



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** June 1, 2022

**TO:** Hearing Officer

**SUBJECT:** Minor Variance #11946

**LOCATION:** 430 South San Rafael Avenue

**APPLICANT:** Tracy Mudie, on behalf of the property owners Beth and Chris Kelleher

**ZONING DESIGNATION:** RS-1-HD (Single-Family Residential, one unit per acre, Hillside District Overlay)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Jennifer Driver

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11946 with the conditions in Attachment B.

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**PROJECT PROPOSAL:**

1. Minor Variance: To allow the construction of a new 400 square-foot, single-story attached garage to the front of an existing 7,774 square-foot single-family residence with a 10'-4" front yard setback, where the Zoning Code requires a minimum 25-foot front yard setback; and,
2. Private Tree Removal Permit: To allow the removal of two protected trees (one Jacaranda and one American Sweet Gum) on private property.

**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 that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project involves a 400 square-foot addition to the existing single-family residence, which is less than 50 percent of the existing floor area.

In addition, pursuant to Section 15300.2.f of the 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 materially 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 proposed project will involve the addition of an approximately 400-square-foot, two-car garage to the primary, west façade of the residence and construction of a 599-square-foot covered patio in the rear yard. Neither modification would significantly diminish the character-defining features of the residence, nor render the subject property ineligible for designation as a local landmark. 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.

**BACKGROUND:**

**Site characteristics:** The subject property is a 64,045 square-foot flag lot located on the east side of South San Rafael Avenue between San Rafael Lane and La Loma Road and is located within the Arroyo Seco Slope Bank boundary. The property is improved with a 7,774 square-foot, two-story, single-family residence and no garage. The existing residence is situated towards the front portion of the "flag" portion of the property with a 30-foot front setback, leaving much of the rear of the property undeveloped. The existing residence, constructed in 1917, is eligible for landmark designation as a significant example of the Italian Renaissance Revival architectural style and as a work of architect Reginald Johnson. Existing landscaping on the site consists of several mature trees, including Redwoods, Coast Live Oaks, Canary Island Pines and Jacaranda trees. Two protected trees are proposed to be removed. The topography is relatively flat throughout the western half of the property, while the easterly half of the property slopes downwards significantly, descending down to the Lower Arroyo Seco. Based on the slope analysis submitted, 34,602 square feet of the lot has a slope equal to or greater than 50 percent slope and the average slope across the site, excluding the areas over 50 percent in slope, is approximately 2.2 percent.

**Adjacent Uses:** North – Single-Family Residential  
South – Single-Family Residential  
East – Lower Arroyo Seco  
West – Single-Family Residential

**Adjacent Zoning:** North – RS-1-HD (Single-Family Residential, one unit per acre, Hillside District Overlay)  
South – RS-1-HD (Single-Family Residential, one unit per acre, Hillside District Overlay)  
East – OS (Open Space)  
West – RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside District Overlay)

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

**PROJECT DESCRIPTION:**

The applicant, Tracy Mudie, on behalf of the property owners Beth and Chris Kelleher, has submitted a Minor Variance application to facilitate the construction of a 400 square-foot attached garage with a 10'-4" front yard setback, where the Zoning Code requires a minimum 25-foot front yard setback. In addition to the proposed garage the applicant has proposed a new 599 square-foot unenclosed, detached accessory structure and a new swimming pool to the rear of the existing residence – both of which are fully compliant with the Zoning Code and do not necessitate any special review or approval.

The subject property is a 64,045 square-foot flag-lot parcel, located within the RS-1-HD (Single-Family Residential, one dwelling unit per acre, Hillside District Overlay) zoning district and is developed with a 7,774 square-foot two-story residence and no garage. The application includes the reconstruction of a previously existing garage in approximately the same location, with the minimum dimensions required to facilitate two parking spaces. A two-car garage is required by the Zoning Code for a single-family residence in the Hillside District Overlay and the Minor Variance is requested in order to accommodate the required two covered parking spaces.

In addition, to facilitate construction of the project, the applicant has also requested approval to remove two protected trees, one American Sweet Gum tree with a diameter at breast height (dbh) of 28 inches and one Jacaranda tree with a dbh of 21 inches, both of which are located in the front yard. A Private Tree Removal Permit is required to remove the two protected trees.

