



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 6, 2021

TO: Hearing Officer

SUBJECT: Minor Variance #11942

LOCATION: 285 Marguerita Lane

APPLICANT: Thomas N. Havel, Havel Architects

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

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Emma Carrico

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11942 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow a 524 square-foot single-story addition to the rear of an existing single-story single-family residence to encroach into the required 25-foot rear setback. The proposed rear setback would be 7'-8". The rear of the existing residence is currently set back 18 feet from the rear property line, at its closest point. No protected trees are proposed to be removed as part of the project. The site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, § 15301, Class 1, Existing Facilities, and there are no features that distinguish this project from others in the exempt class, therefore there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition or 2,500 square feet, whichever is less. The proposed addition would increase the floor area by 524 square feet, which is less than 50 percent of the existing floor area,

and therefore would not exceed the threshold of the Class 1 exemption.

Site characteristics: The subject site is a 5,058 square-foot parcel located on the north side of Marguerita Lane, a private cul-de-sac south of Allendale Road and north of South Euclid Avenue. The site is improved with one single-family residence built in 1929 and a two-car tandem garage with access via Marguerita Lane. The front 12'-6" of the site is occupied by half of a 25-foot wide private road easement for Marguerita Lane. The existing single-family residence and garage are contributors to the Marguerita Lane Historic District, listed on the National Register of Historic Places.

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

Adjacent Zoning:
North – RM-32 (Multi-Family Residential, 0-32 dwelling units per acre)
South – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
East – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
West – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

Previous zoning cases on this property: Conditional Use Permit #939 - To extend garage to line up flush with front facade of the house and to within 6 inches of east side property line in order to provide space for 2 cars. Approved April 8, 1943.

PROJECT DESCRIPTION:

The applicant, Thomas N. Havel, on behalf of the property owner, has submitted a Minor Variance application to allow a 524 square-foot single-story addition to the rear of an existing single-story single-family residence to encroach into the required 25-foot rear setback. The proposed rear setback would be 7'-8". The rear of the existing residence is currently set back 18 feet from the rear property line, at its closest point. No protected trees are proposed to be removed as part of the project. The site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district. The proposed addition would include an expansion of the existing kitchen, conversion of an existing bathroom into a laundry room and hallway, and the addition of one bedroom and two bathrooms.

ANALYSIS:

Minor Variance

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), adjustments to required setbacks are allowed subject to approval of a Minor Variance. The Hearing Officer may approve a Minor Variance to adjust a required setback only after making five findings in the affirmative 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 addition, a Minor Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts. Lastly, cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Minor Variance.

There are exceptional or extraordinary circumstances or conditions that apply to the project site, which do not apply generally to sites in the same zoning district. The project site measures 5,058 square feet, which is substandard when compared to other lot sizes in the RS-6 zoning district. The minimum lot size for a newly created lot in the RS-6 zoning district is 7,200 square feet. Furthermore, as mentioned above, a private road easement traverses the front 12'-6" of the site, further reducing the buildable site area.

The existing residence is located toward the rear of the site, with a 30'-5" front setback and an 18'-0" rear setback. An addition to the front of the existing residence would adversely affect the architectural integrity of the structure, which is classified as a contributing resource to the Marguerita Lane Historic District.

Granting approval of the application would not be detrimental to property in the vicinity of the project site, or to public health, safety, or general welfare because the use of the site will remain a single-family residence. The proposed rear addition would not be visible from publicly accessible area in the vicinity, and would not have any visual impacts affecting the Marguerita Lane Historic District.

The proposed addition is subject to the development standards of the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district provided in Zoning Code Section 17.22.040 (RS and RM-12 Residential Districts Development Standards). With the exception of the requested Minor Variance, the proposed project complies with all other applicable development standards, as shown in table below.

Development Feature		Requirement	Proposed Project	Analysis
RS-6 – General Development Standards; Residence				
Density (0-6 du per acre)		one dwelling unit per lot	one dwelling unit	Complies
Maximum Allowable Floor Area Ratio		30% of lot size + 500 sf; 2,017 square feet	2001 square feet	Complies
Maximum Allowable Site Coverage		No max site coverage for sites < 7,200sf	Site area = 5,058 square feet	Complies
Minimum Setbacks	Front	25 feet	30'-5"	Complies
	Rear	25 feet	7'-8"	Minor Variance Requested
	Sides	5 feet and encroachment plane	4'-4"; to match existing (west) 16 feet (east)	Complies
Height		28 feet, top plate 10 feet	16'-4", top plate 9'-2"	Complies
Parking		two spaces per unit on-site	two spaces on-site	Complies

Tree Protection Ordinance

Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance) establishes standards for the protection and removal of protected trees on private property. No trees are proposed to be removed as a part of the project. There are no protected trees on the site that would require a tree protection plan during project construction.

