



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** February 16, 2022

**TO:** Hearing Officer

**SUBJECT:** Minor Conditional Use Permit #6942

**LOCATION:** 1833 Locust Street

**APPLICANT:** Edgar Rojas

**ZONING DESIGNATION:** CG (Commercial General)

**GENERAL PLAN DESIGNATION:** Medium Mixed Use

**CASE PLANNER:** Ivan Galeazzi

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6942 with the conditions in Attachment B.

---

**PROJECT PROPOSAL:** Minor Conditional Use Permit: To allow the enlargement of a nonconforming use, where a nonconforming use may not be altered or enlarged, unless a Minor Conditional Use Permit is first obtained. The project consists of an 875 square-foot addition to an existing 785 square-foot single-family dwelling. The project also includes the partial demolition of an existing one-car garage for the construction of a new 370 square-foot, two-car garage. The subject site is located within the CG (Commercial General) zoning district, and is developed with a legally constructed single-family residential dwelling unit, where the Zoning Code currently does not allow residential uses.

**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 10,000 square feet

when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive.

**BACKGROUND:**

**Site characteristics:** The subject site is a 7,502 square-foot (0.17 acres) parcel located on the north side of Locust Street, east of Allen Avenue. The site is improved with a 785 square-foot single-family dwelling with an attached 180 square-foot one-car garage. The property is located within the CG (Commercial General) zoning district.

**Adjacent Uses:** North – Commercial Strip Mall  
South – Commercial/Industrial  
East – Storage Facility  
West – Single-Family Residences

**Adjacent Zoning:** North – ECSP-CL-3 (East Colorado Specific Plan, Commercial Limited, sub-district 3, “Gold Line-Limited Commercial area”)  
South – ECSP-CG-3 (East Colorado Specific Plan, Commercial General, sub-district 3, “Gold Line-General Commercial area”)  
East – CG (Commercial General)  
West – ECSP-CL-3 (East Colorado Specific Plan, Commercial Limited, sub-district 3, “Gold Line-Limited Commercial area”)

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

**PROJECT DESCRIPTION:**

The applicant, Edgar Rojas, on behalf of the property owner has submitted a Minor Conditional Use Permit application to allow the enlargement of a legally established nonconforming single-family residential use in the CG (Commercial General) zoning district. A legal nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained.

According to the City’s permit records, the single-family residence was constructed in 1941 with an attached one-car garage. As such, the land use of the site is legally established but is nonconforming because the CG zoning district does not permit residential uses.

The project consists of an 875 square-foot addition to the rear of the existing 785 square-foot single-family dwelling, the conversion of 70 square feet from the existing garage. and the partial demolition of an existing one-car garage to be replaced by a 370 square-foot garage at the front, for a total proposed floor area of 2,100 square feet. No trees are proposed for removal as a part of the project.

## **ANALYSIS:**

A nonconforming use is defined in the Zoning Code as a use that was legally established and maintained prior to a change in the permitted land uses for the site (e.g. a zone change or change Zoning Code regulations). Zoning Code Section 17.71.080(E) (Alteration or enlargement of a nonconforming use shall require a permit) states that a legal nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained, in compliance with Zoning Code Section 17.61.050 (Conditional Use Permits and Master Plans).

The Minor Conditional Use Permit application allows the City to review a proposed project and determine if the enlargement would be compatible with the surrounding area. In order to approve a Minor Conditional Use Permit, six findings must be made in the affirmative. These findings include project conformance with the Zoning Code and General Plan, potential project impacts on the surrounding properties, and compatibility with the surrounding uses. The following analysis focuses on whether the request for an enlargement of a nonconforming use would create negative impacts to the surrounding uses, as it relates to conformance with the provisions of the Zoning Code and consistency with the General Plan.

### General Development Standards

Per Zoning Code Section 17.71.080.E.2 (Alterations and/or Additions to Nonconforming Uses and Structures), nonconforming structures must comply with all of the applicable development standards for the underlying zoning district (i.e. CG). In this case, the standards applicable to the nonconforming single-family project include those in Zoning Code Sections 17.24.040 (Commercial and Industrial District General Development Standards), 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions) and Chapter 17.46 (Parking and Loading). Development standards in Zoning Code Section 17.22.040 (RS and RM-12 Residential Districts General Development Standards), for the RS-6 zoning district (single-family residential), the most common single-family zone within the city, are included in the discussion below for reference purposes only in order to compare the subject project to similar types of single-family residential development in the City.

### *Maximum Allowable Floor Area*

Pursuant to Zoning Code Section 17.24.040 Table 2-6 (Commercial and Industrial District General Development Standards), the maximum allowable gross floor area ratio for a lot in the CG zoning district is 0.80 (i.e. 80 percent of the total lot/site area). In this instance, gross floor area in the CG zoning district includes the total enclosed area of all floors of a building measured to the inside face of the exterior walls including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet. Areas used exclusively for vehicle parking or loading are not included.

The subject site is 7,500 square feet in area, resulting in a maximum allowable gross floor area of 6,000 square feet. The proposed addition of 875 square feet to the 785 square-foot residence portion of the one-car garage added to the residence, totals 1,730 square feet, which is in conformance with the maximum allowable floor area requirement. The new 370 square-foot garage is not included in the gross floor area calculation per the definition of gross floor area for the CG zoning district, as described above.

Compared to the development standards for the RS-6 zoning district, the proposed addition and construction of a new garage, which totals 2,100 square-feet, would comply with the maximum

allowable gross floor area. The RS-6 zoning district maximum gross floor area is 30% of the lot size plus 500 square feet. The total maximum allowed gross floor area for this property is 2,750 square feet. The proposed addition will comply with this maximum and is comparable in size to a typical single-family residence.

### *Setbacks*

Pursuant to development standards within Zoning Code Section 17.24.040, the minimum required front yard setback is five feet. The minimum required rear yard setback is 15 feet and shall not project within the encroachment plane (Zoning Code Section 17.40.160.D.2) when adjacent to an RS or RM-12 zone or the encroachment plane (Zoning Code Section 17.40.160.D.3) when adjacent to an RM-16, RM-32 or RM-48 zone unless the adjacent lot is a PK overlay which is used for parking; no rear yard setback required otherwise except 10 feet minimum for the CO zone.

The proposed additions comply with the front yard setback required, as the minimum proposed is 25'-6". The property is not located adjacent to any RS or RM zoned properties, therefore there is no rear setback required. As a result, the rear setback meets the minimum setback required by the CG zoning district.

The proposed project would also comply with the minimum required setbacks for the RS-6 zoning district. The minimum required front yard is the greater of 25 feet, or the average existing front yard setbacks on the block. Based on the existing front yard setbacks, the average is 21'-5", resulting in a minimum front yard setback of 25 feet, which is less than the proposed setback of 25'-6". The minimum required rear yard setback is 25 feet, and the proposed rear setback would be approximately 76 feet. The minimum required side setback would be ten percent of the lot width, but not less than five feet. For this 50-foot wide lot, this results in a minimum side yard setback of five feet. The proposed side yard setbacks are seven feet on the west side of the house and five feet on the east side.

### *Height*

Pursuant to Zoning Code Section 17.24.040, Table 2-6 (Commercial and Industrial District General Development Standards), a property located within the CG zoning district is limited to a maximum height of 45 feet. The plans demonstrate that the addition would not increase the height of the single-family residence (14'-3" feet). As proposed, the project complies with the maximum allowable building height.

In the RS-6 zoning district, the maximum allowable height for a lot that less than 75 feet wide is 28 feet. The proposed addition, with a height of 14'-3", would comply with this requirement.

