



**PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

**STAFF REPORT**

**DATE:** March 2, 2022

**TO:** Hearing Officer

**SUBJECT:** Minor Variance #11950

**LOCATION:** 1710 La Cresta Drive

**APPLICANT:** James Corcoran

**ZONING DESIGNATION:** RS-4 (Single-Family Residential, 0-4 units per acre)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Fatima Benitez

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Minor Variance #11950 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Minor Variance: To allow a 5'-6" tall fence (3' wrought iron fence on top of 2'-6" high plaster block wall) in the front yard setback (Arroyo Boulevard) where the maximum height permitted is four feet.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303(e), Class 3, New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances.

Section 15303 specifically exempts the construction of accessory structures including fences and walls.

**BACKGROUND:**

**Site characteristics:**

The site is a double frontage lot with frontage on La Cresta Drive to west and Arroyo Boulevard to the east. The lot is approximately 10,044 square-feet in area. The site consists of a 3,217 square-foot two-story, single-family residence with an attached garage. The front door of the dwelling is accessible from La Cresta Drive, which functions as the front, while the garage is accessible from Arroyo Boulevard, which functions as the rear of the property.

**Adjacent Uses:**

North – Single-Family Residential  
South – Single-Family Residential  
East – Single-Family Residential  
West – Single-Family Residential

**Adjacent Zoning:**

North – RS-4 (Single-Family Residential , 0-4 units per acre)  
South – RS-4 (Single-Family Residential, 0-4 units per acre)  
East – RS-6 (Single-Family Residential, 0-6 units per acre)  
West – RS-4 HD (Single-Family Residential, 0-4 units per acre; Hillside Overlay District)

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

**PROJECT DESCRIPTION:**

The applicant, James Corcoran, on behalf of the property owner, has submitted a Minor Variance application to allow a 5'-6" tall fence (3' wrought iron fence on top of 2'-6" high plaster block wall), within the front yard setback (Arroyo Boulevard) where the maximum height permitted is four feet. A Minor Variance is required to allow a fence to exceed the maximum allowable height.

The subject site is located within the RS-4 (Single-Family Residential, 0-4 units per acre) zoning district and consists of a two-story, single-family residence with an attached garage. La Cresta Drive functions as the primary frontage with the front door of the dwelling accessible from the west side of the property. The east side of the property fronting Arroyo Boulevard functions as the back yard and provides access into the garage. The property owner has proposed a pool on the east side of the property facing the Arroyo Boulevard frontage. Section 14.04.400 of the Pasadena Municipal Code requires fencing to isolate pools from neighboring properties and the public right-of-ways for safety purposes. As a result, the property owner has proposed a 5'-6" tall fence along the Arroyo Boulevard frontage to provide an enclosure for the planned pool.

## **ANALYSIS:**

### Minor Variance: To allow a 5'-6" high fence in the front yard setback

Pursuant to Table 6-4 (Allowable Minor Variances) of Zoning Code Section 17.61.080 (Variances), an adjustment to the height of a fence is subject to a Minor Variance application. The Hearing Officer may approve a Minor Variance to adjust the height of a fence only after making five findings listed in 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.

Section 14.04.400 of the Pasadena Municipal Code requires fencing to isolate pools from neighboring properties and public right-of-ways for safety purposes. The barrier shall be a minimum five feet high. On double frontage lots, and pursuant to Section 17.40.180 (Walls and Fences), wall or fence height in the rear (in this case and for the purpose of fence height, determined to be the Arroyo Boulevard frontage), shall be six feet maximum, provided, the wall or fence is located a minimum distance of 25 feet from the Arroyo Boulevard property line. The maximum height of a wall or fence within 25 feet of the Arroyo Boulevard property line shall not exceed four feet. The applicant is proposing a 5'-6" tall fence within 25 feet of the Arroyo Boulevard property line, necessitating this Minor Variance application.

Given the layout and function of the existing dwelling and garage, placement of a pool is limited to the east along the Arroyo Boulevard frontage. While this frontage functions as the rear of the property, the applicant may only construct the proposed 5'-6" fence if located more than 25 feet from the Arroyo Boulevard property line. This condition does not apply generally to sites within the RS zoning district that traditionally have a defined rear yard that does not adjoin a street. In such circumstances, fences are permitted up to six feet tall around the perimeter of the site. As a result, there are conditions applicable to the development site that warrant the request for a taller fence.

More importantly, the proposed fence height is necessary to meet life/safety requirements for a pool enclosure. Plans provided by the applicant show the proposed fence extending 26 lineal feet from the existing garage on the east to the Arroyo Boulevard property line. The proposed fence then turns south for 64 lineal feet running inside the Arroyo Boulevard property line before turning west for 88 lineal feet inside the south property line.

The ability to have a swimming pool for recreational purposes is a substantial property right of the property owner that other owners in the surrounding neighborhood enjoy. A fence, which is required for the planned pool, is necessary for the safety of the occupants of the subject site and adjacent properties. It is not anticipated that granting the Minor Variance to allow the 5'-6" fence within 25 feet of the Arroyo Boulevard property line, would be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. As such, staff finds that the adjustment to the fence height is warranted and recommends approval of the Minor Variance request to allow a 5'-6" high in the front yard setback.

**GENERAL PLAN CONSISTENCY:**

The subject property is designated Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence and the character of the single-family neighborhood would be maintained. The proposed fence within the front yard along Arroyo Boulevard would not change the existing use of the property. The property will maintain consistency with General Plan Land Use Policy 21.7 (Safety), which encourages residential developments to facilitate and enhance neighborhood safety with elements such front porches, large front windows, and property improvement such as fences. The proposed 5'-6" fence would comply with pool enclosure requirements in order to maintain safety for the occupants of the subject site and adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

**ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303(e), Class 3, New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures including fences and walls.

**COMMENTS FROM OTHER DEPARTMENTS:**

The Building and Safety Division, Department of Transportation, Fire Department, and Design and Historic Preservation Section have reviewed the project and had no comments. The Public Works Department has provided recommended conditions of approval that are included in Attachment B.

**CONCLUSION:**

Staff finds that the single-family residential zoned property presently developed with a two-story single-family dwelling has circumstances that warrant the approval of the requested Minor Variance to allow for a 5'-6" tall fence. It is staff's assessment that the findings necessary for approving the Minor Variance application to adjust the four-foot height limit of a fence can be made. As designed, the requested fence height would not be detrimental to surrounding properties and to other residences in the immediate neighborhood. Staff recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

**ATTACHMENTS:**

Attachment A: Specific Findings for Approval  
Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR VARIANCE #11950**

Minor Variance: To allow a 5'-6" (3' wrought iron fence on top of 2'-6" high plaster block wall) tall fence in the front yard (Arroyo Boulevard) where the maximum height permitted is four 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.* Given the layout and function of the existing dwelling and garage, placement of a pool is limited to the east along the Arroyo Boulevard frontage. While this frontage functions as the rear of the property, the applicant may only construct the proposed 5'-6" tall fence by right if located more than 25 feet from the Arroyo Boulevard property line. This condition does not apply generally to sites within the RS zoning district that will traditionally have a defined rear yard that does not adjoin a street. In such circumstances, fences are permitted up to six feet tall around the perimeter of the site. As a result, there are conditions applicable to the development site that warrant the request for a taller fence.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The ability to have a swimming pool for recreational purposes is a substantial property right of the property owner that other owners in the surrounding neighborhood already enjoy. Granting the application for a 5'-6" tall fence that will function as a pool barrier is necessary for the preservation and enjoyment of this substantial property right. A strict compliance with the Zoning Code would require the fence be located a minimum of 25 feet from the Arroyo Boulevard property line, which would limit placement of a pool, creating an unnecessary hardship.
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 fence will be constructed on the subject property and will isolate the pool, providing for life safety. The fence will also be required to meet all safety and building codes which will be reviewed through the plan check process. Therefore, the granting of the Minor Variance for the fence height 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.
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.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence and the character of the single-family neighborhood would be maintained. The proposal would be consistent with Land Use Policies 21.7 (Safety), which encourages residential developments to facilitate and enhance neighborhood safety with elements such front porches, large front windows, and property improvement such as fences. The proposed 5'-6" fence, measured from existing grade, within the front yard of the subject site intends to provide a safety barrier for the occupants of the subject site and adjacent properties due to the planned pool. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

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 to comply with the City's development standards has not been considered a factor throughout the review of this application.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR VARIANCE #11950**

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

General

1. The site plan and elevations submitted for building permits shall substantially conform to plans submitted with this application stamped "Approved at Hearing, March 2, 2022" except as modified herein.
2. This approval allows a 5'-6" high fence to be constructed on the east side of the subject property within 25 feet of the Arroyo Boulevard property line.
3. 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 Section 17.64.040 C of the Zoning Code.
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 **ZENT2021-00159**, 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 Fatima Benitez, Current Planning Section, at (626) 744-6754 to schedule an inspection appointment time.

Building & Safety Division

7. 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.
8. Best Management Practices: Photocopy to plans and complete the Best Management Practice page 1(form must be signed). Photocopy any other applicable pages and cross-reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at <https://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>
9. Residential Swimming Pool: Photocopy to plans and complete the RESIDENTIAL SWIMMING POOL CONSTRUCTION REQUIREMENTS. These forms are being provided attach and can be found at <https://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>. Fencing is required to isolate the pool/spa or any other bodies of water over 18-in deep from neighboring properties and public ways per Municipal Code Section 14.04.400. The barrier shall be a minimum 5-ft in height measured outside of the barrier. Chain link fences

are prohibited to be used as a barrier. Clearly show on plans at least two drowning prevention safety features.

10. Required plans and permit(s) (no deferred submittals): In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, and grading plans as required. No deferred submittal. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.