Design and Historic Preservation Analysis and Recommendation

Findings of Consistency with the Secretary of Interior's Standards

Pursuant to PMC Section 17.62.090(D)(2), a Certificate of Appropriateness for a major or minor project is not required for properties already entitled for alteration through a land use approval such as the subject Minor Variance, if a finding of consistency with the Secretary of the Interior's Standards is made in conjunction with such approval. This section also states that an advisory review by the Historic Preservation Commission is required for major projects, or by staff for minor projects, prior to action being taken on the land use approval, and that the Commission or staff shall provide comments to the land use approval review authority on compliance of the project with the Secretary of the Interior's Standards, including any recommended conditions of approval that would be necessary to ensure compliance with the Standards.

The proposed project, which involves a single-story addition, window restorations, and the removal of a non-original door opening, all on secondary elevations, meets the definition of a minor project in Section 17.62.030(V); therefore, a finding of consistency with the Secretary's Standards is required to be made in conjunction with the Minor Variance application. In addition, the project shall comply with the City's Design Guidelines for Historic Districts, which are based on the Secretary of the Interior Standards. Therefore, the applicable standards and guidelines for this project are the following:

The Secretary of the Interior's Standards for Rehabilitation

- Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- Standard 5: Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 9: New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Design Guidelines for Historic Districts

- 7.5: Preserve the location, number, size and arrangement of historic windows and doors in a building wall.
- 7.10: When window or door replacement is necessary, match the replacement to the original design as closely as possible.
- 7.12: When appropriate, a new opening should be similar in location, size, and type to those seen traditionally.
- 7.16: Match the profile of the sash and its components, as closely as possible to that of the original window.
- 8.1: Design an addition so that it will not obscure or damage character-defining features (such as windows, doors, porches, brackets, or roof lines).
- 8.2: An addition should respect the proportions, massing and siting of an historic building.
- 8.3: The materials of an addition should be similar to that of the original structure.
- 8.4: The roof form of an addition should be compatible with that of the primary structure.
- 8.5: Windows in an addition that are visible from the public way should be compatible with those of the historic structure.
- 8.9: A more recent addition that is not historically significant may be removed.

Analysis

With the recommended conditions of approval, the proposed project complies with the applicable Standards and guidelines. The project will allow for the continued use and enjoyment of the historic property while retaining the building's character-defining features. The project proposes to increase the size of the house, with added square footage occurring at a tertiary, rear elevation, of the structure, leaving the primary street façade intact. Though it will be marginally visible from the street, the proposed new addition will comply with the guidelines through matching detailing, finishes and architectural patterning found on the existing house. The complementary design elements of the addition include compatible fenestration patterns and sizes, a continuation of the gable roof idiom that will be at or lower than the existing ridge line, and overall consistency with the Spanish Colonial Revival architectural vernacular. Additionally, though the applicant does propose to remove a door that opens onto the front porch from a front bedroom, this door does not directly face the street, and there is evidence that it is not original as its opening lacks the bullnose edging and other casement trim found on original openings on the house. The applicant proposes to infill the non-original door opening with a window that is compatible with the architectural style of the house. Finally, in compliance with the Standards and guidelines, differentiation of the new addition will be achieved through the use of cross gable roofing volumes and exposed rafter tails in the new roofing eaves.

As listed below, staff of the Design and Historic Preservation Section (DHP) recommends several conditions of approval to ensure consistency of the project with the applicable standards and guidelines, which shall be subject to DHP staff review prior to issuance of a building permit, unless otherwise stated. These recommended conditions include a requirement to provide details of the proposed windows including sill, header, and jamb conditions, and their consistency with the

existing windows, along with a window schedule specifying the new window material as wood with external dimensional muntins, to match the existing. An additional condition shall require for any removed roof tile on the existing house to be reused where feasible to retain as much historic fabric as possible. Finally, staff recommends a condition requiring a final inspection of construction by DHP staff to ensure overall compliance with the approved plans and the applicable standards and guidelines. DHP staff recommends that the review authority include these conditions of approval in the decision and make a finding that the project is consistent with the Secretary of the Interior's Standards for Rehabilitation and the Design Guidelines for Historic Districts.