### *Parking*

Pursuant to Zoning Code Section 17.46.040 Table 4-6 (Off-Street Parking Space Requirements), the parking requirement for a single-family residential land use is two covered parking spaces per unit within a garage or carport. With the proposed addition, partial demolition of the one car garage, and the construction of a new two-car garage the parking requirement for a residential use will be in compliance with the current Zoning Code.

The site currently has one-car covered parking space and thus is nonconforming as it relates to parking. Pursuant to Zoning Code Section 17.46.020.J.1 (Small Residential Additions Exempt from Two-Car Covered Parking Requirement), if the addition to a residential use, exceeds 500 square

feet and is equal to or less than 1,200 square can provide two parking spaces on-site and be in compliance with the current Zoning Code parking requirements. As a result, the new two-car garage will meet minimum parking requirements of the Zoning Code.

#### Tree Protection Ordinance

There are two trees with a diameter-at-breast-height of at least eight inches on site and the project will not result in the removal or impaction of any protected trees.

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

The subject site maintains a nonconforming single-family residential use with a permit completed and signed off in 1941 that consisted of a single-family residence with attached garage. The site is designated as Medium Mixed Use; 0.0-2.25 FAR, 0-87 dwelling units per acre in the General Plan Land Use Element. The designation of Medium Mixed Use is intended to support the development of multi-story buildings with a variety of compatible commercial (retail and office) and residential uses. Goal 21 (Desirable Neighborhoods) of the Land Use Element includes policies for the conservation and maintenance of Pasadena's residential neighborhoods. Specifically, Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods to reflect the unique neighborhood character and qualities, including the building form, scale, massing and, architectural design. The proposed 875 square-foot addition to an existing 785 square-foot single-family dwelling and partial demolition of an existing one-car garage for the construction of a new 370 square-foot garage will continue to be compatible with the adjacent single-family residences within the neighborhood.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) 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 10,000 square feet when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive.

The proposed 875 square-foot addition, with partial demolition and conversion of 70 square-foot of existing garage, and the construction of a new 370 square-foot garage to an existing single-story dwelling does not exceed the threshold. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project location is not environmentally sensitive. Further, the project will not result in a substantial adverse change to a historic resource. Therefore, the proposal is exempt from environmental review.

#### **REVIEW BY OTHER DEPARTMENTS:**

The plans for the proposed project were provided to the Building Division, Fire Department, Department of Transportation, Public Works Department, Northwest Programs, Water and Power Department, and the Design and Historic Preservation Section of the Planning & Community

Development Department. The Building Division and Public Works Department provided comments and recommended conditions of approval, which are included in Attachment B.

**CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the Minor Conditional Use Permit can be made. The proposed project meets all applicable development standards required by the Zoning Code, as well as those that typically apply to single-family residences. Staff finds that the project would be compatible with the residential development within the surrounding neighborhood and would not be detrimental to the general welfare of the City, nor would the project would not result in an increase to the number of dwelling units on the subject site. Furthermore, the project is consistent with the goals and policies of the General Plan. As such, staff recommends that the Hearing Officer adopt the environmental determination and the specific findings in Attachment A to approve the application with the conditions in Attachment B.

Attachments:

Attachment A: Minor Conditional Use Permit Findings

Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6942**

Minor Conditional Use Permit –To allow the enlargement of a nonconforming use

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district, but does not comply with all applicable provisions of this Zoning Code.* The enlargement of a nonconforming use is permitted with the approval of a Minor Conditional Use Permit as provided in Zoning Code Section 17.71.080.E. The proposed project will comply with all applicable development standards required for the zoning district and use, with respect to height, setbacks, floor area, and parking, as well as those that typically apply to single-family residences.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The site is currently within the CG zoning district, which is designated for a variety of commercial and light industrial uses. The proposed project is an addition to a legally established nonconforming single-family residence and will not have any significant adverse impacts to the existing development in the CG district. Alterations or expansions that continue a nonconforming use and are compatible with the existing development of the neighborhood may be allowed with the approval of a Minor Conditional Use Permit. As proposed, the project is in compliance with all development standards of the Zoning Code and can be allowed with the approval of a Minor Conditional Use Permit.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject site maintains a nonconforming single-family residential use that was constructed with permits and was completed in 1941. The site is designated as Medium Mixed Use; 0.0-2.25 FAR, 0-87 dwelling units per acre in the General Plan Land Use Element. The designation of Medium Mixed Use is intended to support the development of multi-story buildings with a variety of compatible commercial (retail and office) and residential uses.

