 (Compact Infill Development). The adjustment to the front setback encourages infill development adjacent to existing commercial uses, will contribute to a more active, prosperous corridor, while maintaining compatibility with residential uses in the immediate area. The adjustment to the front setback does not constitute a grant of special privilege, but instead provides relief from exceptional constraints created by easements that traverse the site and retains a prominent gateway. The applicant is still required to comply with all other applicable requirements in order to develop the site.

10. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* Cost to the applicant has not been considered a factor at any time throughout the review of this application. Strict compliance with the front setback requirement would reduce the size of development proposed, further limiting cost.

Minor Variance – Adjustment to the Corner Setback

11. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* Utility easements for sewer, water, and gas traverse approximately 2,032 square feet, or 28 percent, of the 7,183 square-foot site. Two easements, each measuring 10 feet in width, extend the depth of the site, north to south. A third easement, measuring three feet in width, extends the width of the site, east to west. Permanent structures, including but not limited to any portion of a building, walls, foundations, footings are required by the Public Works Department to remain clear of the easements that pass through the middle of the site. The easements effectively split the site, significantly constraining the buildable area and area for parking, and represent an exceptional condition that does not generally apply to sites in the same zoning district. Additionally, the existing as landscaped open space area in the eastern half of the site functions for many residents and visitors as a prominent gateway into the neighborhood, further constraining the capacity for development. These circumstances and conditions do not apply generally to sites in the same zoning district.
12. *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.* Granting the adjustment to the corner setback allows placement of the building towards the interior and rear of the property, away from the intersection and out of the landscaped open space. In order to remain clear of easements, a strict application of the setback requirements would place the building near the street intersection. This would unnecessarily change the aesthetics of the property. Open space would be lost, visibility to the existing clock building would be altered, both prominent elements of the site. Alteration would be unnecessary as the building could be accommodated with the adjusted setback while maintaining site conditions. A strict compliance with the five-foot corner setback requirement would limit the buildable area in the northeast corner of the site. After accounting for a practical design and the space occupied by the exterior walls of a building, the usable floor area of the development would be even less. This would create unnecessary hardship.

13. *Granting the application 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.* Granting the adjustment to the corner setback locates the proposed building away from the intersection of the site, and alleviates concerns regarding pedestrian and vehicular visibility at the intersection. There will be no detriment or injury to existing property or improvements on the adjacent sites to the south and west, or east across Melrose Avenue, because development will comply with all other applicable requirements. With the adjustment, the property would continue to provide open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; and space for privacy and landscaping. Maintenance of these existing conditions would preserve public health, safety, and general welfare.
14. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* Granting the adjustment to the corner setback facilitates the construction of a new medical office building that will serve the daily needs of nearby areas, consistent with the applicable CL-2 district. Granting the adjustment to the corner setback is in conformance with the applicable General Plan Land Use designation, Low Commercial. Commercial land use classifications are intended to accommodate commercial uses that are located along or close to Pasadena's arterial corridors. The proposed adjustment achieves this purpose and conforms to applicable goals and policies that include Goal 25 (Vital Districts and Corridors), Policy 25.2 (Compact Infill Development). The adjustment to the corner setback encourages infill development adjacent to existing commercial uses, will contribute to a more active, prosperous corridor, while maintaining compatibility with residential uses in the immediate area. The adjustment to the corner setback does not constitute a grant of special privilege, but instead provides relief from exceptional constraints created by easements that traverse the site and retains a prominent gateway. The applicant is still required to comply with all other applicable requirements in order to develop the site.
15. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* Cost to the applicant has not been considered a factor at any time throughout the review of this application. Strict compliance with the corner setback requirement would reduce the size of development proposed, further limiting cost.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR VARIANCE #11908

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

General

1. The plan submitted for building permits shall substantially conform to plans submitted, stamped "Approved at Hearing, April 7, 2021", except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions, Extensions of Time).
3. This approval allows no on-site parking, a 64'-9" front setback, and a 17'-4" corner setback in conjunction with the construction of a single-story medical office building.
4. Any change to these conditions of approval may require the modification of this Variance or a new Variance.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments and the Pasadena Municipal Code.
6. The final decision letter and conditions of approval shall be incorporated in the building plans submitted for building plan check.
7. The proposed project, Activity Number **PLN2019-00311**, 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 Jason Van Patten, Current Planning Section, at (626) 744-6760 to schedule an appointment for the Final Zoning Inspection.