Recommended Finding

1. The proposed project is consistent with the Secretary of the Interior's Standards and the City's Design Guidelines for Historic Districts.

With the recommended conditions of approval, the proposed project complies with the applicable Standards and guidelines. The project will allow for the continued use and enjoyment of the historic property while retaining the building's character-defining features. Though it will be marginally visible from the street, the proposed new addition will comply with the guidelines through matching detailing, finishes and architectural patterning found on the existing house. The complementary design elements of the addition include compatible fenestration patterns and sizes, a continuation of the gable roof idiom that will be at or lower than the existing ridge line, and overall consistency with the Spanish Colonial Revival architectural vernacular. Additionally, though the applicant does propose to remove a door that opens onto the front porch from a front bedroom, this door does not directly face the street, and there is evidence that it is not original as its opening lacks the bullnose edging and other casement trim found on original openings on the house. The applicant proposes to infill the non-original door opening with a window that is compatible with the architectural style of the house. Finally, in compliance with the Standards and guidelines, differentiation of the new addition will be achieved through the use of cross gable roofing volumes and exposed rafter tails in the new roofing eaves. The DHP conditions of approval will further ensure consistency of the project with the applicable standards and guidelines.

GENERAL PLAN CONSISTENCY:

The subject site is improved with one dwelling unit and a two-car garage, all constructed with permits and applicable entitlements. The site is designated as Low Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 8.1 (Identify and Protect Historic Resources) encourages the identification and protection of historic resources that represent significant examples of the City's history. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and, architectural design. General Plan Housing Policy HE-1.2 (Property Conditions) is to maintain the quality of rental and ownership housing by ensuring compliance with City building codes and standards, and by facilitating and promoting the renovation, improvement, and rehabilitation of housing. By allowing the reduced rear setback requested in this minor variance application, the project would be able to proceed as a rear addition. An addition to the rear of the structure would prevent the modification of the historic resource in a more visible way such as a side or front addition, thereby complying with the intent of the aforementioned General Plan Land Use policies by allowing for the renovation of existing housing stock while still preserving the existing character of the residential neighborhood. The site use would remain a single-family residence and consistent with the land use designation.

ENVIRONMENTAL REVIEW:

Pursuant to Section 15300.2.f of the state CEQA Guidelines, a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. A substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired. The CEQA Guidelines also further provide that a project that demolishes or alters those physical characteristics of an historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource's significance.

The Spanish Colonial Revival style single-family residential bungalow at 285 Marguerita Lane was built in 1929 and is a contributor to the Marguerita Lane Historic District, listed on the National Register of Historic Places. The house is identified as a contributor to the district because it was constructed within the district's period of significance (1927-1930) and designed by the Schutt Brothers, along with most of the district houses located on the private cul-de-sac street. Marguerita Lane was originally developed as an artist colony by Dr. Allen Schutt and is noted as an exemplary intact collection of Period Revival architecture. As a contributor, the house located at 285 Marguerita Lane, is not significant on its own as an individual resource, but rather because it, along with the grouping of neighboring properties, retains architectural integrity on the exterior and represents the Spanish Colonial Revival lexicon and architectural zeitgeist of the Period Revival contextual era. Though the subject property does retain sufficient integrity to be considered contributing to the historic district, some alterations have taken place, including the replacement of the original wood windows along the rear and west side elevations with aluminum windows, and the construction of a laundry room addition at the rear of the house in 1936. In 1943, a 12-foot addition was constructed to the front of the original garage, however, the garage is still considered a contributing structure.

The proposed project to add a 524 square foot, single-floor addition at the rear of the house (as depicted on the attached plans) would not alter the character-defining features of the house, nor render the subject property as non-contributing to the Marguerita Lane Historic District.