**ANALYSIS:**

The subject property is located within the RS-1-HD (Single-Family Residential, one dwelling unit per acre, Hillside District Overlay) zoning district. Properties located in the Hillside Development Overlay are required to comply with additional standards beyond those applicable to the base single-family residential zoning district (RS). These additional standards are intended in part, to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features.

## RS-1-HD Development Standards

### *Maximum Allowable Floor Area*

Calculating the maximum allowed gross floor area in the Hillside Overlay District is a multi-step process. The intent of the process is to consider the steepness or topography of a property when determining the size of a development; a steeper property may provide less land area suitable for development. The Zoning Code considers this with respect to maximum allowed floor area.

In the RS-1-HD zoning district, the maximum allowable gross floor area is equal to 20 percent of the lot area, plus 500 square feet. Gross floor area generally includes all covered parking (garage and carport areas), habitable attic space, and accessory structures, among other enclosed space. For lots 10,000 square feet or more in the Hillside Overlay District, any portion equal to or greater than 50 percent slope, or any access easement on the lot must be deducted from the lot area when calculating the maximum allowable gross floor area. In cases where the average slope (excluding areas sloping equal to or greater than 50 percent and the pole portion of a flag lot) across the lot exceeds 15 percent, the maximum allowable gross floor area is further reduced using a formula specified in Zoning Code Section 17.29.060.A.4 (Building Design Standards – Maximum Floor Area).

Based on the slope analysis provided by the applicant, the lot area measures 64,045 square feet and a total of 34,602 square-feet of the property has a slope equal to or greater than 50 percent and the “pole” portion of the flag lot equals 2,663 square feet, which results in a net lot size of 26,780 square feet. Furthermore, using the contour information taken from a topographic survey of the site, the applicant calculated an average slope of approximately 2.2 percent for the net lot size. Based on the calculation applicable to the RS-1-HD zoning district, the maximum allowed floor area is 5,856 square feet.

The project proposes a 400 square-foot garage addition to an existing 7,774 square-foot residence, resulting in a total gross floor area of 8,174 square feet, which exceeds the allowed maximum gross floor area of 5,856 square feet. However, Zoning Code Section 17.22.050.B.3 allows for the maximum floor area allowed to be exceeded to accommodate the reconstruction of a garage that previously existed on the site, but only to the extent of the floor area necessary for a two-car garage in compliance with the parking space dimension requirements of Zoning Code Section 17.46.110 (Parking Space Dimension).

In 1954, a detached, 600 square-foot garage was constructed in front of the existing residence with an approximate front setback of 10 feet, and was later demolished around 2019, with no replacement. The subject application includes the reconstruction of the garage in approximately the same location as the previous garage, with the minimum dimensions required to facilitate two parking spaces (see additional discussion below on the minimum parking space dimension requirements in Zoning Code Section 17.46.110). As a result, the proposed garage addition is permitted to exceed the maximum allowed gross floor area.

### *Maximum Lot Coverage*

The maximum allowed lot coverage is equal to 35 percent of the lot area. Lot coverage is the percentage of the site covered by roofs, soffits or overhangs extending more than three feet from a wall, and by decks more than four feet in height. This standard generally evaluates the percentage of land area covered by development. In this case, 35 percent of the 26,780 net square-foot lot is 9,373 square feet. The proposed lot coverage is approximately 22.5

percent, or 6,020 square feet, which complies with the maximum allowed lot coverage. This calculation includes the building footprint, the proposed attached garage and the proposed detached, unenclosed 599 square-foot accessory structure.

### *Setbacks*

The minimum front setback requirement in the Hillside Overlay District for the proposed attached garage, on a property with less than 10 feet of elevation change from the top of curb to the center line of the front lot line, is 25 feet. The proposed attached garage addition is setback 10 feet, four inches from the front property line and does not comply with the minimum 25-foot setback requirement and requires approval of a Minor Variance to proceed as proposed (see further discussion in the Minor Variance analysis below).

The minimum side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of ten feet. Lot width is measured across the lot at the required front setback line, in this case, 25 feet from the front property line. According to the plans submitted, the lot width at the front setback line is approximately 164 feet, resulting in a minimum required side setback of 10 feet. The proposed setback for the garage addition on the north side of the residence is 14'-3" and the existing residence will maintain a 16-foot setback from the south side property line. As such, the proposed and existing side setbacks comply with the minimum requirement.