Planning Division

8. A final landscape and irrigation plan shall be incorporated in the building plans submitted for building plan check. Landscaping shall be provided between the buildings for the purpose of screening the trash enclosure and the separation between buildings. Landscape screening shall be to the satisfaction of staff.
9. Where the project meets the threshold for state-mandated water-efficient landscaping, 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. A refuse storage area shall be provided in compliance with applicable requirements of the Zoning Code.

Public Works Department

11. There are existing utility easements traversing the subject property, as shown in the submitted topographic survey plan. The proposed construction shall adhere to the following conditions:
- a. No permanent structure, including but not limited to any portion of the building, walls, foundations, footings, shall be constructed on, under, or over the existing utility easements.
 - b. The proposed parking lot and flatwork improvements may be built on top of the utility easements.
 - c. No trees shall be planted within the public utility easements as they may cause root intrusion issues with existing utilities.
 - d. The existing utility easements shall be shown on all of the construction plans.
12. A Civil plan showing the exact locations for proposed utility connections, existing utilities and proposed improvements in the public right-of-way (i.e. sewer, water, power, gas, cable, drainage structures, etc.) shall be submitted to the Department of Public Works for approval prior to issuance of any permit.
13. A closed circuit television (CCTV) inspection of the existing house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
14. 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.
15. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all

street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

16. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>.

17. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sewer Facility Charge - Chapter 4.53 of the PMC

The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.

- 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.
- 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.

Department of Transportation

18. Transportation Analysis: Based on the preliminary information provided for the construction of a 675 sf medical office, a transportation analysis is not required.
19. Loading: Any project loading/unloading spaces shall be on-site. DOT will not install a loading zone (passenger, delivery, etc.) for project use along the project frontage.
20. Ingress/Egress: The project shall not be permitted to install a new driveway.
21. Gate Location: If proposed, any new driveway gate shall be setback a minimum of 20 feet from the property line. The specific location shall be included on the site plan and reviewed and approved by the Department of Transportation prior to the issuance of the first permit for construction (demolition, grading, or building).
22. Traffic Impact Fee: The Traffic Reduction and Transportation Improvement Fee (Ordinance No. 7076) will apply to all net new office developments. For FY 2021, the fee is

Land Use	Fee (FY2021)
New office use per square foot	\$8.63

The fee is subject to change at the time of the issuance of the Building Permit.

Water and Power – Power Division

23. A private property transformer will be required if electrical service exceeds 200 amps. Per PWP electric service requirements, only 1 feed per parcel is allowed. PWP shall install conduits in the street (at owner's expense) to serve the property. Owner shall install the vault or pad, and required conduits on private property. Contact PWP electric service planning to coordinate electrical service.

Water and Power – Water Division

24. Water Service: PWP records reflect one 1-inch domestic service (41116) serving this project. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. Additionally, if it is determined that a water main must be upgraded due to size, age, pressure deficiencies, and/or the integrity of the existing water main; the upgrade will be paid for by the owner/developer. A deposit will be requested for the water main design and a cost estimate will be provided to the owner/developer for the new water service installations, main design, and main construction. The owner/developer must be aware that the design of a new water main will take 3 to 4 months after the initial deposit is made by the owner/developer. Also, an additional 4 to 6 months will be needed for the construction of the water main after the balance of the estimate is paid in full by the owner/developer. The design and construction estimated time depends on the size and length of the water main and other mains in the queue. For this reason, it is imperative that the initial deposit be submitted promptly.

25. Water Division Requirements:

- Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
- The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
- All services not in use must be abandoned at the distribution main at the applicable rate.
- For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
- Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.

26. Cross Connection Requirements for Domestic Services:

- All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
- There shall be no taps between the meter and the backflow assembly.
- The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property.

The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.

- The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
- The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
- The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
- All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
- An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.

27. Cross Connection Requirements for Fire Service:

- The fire service requires a detector meter and back-flow prevention assembly.
- The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
- All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
- Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
- All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow prevention assembly. The assembly will be registered and require an annual test certification.
- If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
- Choose from one of the below listed options and incorporate into the fire sprinkler plans.

Option 1:

Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.

- The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.

Option 2:

Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.

- The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.

28. All Other Cross Connection Requirements: The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.
29. Fire Flow and Fire Hydrants: The Pasadena Fire Department (PFD) has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer.

There is one fire hydrant in close proximity to the project site. Fire hydrant 017-6 is located on the southwest corner of the three-way intersection at Colorado Boulevard and Melrose Avenue. There is no current fire flow test information available for this fire hydrant.

If you would like to request for a fire flow test, please contact Marco Sustaita at (626) 744-4498.

Fire Hydrant Details:

