



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: April 20, 2022

TO: Hearing Officer

SUBJECT: Certificate of Exception #397

LOCATION: 3452 – 3488 E. Foothill Boulevard

APPLICANT: Kenneth McCormick, Mill Creek Development Company LLC

ZONING DESIGNATION: EPSP-d2-CG-B (East Pasadena Specific Plan, subarea d2, General Commercial district, Parcel B)

GENERAL PLAN DESIGNATION: High Mixed-Use

CASE PLANNER: David Sinclair

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Certificate of Exception #397 with the conditions in Attachment B.

PROJECT PROPOSAL: Certificate of Exception: To allow a lot line adjustment that would consolidate three adjacent parcels into one parcel of land at 3452 E. Foothill Boulevard (Parcel 1: AIN 5757-030-006), 3474 E. Foothill Boulevard (Parcel 2: AIN 5757-030-008), and 3486 E. Foothill Boulevard (Parcel 3: AIN 5757-030-041). The lots would be consolidated into one parcel, with a total size of 4.371 acres.

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, §15305, Class 5, Minor Alterations in Land Use Limitations) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15305 exempts minor lot line adjustments, in areas with an average slope of less than 20

percent, which do not result in any changes in land use or density. The proposal will eliminate the interior lot lines between three adjacent parcels with an average slope of less than 20 percent and does not result in any changes in land use or density. Therefore, the proposed lot line adjustment is exempt from environmental review.

BACKGROUND:

Site characteristics:

The project site consists of three adjacent parcels that are currently developed. Currently, the parcel at 3452 E. Foothill Boulevard is developed with a surface parking lot that is adjacent to, and utilized by, the 7,400 square foot restaurant ('Panda Inn') at 3474 E. Foothill Boulevard. 3486 E. Foothill Boulevard is occupied by a 121,590 square foot, eleven-story, office building and a surface parking lot with 274 parking spaces. The site has street frontage on E. Foothill Boulevard to the north and Halstead Avenue to the west.

Adjacent Uses:

North – Retail sales / commercial
South – Self-storage and I-210 freeway
East – Retail sales / commercial
West – Self-storage, Pasadena Fire Station

Adjacent Zoning:

North – EPSP-d2-CO-B-5 (East Pasadena Specific Plan, subarea d2, Commercial Office district, Parcel B-5) and EPSP-d2-CG-B (East Pasadena Specific Plan, subarea d2, General Commercial district, Parcel B)
South – PS (Public, Semi-Public)
East – EPSP-d2-IG-A (East Pasadena Specific Plan, subarea d2, General Industrial district, Parcel A)
West – EPSP-d2-CG-B (East Pasadena Specific Plan, subarea d2, general commercial district, B) and EPSP-d2-CG-B-1 (East Pasadena Specific Plan, subarea d2, General Commercial district, Parcel B-1)

Previous Zoning Cases on this Property:

3452 E. Foothill Boulevard

- Tentative Tract Map #32700: To subdivide an existing 11-story office building into 11 condominium office units. 330 parking spaces would be provided in conjunction with a redesign and landscaping of the existing parking lot. All existing structures would remain. Approved with conditions, April 21, 1982.
- Minor Conditional Use Permit #3688: To install sixteen (16) wireless telecommunications antennas for Metricom on the existing building at 3452 East Foothill Blvd. The antennas will be flush mounted on the existing penthouse. Approved with conditions, March 15, 2000.

3472 E. Foothill Boulevard

- Exception #8875: To construct a new dining area addition to the existing restaurant. The addition will consist of 450 square feet and will be located at the front of the existing building. No additional parking will be provided for the restaurant expansion. Approved with conditions, January 15, 1976.
- Exception #10579: To make alterations to, and maintain, an existing roof-sign where removal of non-conforming roof signs is required and to maintain a 12 square-foot directional sign where the Zoning Code allows a maximum of three square feet in area. Denied, August 14, 1985.

3500 E. Foothill Boulevard

- Exception #8399: To remove 215 parking spaces, of the required 535 spaces, for a commercial development involving a 35,000 square foot retail area, restaurant, 1,400 seat theatre and an ice rink. Approved with conditions, April 7, 1972.
- Conditional Use Permit #1883: To sell alcoholic beverages for on-site consumption at a restaurant to be located on E. Foothill Boulevard between Halstead Street and Rosemead Street and Rosemead Boulevard. The restaurant (Panda Inn) would replace the previous existing building that was adjacent to the proposed site. . Approved with conditions, October 5, 1988.

PROJECT DESCRIPTION:

The applicant, Mill Creek Development Company, LLC, has submitted a Certificate of Exception application to allow a lot line adjustment that would consolidate three adjacent parcels of land into one parcel of land. As a result of the lot line adjustment, the size of the new parcel would be 190,380 square feet (4.371 acres). Although not part of the Certificate of Exception application, the lot consolidation would facilitate the construction of a six-story, 233-unit residential project, a five-story above-ground parking structure with 5,570 square feet of ground-level commercial floor area and exterior remodeling of and small additions to an existing restaurant ('Panda Inn').

Currently, Parcel 1 (3452 E. Foothill Boulevard) is developed with a surface parking lot that is adjacent to, and utilized by, the 7,400 square foot restaurant ('Panda Inn') on Parcel 2. Parcel 3 is occupied by a 121,590 square foot, eleven-story, office building and a 274-space surface parking lot.

ANALYSIS:

Applicants may request a Certificates of Exception application for a lot line adjustment between two or more adjacent parcels, where: 1) the land taken from one parcel is added to the adjacent parcel; and 2) a greater number of parcels than originally existed is not thereby created. The Hearing Officer may approve a Certificate of Exception provided the resulting parcels conform to the General Plan, any applicable Specific Plan, and zoning and building ordinances.

As proposed, the adjustment of lot lines would result in the consolidation of three parcels into one parcel. The existing sizes of each of three parcels, and the total size, are listed below.

Parcel #	Address	Assessor's Number	Size (acres)
1	3452 E. Foothill Boulevard	5757-030-006	0.31
2	3474 E. Foothill Boulevard	5757-030-008	0.35
3	3486 E. Foothill Boulevard	5757-030-041	3.71
Total			4.371

Minimum Lot Size (Area and Width):

The site is zoned EPSP-d2-CG (EPSP-d2-CG. East Pasadena Specific Plan, subarea d2, General Commercial). While many zoning districts in the City have a minimum required lot size and lot width for newly-created or modified parcels, the EPSP-d2-CG zoning district does not have a minimum requirement for either, but instead the minimums are to be determined through the subdivision process. A Certificate of Exception is the process by which a parcel, or parcels, can be modified.

The surrounding area has parcels that are generally multi-acres in size. After the consolidation of the lots, the resulting parcel will be comparable in size to those in the vicinity.

Setbacks

In the EPSP-d2-CG zone the minimum-required front yard setback (E. Foothill Boulevard) for new construction is five feet. The existing setbacks of approximately five feet for the office building and zero for the restaurant will not change as a result of the lot consolidation. Therefore, any existing conforming setback would not be made non-conforming, nor would the non-conforming setback for the restaurant be exacerbated.

No other minimum setbacks are required, and as all existing setbacks would remain unchanged, none would be made non-conforming as a result of the lot consolidation.

Parking

None of the existing parking areas would be altered as a result of the lot consolidation, such that there would not be a reduction in the number of parking spaces or in their configuration or accessibility. Therefore, all existing parking would remain as-is, and would not result in a non-conforming situation.

GENERAL PLAN CONSISTENCY:

The proposed project, a mapping action, would adjust the interior lot lines between three adjacent parcels, and would occur in conformance with the General Plan. The General Plan Land Use Diagram prescribe standards for density and intensity for development sites. Intensities and densities after the lot line adjustment would remain the same as before the adjustment. The boundary adjustment would not conflict with the applicable land use designation for all three parcels, High Mixed-Use. The lot line adjustment would remain consistent with General Plan Policies 1.1 (Basic Growth Policies) and 1.2 (Targeted Growth) that are associated with the City's Subdivision Ordinance. The proposed boundary adjustment would maintain the existing site configuration within a commercial 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, §15305, Class 5, Minor Alterations in Land Use Limitations) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15305 exempts minor lot line adjustments, in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. The proposal will eliminate the interior lot lines between three adjacent parcels with an average slope of less than 20 percent and does not result in any changes in land use or density. Therefore, the proposed lot line adjustment is exempt from environmental review.

COMMENTS FROM OTHER DEPARTMENTS:

The project was reviewed by the Departments of Public Works, Transportation, and Fire, the Building and Safety Division, and Design and Historic Preservation Section. No comments were received on this application.

CONCLUSION:

It is staff's assessment, based on the analysis of the project, that the findings necessary for approving the Certificate of Exception can be made as included in Attachment A of this report. The proposal would be limited to eliminating the interior lot lines between three adjacent parcels. Any future development on either parcel would be required to conform to the applicable development standards in the Zoning Code for the EPSP-d2-CG zoning district and Building Code requirements in place at the time of any construction activity. 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 Finding

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
RECOMMENDED SPECIFIC FINDING FOR CERTIFICATE OF EXCEPTION #397

Certificate of Exception

1. *The parcel resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.* The proposed project, a mapping action, would adjust interior lot lines between three adjacent parcels, and will conform to the General Plan. The General Plan Land Use Diagram prescribes standards for density and intensity for development sites, which will remain the same as before the adjustment. The boundary adjustments will not conflict with the applicable land use designation of High Mixed Use. The lot line adjustment will remain consistent with General Plan Policies 1.1 (Basic Growth Policies) and 1.2 (Targeted Growth) that are associated with the City's Subdivision Ordinance. The surrounding area has parcels that are generally multi-acres in size. After the consolidation of the lots, the resulting parcel will be comparable in size to those in the vicinity.

ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR CERTIFICATE OF EXCEPTION #397

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

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans submitted and stamped "Approved at Hearing, April 20, 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 Section 17.64.040.C of the Zoning Code.
3. The approval of this application authorizes adjustments to the interior boundary between parcels 5757-030-006, -008, and -041.
4. The applicant or successor in interest shall provide to the Zoning Administrator a legal description and plan exhibit of the parcels resulting from this Lot Line Adjustment. The legal description and plan exhibit shall be prepared by a licensed civil engineer or land surveyor and shall include the wet stamp and signature of the author.
5. The applicant or successor in interest shall be responsible for recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the Zoning Administrator, and furnishing a Grant Deed containing a legal description matching the legal description contained in the Certificate of Exception. This lot line adjustment shall not be effective until recorded with the Los Angeles County Recorder.
6. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.