The minimum required rear setback is 25 feet. The project does not propose any changes to the rear of the structure and the existing 340 foot rear setback will be maintained, which complies with the minimum rear setback requirement.

### *Height*

Properties in the Hillside Overlay District are required to comply with two separate standards for building height. No structure may exceed a height of 28 feet at any point on the site, measured as the vertical distance from the existing grade to an imaginary plane parallel to the existing grade; nor can the overall height, as measured from the lowest elevation on the site where the structure touches the grade, to the highest point of the roof (ridge or parapet), exceed a height of 35 feet.

The garage addition proposes a building height of 13'-5", measured from the lowest elevation of the existing grade to the highest ridge and does not exceed a height of 28 feet at any point on the site or 35 feet overall. Therefore the proposed residence complies with both standards for building height.

### *Encroachment Plane*

Main structures may not be located within an encroachment plane that slopes upward and inward at a 30-degree angle, commencing at a point six feet above existing grade along the side property lines. The intent of the encroachment plane standard is to moderate the mass and scale of structures and maintain desired neighborhood character. Plans provided by the applicant depict the encroachment plane and demonstrate the proposed addition complies with the requirement.

*Parking: Number*

Single-family dwellings are required to provide two covered parking spaces and a minimum of four guest parking spaces when parking is prohibited on both sides of the street. Where parking is allowed on the street, a minimum of two guest parking spaces are required. The applicant proposes to replace the previously demolished detached garage with a new attached two-car garage to satisfy the two covered parking space requirement. Like the garage replaced, the proposed garage would be accessible via the existing driveway approach from South San Rafael Avenue. The driveway that leads into the garage provides no less than four guest parking spaces, which satisfies the guest parking requirement because parking is not allowed on South San Rafael Avenue.

*Parking: Dimensions*

As outlined in Zoning Code Section 17.22.050.B.3, in order to be able to exceed the maximum gross floor area determined above, the proposed garage shall be designed only to the extent of the floor area necessary for a two-car garage in compliance with the parking space dimension requirements of Zoning Code Section 17.46.110 (Parking Space Dimension). The Zoning Code requires a two-car garage to have the minimum interior dimensions of 19 feet wide and 18 feet deep in order to accommodate the required two, eight-foot, six-inch wide by 18 feet deep, parking spaces and the additional width required when abutting a vertical obstruction. The proposed interior dimensions of the garage are 19 feet wide by 18 feet deep and thus complies with the minimum dimensions required to accommodate two covered parking spaces and meets the minimum requirements to facilitate the use of Zoning Code Section 17.22.050.B.3 to exceed the maximum gross floor area permitted.

*Accessory Structure: Unenclosed Patio Cover*

In addition to the proposed garage addition, the project plans include a proposed 599 square-foot unenclosed patio cover. The patio cover is designed to comply with the applicable development standards such as, maximum floor area, height, setbacks, building location and lot coverage.

Minor Variance: To allow a reduced front yard setback of 10 feet, four inches, where a 25-foot front setback is required.

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when, because of special circumstances applicable to the subject property, the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary and non-self-created hardship or unreasonable regulation that makes it obviously impractical to require compliance with the applicable development standards. A Minor Variance shall not be granted if the granting of the application would be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

The application includes a request to reconstruct a two-car garage to satisfy the Zoning Code's requirement for two covered parking spaces for a single-family residence in the RS-1-HD zoning district. The minimum front setback for the attached garage in the Hillside Development Overlay is 25 feet. At the closest point, the proposed front yard garage addition would be set back 10'-4" from the front property line and a Minor Variance is needed to deviate from the front yard setback requirement.

Staff evaluated the proposed request and considered other potential options where the garage could be sited so as to be code compliant, such as in the front courtyard, where there is a deeper front setback, or to the rear of the house, and found that because of the existing configuration of the property and because the house is eligible for local landmark designation, these alternatives were less viable as these were special circumstances related to the property.

First, siting the garage in the front yard in a code compliant location, specifically with the required 25-foot front setback, poses unusual circumstances that a typical property in the RS-1-HD zoning district does not encounter. Siting the garage elsewhere in the front yard would require significant alteration to the front façade of the residence, as the only portions with a setback that could accommodate both the required dimensions of a garage and the 25-foot front setback would be in the front courtyard in front of the main entrance or on the south side of the structure in line with the existing driveway. Both of these locations would adversely affect the architectural integrity of the eligible historic resource by either removing or blocking the view of several historically contributing features of the existing house. In contrast, the proposed location would extend an existing wing of the house on the northwest corner of the house, away from the property's main entry point, and would preserve the view of the eligible historical resource. In addition, with the recommended conditions of approval, the garage would be designed to be compatible with the house in volume, form and detailing. Furthermore, the previous location of the garage in front of the existing single-family residence had an approximate front setback of 10 feet, according to historical building diagrams, and the proposed garage would maintain this approximate setback, and thus would not be introducing a new physical element to its surroundings and would not be detrimental or injurious to property or improvements in the vicinity.

Additionally, siting the garage in the rear yard is also not a viable solution due to the limited side yards, the location of the Arroyo Seco Slope Bank and the Hillside District Overlay's requirement to protect certain significant views. The existing residence has north and south side setbacks of approximately 14 to 16 feet, which limits the ability to construct a 15-foot wide code compliant driveway to access the rear of the site. In addition, pursuant to Zoning Code Section 17.29.050.D, the Arroyo Seco Slope Bank is a protected feature where development is limited within 20 feet of its top edge, and cannot be extended past the top edge.

While the rear yard is of sufficient size for some development outside of this 20-foot protected area, such as the proposed small covered patio or a pool, locating the garage to the rear of the existing residence would not conform to the purposes of the Hillside District Overlay which seeks to protect views of the Colorado Street Bridge and downslope views of the Arroyo Seco valley floor. The existing residence has unobstructed views of both of these significant protected views and locating a structure to the rear of the house would impede upon them. As a result, because of the limited vehicular accessibility and the need to preserve protected views, the rear yard is not a suitable location to locate the garage.

Lastly, the ability to have a two-car garage is a substantial property right of the property owner that all other owners in the surrounding residential single-family neighborhood enjoy. With the exception of the requested Minor Variance, the proposed garage addition complies with all other applicable development standards.

As a result, granting the Minor Variance to locate the garage 10'-4" away from the front property line, in lieu of the required 25 feet, would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district as there are unique circumstances that do not apply to other properties in the vicinity. Furthermore, a reduced

front setback would not be detrimental or injurious to property or improvements in the vicinity of the subject site as the previously existing garage maintained a front setback of approximately 10 feet, or to the public health, safety or general welfare, as the project was reviewed by the Fire Department and Building and Safety Division, who posed no concerns regarding the project.

### 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 Hillside Development Permit, and 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 garage addition to the existing residence's front northwest corner and a freestanding covered patio to rear yard 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. 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 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.

#### *Analysis*

With the recommended conditions of approval, the proposed project complies with the applicable guidelines. Due to its position relative to South San Rafael Avenue, in which the property is spatially separated from the street front by an intervening residential property, the subject residence is not visible from the public right-of-way. In this vein, neither of the proposed additions



will be publicly visible. Furthermore, the property does not meet the criteria for landmark designation as a significant example of a Period Revival Estate Garden or as an important work of landscape architect Paul G. Thiene, therefore, the covered patio addition to the rear yard does not pose an adverse impact to the historical grounds and its design is compatible with the house.

The addition will result in the removal of one window opening from the west end of the existing east-west wing, which is not a character-defining feature of the house. The design of the proposed garage, which will be located at the far northwest corner of the house, is compatible with the original house in volume, form, and detailing. The applicant proposes to outwardly extend the east-west wing of the residence with the construction of the two-car garage at the western terminus. Matching exterior finishes are proposed for the addition including stucco and windows with matching muntin patterns and shutters. The addition is proposed to have a hipped roof form with a similar pitch to that of the original portion of the residence. In order to ensure appropriate compatibility with the existing house, a condition of approval is recommended to require the roof form of the addition to match that of the existing east-west wing of the residence and for the addition to not exceed the height of the house at that location. In addition, to differentiate the addition as a new feature, a condition is recommended to require the south wall of the addition to be set back at least six inches behind the south wall of the existing house. Overall, with these conditions implemented, the proposed addition will be compatible with the design of the existing house and provide added living comfort, and continued use and enjoyment of the residence.

As listed in Attachment B, staff of the Design and Historic Preservation Section (DHP) recommends several additional 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 conditions include a requirement to provide for DHP staff's review and approval details of the proposed windows and doors including sill, header and jamb conditions, and their consistency with the existing openings, along with a door and window schedule and manufacturer's specifications of the proposed garage doors. Finally, a condition shall require for 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.

#### *Recommendation*

With the recommended conditions of approval, the proposed project complies with the applicable guidelines. The proposed addition will be compatibly designed with the original house in volume, form, and detailing. Furthermore, the proposed addition will provide a complementary and compositionally-balanced patterning of form and fenestrations to the house, and therefore, will not be impactful to the character-defining features of the house.

#### Tree Removal Permit: To allow the removal of two protected trees.

Pursuant to P.M.C. Sections 8.52.070 "Private property tree removal and landmark tree pruning permits—Applications" and 8.52.075 "Private property tree removal and landmark tree pruning permits—Issuance", the applicant requests permission to remove two protected trees on the subject site to accommodate the driveway required for the proposed two-car garage. The trees are described in table below:

No. on Tree Location Map	Tree Species (Common Name)	Type	Diameter at Breast Height	Height	Canopy Spread	Location
19	Jacaranda mimosifolia (Jacaranda)	Specimen Tree	21 inches	45 feet	24 feet	Front Yard
21	Liquidambar styraciflua (American Sweet Gum)	Specimen Tree	28 inches	40 feet	15 feet	Front Yard

Protected specimen trees must be replaced with specimen and native trees on the list of protected native and specimen trees in accordance with the adopted replacement matrix shown below.

Diameter at Breast Height of Removed Tree	Number and Size of Replacement Trees
19 – 36 inches	8 – 24 inch box, or 4 – 36 inch box

The applicant proposes to remove one protected *Liquidambar styraciflua* (American Sweet Gum) tree that is currently located adjacent to the driveway in the front yard. The applicant’s arborist noted that the tree is located in the middle of a proposed walkway, part of a new proposed landscape and construction project for the property. Additionally, the arborist notes that the tree is partially girdled with an encircling root system, and has large trunk wounds on its lower trunk. Under Finding #6, the removal of this tree shall require the on site replacement of either eight 24-inch box trees or four 36-inch box trees.

The second tree proposed for removal, a Jacaranda, has been unintentionally removed due to misunderstanding on the front and side yard setbacks of the flag-shaped lot, so this is an ‘after-the-fact’ review. Due to the size of this tree, its removal will also require for on-site replacements consisting of eight 24-inch box, or four 36-inch box trees. As part of the landscape renovation project, the applicant has provided a landscape plan indicating the proposed planting of two 24-inch box trees, nineteen 36-inch box trees, two 48-inch box trees and two 72-inch box trees, where a total of sixteen 24-inch box or eight 36-inch box trees is required. The proposed landscape plan demonstrates that the minimum replacement trees required will be able to be provided. Additionally, the proposed landscape plan emphasizes tree canopy that is sustainable over the long term, and as such, the proposed tree removals meet the finding necessary for approval.

As conditioned, prior to Building Permit issuance, the applicant will provide a landscape plan which demonstrates compliance with the adopted tree replacement matrix and P.M.C. Section 8.52.075 (Private property tree removal and landmark tree pruning permits—Issuance). Staff finds that with this condition, the project would provide a landscape plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the adopted replacement matrix.

**GENERAL PLAN CONSISTENCY:**

The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element (GPLU). The use of the property would remain a single-family residential land use. Therefore, the

character of the single-family neighborhood would be maintained. Furthermore, one of the Guiding Principles of the Land Use Element of the General Plan is that Pasadena's historic resources will be preserved. Goal 8 of the General Plan (Historic Preservation) seeks the preservation and enhancement of Pasadena's cultural and historic districts as valued assets and important representations of its past. The proposed location of the garage will allow the contributing features of the existing single-family residence to be retained and the addition would be conditioned to be designed to be consistent with the existing architecture.

In addition, GPLU Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. Furthermore, GPLU Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale and massing and one of the purposes of the Hillside Development Overlay zoning district is to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features. Therefore, the proposal is consistent with the General Plan.

#### **ENVIRONMENTAL REVIEW:**

Pursuant to Section 15300.2.f of the 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 materially 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.

This Italian Renaissance Revival-style single-family residence located on the east side of South San Rafael Avenue was originally constructed by Billings & Whetstone in 1917 as an architect commissioned design by Reginald Johnson. The landscaped gardens on the property were designed by Paul G. Thiene. Staff evaluated the architectural significance of the house according to the registration requirements outlined in the "Residential Period Revival Architecture and Development in Pasadena" historic context report and determined that the property meets the criteria for landmark designation as a significant example of the Italian Renaissance Revival architectural style and as a work of architect Reginald Johnson. The "Residential Period Revival Architecture and Development in Pasadena" identifies "a symmetrically arranged facade, a low-pitched hipped roof usually fit with clay tiles, upper story windows smaller and less elaborate than those below, full-width porches with massive square piers, large arched openings on the ground level, entrance areas accented by small classical columns or pilasters, and stuccoed walls accented with quoins" as character-defining features of significant examples of the Italian Renaissance Revival style. The subject property incorporates many of these architectural elements, nearly all of which have remained unaltered since their initial construction.

Johnson was a notable architect who designed numerous important Period Revival buildings in Pasadena, particularly during the 1920s and 1930s. Born in Westchester, New York in 1882, Johnson studied architecture at the Massachusetts Institute of Technology prior to joining Robert Farquhar's firm in Los Angeles. Johnson opened his individual practice in Pasadena in 1912, and his office would later welcome the likes of Robert Alexander, Gordon Kaufmann, Roland Coate, Fitch Haskell, and Palmer Sabin. Between 1912 and 1934, Johnson garnered widespread recognition and acclaim for his designs in Pasadena and throughout Southern California. After

his formal retirement in the mid-1930s, Johnson focused his efforts on contributing to large-scale public housing projects across Los Angeles County.

Staff also evaluated the significance of the potential designed gardens on the property according to the registration requirements outlined in the “Bring the Outside Inside and the Inside Outside: Residential Garden Design in Pasadena” historic context. Staff has determined that the property does not meet the criteria for landmark designation as a significant example of a Period Revival Estate Garden or as an important work of landscape architect Paul G. Thiene. While it is unclear what designed elements comprised the original scheme of the gardens, the property landscaping, in its present form, lacks many of the character-defining features distinctive of a Period Revival Estate Garden, and does not appear to be a significant example of the property type. In that same vein, the landscaping does not represent a significant work of Thiene, as it lacks many of the elements that would reflect his inclination toward historical European residential landscape design.

Historical building permit records and photographs appear to suggest that the residence and guest house have undergone some minor exterior modifications, including installation of replacement roofing, partial enclosure of some entry porticos, and rebuilding of a chimney in response to earthquake damage. Aerial photographs suggest that a garage built directly west of the residence in 1954 was demolished around 2019. The original buildings on the property – the residence and a secondary cottage – have not been substantially altered from their original appearance and, therefore, retain integrity of location, design, setting, materials, feeling, workmanship, and association. As such, the property remains eligible as a local landmark, under the criteria listed in PMC Section 17.62.040.

The proposed project will involve the addition of an approximately 400-square-foot, two-car garage to the primary, west façade of the residence and construction of a 599-square-foot covered patio in the rear yard. Neither modification would not significantly diminish the character-defining features of the residence, nor render the subject property ineligible for designation as a local landmark. 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), 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 that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project involves a 400 square-foot addition to the existing single-family residence, which is less than 50 percent of the existing floor area.

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

The proposed project was reviewed by the Building and Safety Division, Pasadena Fire Department, Department of Transportation, Public Works Department, and Design and Historic Preservation Division. Based on their review of the project, Design and Historic Preservation Division, the Building and Safety Division and the Public Works Department provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this

staff report. The remaining departments had no comments and will review the plans through building permit plan check process.

**CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the Minor Variance can be made. The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the front setback. Given the special circumstances related to the property, such as the limited developable area in front of the residence, restrictive side setbacks, the preservation of protected views and that the residence has been identified as eligible for local landmark designation, granting the Minor Variance would allow the property owners enjoyment of typical residential activities, such as providing a two-car garage in compliance with the required parking for single-family residential properties. The project would be in conformance with the goals, policies, and objectives of the General Plan and would have to comply with all Building and Fire Code requirements, the proposed project would not be detrimental or injurious to surrounding properties or improvements. Therefore, 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: Findings

Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR VARIANCE #11946**

Minor Variance: To allow a reduced front yard setback of 10 feet, four inches, where a 25-foot front setback is required.

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 existing single-family residence consists of 7,774 square-feet and is situated towards the front property line with a front setback of 30 feet, subsequently resulting in setback and buildable areas different from traditional lots within single-family residential zones. Siting the garage in the front yard, other than in the proposed location, would require significant alteration to the front façade of the residence, as the only portions with a setback that could accommodate both the required dimensions of a garage and the 25-foot front setback would be in the front courtyard in front of the main entrance or on the south side of the structure in line with the existing driveway. Both of these locations would adversely affect the architectural integrity of the eligible historic resource by either removing or blocking the view of several historically contributing features of the existing house. Additionally, siting the garage in the rear yard is also not a viable solution due to the limited side yards, the location of the Arroyo Seco Slope Bank and the Hillside District Overlay's requirement to protect certain significant views. The existing residence has north and south side setbacks of approximately 14 to 16 feet, which limits the ability to construct a 15-foot wide code compliant driveway to access the rear of the site.

In addition, pursuant to Zoning Code Section 17.29.050.D, the Arroyo Seco Slope Bank is a protected feature where development is limited within 20 feet of its top edge. While the rear yard is of sufficient size as to allow for some development outside of this 20-foot protected area, such as the proposed small covered patio or a pool, locating the garage to the rear of the existing residence would not conform to the purposes of the Hillside District Overlay which seeks to protect views of the Colorado Street Bridge and downslope views of the Arroyo Seco valley floor. The existing residence has unobstructed views of both of these significant protected views and locating a structure to the rear of the house would impede upon them. As a result, because of the limited vehicular accessibility and the need to preserve protected views, the rear yard is not a suitable location to locate the garage.

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 Minor Variance will prevent unreasonable property loss or unnecessary hardship by allowing the development of the required covered parking. The ability to have a two-car garage is a substantial property right of the property owner that all other owners in the surrounding residential single-family neighborhood enjoy. With the exception of the requested Minor Variance, the proposed garage addition complies with all other applicable development standards.
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 use of the site is a single-family residential land use, which is a permitted use in the RS-1-HD zoning district and compatible with surrounding residential uses. Furthermore, a 400 square-foot attached garage addition to the front (west) elevation of the existing single-family residence, to provide two covered parking spaces with a 10'-4" front yard setback, will 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, as the project was reviewed by the Building and Safety Division and Fire Department, who posed no concerns regarding the project. The project is also required to comply with all applicable Fire Department and Building and Safety Division standards through the City's plan check process.

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 the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element (GPLU). The use of the property would remain a single-family residential land use. Therefore, the character of the single-family neighborhood would be maintained. Furthermore, one of the Guiding Principles of the Land Use Element of the General Plan is that Pasadena's historic resources will be preserved. Goal 8 of the General Plan (Historic Preservation) seeks the preservation and enhancement of Pasadena's cultural and historic districts as valued assets and important representations of its past. The proposed location of the garage will allow the contributing features of the existing single-family residence to be retained and the addition would be conditioned to be designed to be consistent with the existing architecture.

In addition, GPLU Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. Furthermore, GPLU Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale and massing and one of the purposes of the Hillside Development Overlay zoning district is to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features. Therefore, the proposal is consistent with 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 of complying with the City's development standards has not been considered as the main factor throughout the review of this application.

#### Consistency with the Secretary of Interior's Standards

6. *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 guidelines. The proposed addition will be compatibly designed with the original house in volume, form, and detailing. Furthermore, the proposed addition will provide a complementary and compositionally-balanced patterning of form and fenestrations to the house, and therefore, will not be impactful to the character-defining features of the house.

#### Tree Removal Permit: To allow the removal of two protected trees (one Jacaranda tree and one American Sweet Gum tree).

7. *P.M.C. Section 8.52.075(A)(6): The project, as defined in Section 17.12.020, includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix and included in the associated administrative guidelines.* The applicant proposes to remove a protected Liquidambar tree that is currently

located adjacent to the driveway in the front yard. The applicant's arborist noted that the tree is located in the middle of a proposed walkway, part of a new proposed landscape and construction project for the property. Additionally, the arborist notes that the tree is partially girdled with an encircling root system, and has large trunk wounds on its lower trunk. As condition, the removal of this tree shall require the on-site replacement of either eight 24-inch box trees or four 36-inch box trees. The second tree proposed for removal, a Jacaranda, was unintentionally removed due to misunderstanding on the front and side yard setbacks of the flag-shaped lot. Due to the size of this tree, its removal will also require for on-site replacements consisting of eight 24-inch box, or four 36-inch box trees.