Goal 21 (Desirable Neighborhoods) of the Land Use Element includes policies for the conservation and maintenance of Pasadena's residential neighborhoods. Specifically, Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods to reflect the unique neighborhood character and qualities, including the building form, scale, massing and, architectural design. The proposed 875 square-foot addition to an existing 785 square-foot single-family dwelling and partial demolition of an existing one-car garage for the construction of a new 370 square-foot garage will continue to be compatible and harmonious with the surrounding single-family neighborhood and consistent with the City's General Plan. Therefore, the project would not impact the scale and massing of the site and the adjacent single-family neighborhood.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The proposed project includes an 875 square-foot addition to an existing 785 square-foot single-family dwelling and partial demolition of an existing one-car garage for the construction of a new 370 square-foot two-car garage will continue to be compatible with the adjacent single-family residences within the neighborhood. The proposed additions will not increase the existing density, as there are no new housing units proposed as a part of this project. Therefore, the proposed project will not

be detrimental to the health, safety, or general welfare of the persons residing or working in the surrounding neighborhood of the existing nonconforming, residential use.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* Approval of the application will allow the enlargement of a nonconforming use within a commercial zoning district. However, allowing additions to the existing residential unit will maintain the existing residential use and will not compromise the underlying character of the single-family residential neighborhood. Furthermore, the additions will be required to comply with all zoning, building, and fire codes, which will be reviewed through the building permit plan check process.
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The subject site is designated as Medium Mixed Use in the General Plan Land Use Element. The additions to the existing residential unit will not increase the number of residential units on the subject site and will remain consistent with the existing and future uses within the residential neighborhood, as the proposed addition has been designed in compliance with the development standards applicable to the subject site and uses in the vicinity.



**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6942**

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

General

1. The site plan, floor plan, elevations, and building sections, submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, February 16, 2022", 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. The approval of the Minor Conditional Use Permit allows the applicant to enlarge an existing nonconforming use with a 875 square-foot addition to an existing 785 square-foot single-family dwelling and partial demolition of an existing one-car garage for the construction of a new 370 square-foot, two-car garage.
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 **ZENT2021-000129**, 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 Ivan Galeazzi, Current Planning Section, at (626) 744-7124 to schedule an inspection appointment time.

Planning Division

7. Any above ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Zoning Code Section 17.40.150 (Screening).
8. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
9. 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).

Building and Safety Division

10. Governing Codes: Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code.

The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.

11. Grading: If greater than 50 cubic yards (excluding excavation for foundation), Grading/Drainage Plans shall be prepared by a registered engineer. Grading shall conform to the provisions of Chapter 14.05 of City's Municipal Code.
12. Green Code: Photocopy to plans and complete the 2016 California Green Building Standards Code with City of Pasadena Amendments Forms. These forms are being provided attach and can be found at <https://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>
13. Energy: Provide the current, applicable residential energy documentation using either the "Prescriptive Standard" or the "Performance Standard".
14. The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
15. Required Plans And Permit(S) (No Deferred Submittals):
  - a. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, and grading plans as required. No deferred submittal.
  - b. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

#### Department of Public Works

16. A closed circuit television (CCTV) inspection of the 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.
17. The existing drive approach shall be widened to correspond to the increased concrete vehicle pad on-site and reconstructed per Pasadena Standard Drawing S-402.
18. 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.