Therefore, the project will not result in a substantial adverse change to the historic resource, and would not trigger the historical resources exception to the adoption of a Categorical Exemption as listed in CEQA Guidelines Section 15300.2.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, § 15301, Class 1, Existing Facilities. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition or 2,500 square feet, whichever is less. The proposed addition would increase the floor area by 524 square feet, which is less than 50 percent of existing floor area, and therefore would not exceed the threshold of the Class 1 exemption.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the Building and Safety Division, Fire Department, and Design and Historic Preservation Section. The Fire Department and Building Division provided no comments or conditions. The Design and Historic Preservation Section provided comments reflected in the analysis above and recommended conditions of approval which have been incorporated in Attachment B.

CONCLUSION:

Staff has analyzed the proposed project and determined that the findings required for approval of the Minor Variance can be made. The proposed project meets most applicable development standards of the RS-6 zoning district as required by the Zoning Code. The project as proposed will not create an impact to any historical resource or be detrimental to surrounding property. Therefore, staff recommends that the Hearing Officer approve the Minor Variance subject to the Findings in Attachment A and recommended Conditions of Approval in Attachment B.

ATTACHMENTS:

Attachment A: Minor Conditional Use Permit Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11942

Minor Variance: To allow a reduced rear yard setback of seven feet where the minimum requirement is 25 feet.

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 parcel is substandard in size at 5,058 square feet when compared to other sites in the RS-6 zoning district. The minimum lot size for a newly created lot in the RS-6 zoning district is 7,200 square feet. The substandard lot size is compounded by a 12'-6" easement for Marguerita Lane, which occupies the front of the subject site, resulting in an effective lot area of 4,307 square feet, further reducing the buildable area of the subject site. The site is located in the Marguerita Lane Historic District, and the existing residence, which is a contributing resource to the Historic District, is situated at the rear of the site, with a 30'-5" front setback and 18 foot rear setback. An addition to the front of the existing residence or on the second floor will adversely affect the architectural integrity of the structure.
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.* Due to the restrictions detailed in Finding #1, the opportunities for an addition to the residence that would otherwise be available to other property owners in the same zoning district are limited for the subject site. Property owners in the RS-6 zoning district are typically able to expand existing residences in order to address the needs of a growing family, add infrastructure for aging in place, or to increase property value. Denying the requested minor variance would substantially limit the ability of the property owner to enjoy those same property rights afforded to property owners of other parcels in the same district.
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 rear addition will not be visible from any roadway or publicly accessible area in the vicinity. It will not have any visual impacts and will not compromise the character of the Marguerita Lane Historic District or the surrounding neighborhood. The project is consistent with the existing residential use on the site, and will not be detrimental to surrounding property or property owners.
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 project as proposed is consistent with Land Use Policy 8.1 (Identify and Protect Historic Resources), Land Use Policy 21.5 (Housing Character and Design), and Housing Policy HE-1.2 (Property Conditions) of the General Plan. The project will also comply with all development standards of the RS-6 zoning district as specified in Title 17, beyond the requested rear setback reduction.
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 designing a project that would fully comply with the RS-6 zoning district development standards was not considered in review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11942

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

General

1. The site plan, floor plan, demolition plans, elevations, and building sections, submitted for building permits shall substantially conform to plans stamped “Approved at Hearing, October 6, 2021”, except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Minor Variance allows the construction of a 524 square-foot addition to the rear of the residence to encroach into the required 25 foot rear setback, resulting in a setback of 7’-8” from the rear property line.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2021-00049** is subject to a Final Zoning Inspection prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Emma Carrico, Zoning Section, at 626-744-7361 to schedule an inspection appointment time.

Zoning Section

7. The applicant shall comply with all requirements of the Zoning Code, including the applicable development standards provided in Chapter 17.22 (Residential Zoning Districts).
8. Any above ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
9. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree inventory, protection, retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
10. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).

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.

Design & Historic Preservation Section

12. Sectional and elevation details of the proposed windows shall be provided in the Building Permit submittal indicating sill, header, and jamb conditions, and shall demonstrate their consistency with the existing windows.
13. A door and window schedule shall be provided in the Building Permit submittal indicating the new proposed windows and their material. The material of the new windows shall be wood with external dimensional muntins, to match existing.
14. Any roofing tile on the existing house that is proposed for removal to accommodate the addition shall be reused, where feasible. A final, on-site, inspection (100% inspection point) and sign-off by staff of the Design and Historic Preservation Section shall be required prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact the Design & Historic Preservation Section at dhpquestions@cityofpasadena.net to schedule an inspection appointment time.