As part of the landscape renovation project, the applicant provided a landscape plan indicating the proposed planting of two 24-inch box trees, nineteen 36-inch box trees, two 48-inch box trees and two 72-inch box trees, where a total of sixteen 24-inch box or eight 36-inch box trees is required. The proposed landscape plan provides more than the minimum replacement trees required. Additionally, the proposed landscape plan emphasizes tree canopy that is sustainable over the long term, and as such, the proposed tree removals meet the finding necessary for approval.



**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11946**

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 submitted, stamped "Approved at Hearing, June 1, 2022", except as modified herein.
2. The rights 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.
3. This approval allows for the following entitlements, as depicted in the plans submitted with this application, stamped "Approved at Hearing, June 1, 2022":
  - a. A front yard setback of 10'-4" in conjunction with the addition of a 400 square-foot attached garage; and,
  - b. The removal of two protected trees (one Jacaranda and one American Sweet Gum) in the front yard.
4. Any change to these conditions of approval shall require the modification of this Minor Variance or a new Minor Variance.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number **ZENT2021-00105**, 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 Jennifer Driver, Current Planning Section, at (626) 744-6756 to schedule an appointment for the Final Zoning Inspection.

Planning Division

8. Prior to Building Permit issuance, the applicant shall provide a landscape plan which demonstrates compliance with the adopted tree replacement matrix and P.M.C. Section 8.52.075 (Private property tree removal and landmark tree pruning permits—Issuance).
9. A final landscape and irrigation plan, in compliance with Chapter 17.44 (Landscaping) of the Zoning Code, identifying all remaining and proposed vegetation and trees shall be submitted along with plans for building permit. The plan shall include a mix of plant size and materials. Plant materials shall emphasize drought-tolerant and/or native species.

10. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and 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.
11. The tree protection plan and protection measures shall be incorporated in the submitted plans as part of the building plan check process. The tree protection measures shall be in place and certified by the project arborist, prior to the issuance of building permits.
12. Should this project meet 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.
13. 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. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
14. 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).
15. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
16. 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 and Historic Preservation

17. Sectional and elevation details of the proposed windows and doors shall be provided in the Building Plan Check submittal indicating sill, header, and jamb conditions, which shall be consistent with the design of the existing openings unless slight variation of the design is used as a method of differentiating the addition from the original house.
18. A door and window schedule shall be provided in the Building Plan Check submittal indicating the new proposed windows and doors their material. The material of the new windows shall be metal, to match existing. In addition, provide manufacturer's specifications of the proposed new garage doors for DHP staff review and approval.
19. The roof form of the garage addition shall match the existing house and not exceed the height of the existing house.

20. The south wall of the garage addition shall be set back at least six inches from the south wall of the existing east-west wing of the residence.
21. A final, on-site, inspection (100% inspection point) and sign-off by staff of the Design and Historic Preservation Section shall be required to ensure that all work performed is consistent with the approved plans and the applicable standards and guidelines as noted herein.

#### Building and Safety Division

22. 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.*
23. Building Code Analysis: *Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area.*
24. Green Code: Photocopy to plans and complete the 2019 California Green Building Standards Code with City of Pasadena Amendments Forms. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>
25. Required Plans and Permit(s):
  - a. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems 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.

#### Public Works Department

26. In accordance with Pasadena Municipal Code Chapter 13.24.270 C, "Each building having separate frontage on a public street on which there is a public sewer must be separately connected to the public sewer." There is no record of any permitted house sewer serving the property located at 430 South San Rafael Avenue. If there is evidence showing otherwise, the applicant shall submit to the City for review.
27. Otherwise, the residence shall connect to the public sewer with a new six-inch diameter house sewers laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer "means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer." The section of house sewers within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The

construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.

28. 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.
29. In addition to the above conditions, the requirements of all applicable Pasadena Municipal Code (PMC) will apply and be implemented during the corresponding plan review and permitting. They may include but not limited to:
  - a. Sidewalk Ordinance - Chapter 12.04
  - b. Sewer Facility Charge – Chapter 4.53
  - c. Residential Impact Fee – Chapter 4.17
  - d. City Trees and Tree Protection Ordinance - Chapter 8.52
  - e. Construction and Demolition Waste Ordinance - Chapter 8.62
  - f. Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100