



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** July 6, 2022

**TO:** Hearing Officer

**SUBJECT:** Minor Variance #11948

**LOCATION:** 1026 Locust Street

**APPLICANT:** Carlos Alviar

**ZONING DESIGNATION:** RM-32-PK (Multi-Family Residential, City of Gardens, Parking Overlay District)

**GENERAL PLAN DESIGNATION:** Medium-High Density Residential

**CASE PLANNER:** Joseph Weaver

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11948 with conditions in Attachment B.

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**PROJECT PROPOSAL:** Minor Variance: To allow single-story additions totaling 126 square feet to an existing single-family residence with an 8'-6" rear yard setback, where the minimum requirement is 25'.

**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, Class 1 §15301, 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 specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The project adds 126 square feet to an existing 890 square-foot single-family use and is therefore exempt from environmental review.

**BACKGROUND:**

**Site Characteristics:** The site is a 5,132 square-foot, rectangular-shaped corner lot located on the southeast corner of Locust Street and North Catalina Avenue. The site is currently developed with an 890 square-foot, one-story single-family residence.

**Adjacent Uses:** North – Multi-Family Residential (Duplex)  
South – Multi-Family Residential (Duplex)  
East – Multi-Family Residential (Duplex)  
West – Multi-Family Residential (Duplex)

**Adjacent Zoning:** North – RM-32 (Multi-Family Residential, 0-32 units per acre)  
South – RM-32-PK (Multi-Family Residential, 0-32 units per acre; Parking Overlay District)  
East – RM-32-PK (Multi-Family Residential, 0-32 units per acre; Parking Overlay District)  
West – RM-32-PK (Multi-Family Residential, 0-32 units per acre; Parking Overlay District)

**Previous Zoning Cases on This Property:** Certificate of Exception #9377 – To erect a 4-foot tall fence. Approved on July 3, 1978.

**PROJECT DESCRIPTION:**

The applicant, Carlos Alviar, has submitted an application for a Minor Variance to facilitate the construction of single-story additions totaling 126 square-feet to an existing single-story single-family residence. Specifically, the applicant requests an 8'-6" rear setback where 25' minimum is required. A Minor Variance is required to adjust a required setback. The site is located within the RM-32-PK (Multi-Family Residential, City of Gardens; Parking Overlay) zone. No protected trees are proposed to be removed as part of the project.

**ANALYSIS:**

Single-family uses within the RM-32-PK zone are subject to the development standards of the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) district in Section 17.22.040 (RS and RM-12 Residential Districts Development Standards). With the exception of the requested Minor Variance for the rear setback, the proposed addition complies with all other applicable development standards, as shown in Table 1.

**Table 1 – Residential Development Standards**

Development Standard		Requirement	Proposed Project	Compliance
<b>Setbacks (Minimum)</b>	Front	25'-8"	30'-3"	Complies
	Corner Side (west)	10'	31'-3"	Complies
	Interior Side (east)	6'	6'	Complies
	Rear	25'	8'-6"	<i>Minor Variance</i>
<b>Height (Maximum)</b>		28'	19'	Complies
<b>Top Plate Height (first story maximum)</b>		10'	9'-11"	Complies
<b>Site Coverage (Maximum)</b>		No Maximum	21% (1,095 sq. ft.)	Complies
<b>Floor Area (Maximum)</b>		2,039 sq. ft.	1,016 sq. ft.	Complies

Minor Variance to Adjust a Rear Yard Setback

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), adjustments of required setbacks are allowed subject to approval of a Minor Variance. The Hearing Officer may approve a Minor Variance to adjust a required setback only after making five findings in the affirmative pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties. In addition, a Minor Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts. Lastly, cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Minor Variance.

In this case, there are conditions that do not generally apply to sites in the same zoning district. The subject site has a lot size of 5,132 square feet where the minimum site area for the applicable RM-32 zone is 10,000 square feet. Additionally, the site has a lot depth of 85'-6". When considering minimum requirements for front and rear setbacks, the buildable area is limited to a depth of 35 feet. Further, the existing residence is positioned in the southeast portion of the lot and maintains an existing rear setback of 8'-6".

The applicant's proposed addition would maintain an 8'-6" rear setback where the minimum requirement is 25 feet. The intent of the proposed additions is to accommodate a master bedroom and improve the existing layout of the 890 square foot residence. The additions are occurring at the rear of the residence in order to relocate the kitchen toward the main entrance of the residence and to provide for a master bedroom at the rear. The substandard lot size, shallow lot depth, and the existing dwelling's location on the lot create constraints for the property relating to the rear setback requirement. Many properties within the neighborhood and RM zoning district are also developed with multi-family dwellings that are subject to different development standards and rear setback requirements that are less than the subject property. The proposed additions totaling 126 square feet is a minor extension to accommodate a master bedroom at the rear of the property and would not be located any closer to the rear property line than the existing residence. Compliance with applicable requirements for encroachment plane, side setback, maximums for floor area, and lot coverage moderate the mass and would ensure the adjustment to the setback

do not create any detriment. As such, the Minor Variance request would facilitate a reasonable enjoyment of real property and would not be a grant of special privilege.

#### Tree Protection Ordinance

A tree inventory was provided showing two on-site trees. The property does not contain any protected trees under the City's Tree Protection Ordinance, and no trees are proposed to be removed.

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

The subject site is designated as Medium-High Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the neighborhood, consisting of a mix of single and multi-family residences would be maintained. General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project would allow the construction of an addition to a single-family residence within the required rear yard setback. The proposed addition would not alter the existing character of the neighborhood as it involves an expansion to the rear of an existing one-story, single-family residence.

#### **COMMENTS FROM OTHER DEPARTMENTS:**

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The Department of Transportation and Fire Department, had no comments at this time and would review the project during the building permit plan check process to ensure compliance with applicable code requirements. The Design and Historic Preservation Section conducted a Historic Resource Evaluation on the subject property which concluded the property does not meet the criteria for any historical designation and that no further review would be needed. The Department of Public Works and Building and Safety Division provided conditions of approval which are incorporated in Attachment B of this staff report.

#### **CONCLUSION:**

Staff concludes that the findings necessary for approving the Minor Variance can be made. The proposed project meets all other applicable development standards required by the Zoning Code. The approval of the Minor Variance request would allow the property owner enjoyment of the existing residence without impacting the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, 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: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR VARIANCE #11948**

Minor Variance: To allow the construction of single-story additions totaling 126 square feet to an existing single-story single-family residence with a reduced rear yard setback of 8'-6" from the property line; where the minimum requirement is 25 feet

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The subject site has a lot size of 5,132 square feet where the minimum site area for the applicable RM-32 zone is 10,000 square feet. Additionally, the site has a lot depth of 85'-6". When considering minimum requirements for front and rear setbacks, the buildable area is limited to a depth of 35 feet. Further, the existing residence is positioned in the southeast portion of the lot and maintains an existing rear setback of 8'-6". These existing conditions create constraints on the property that do not apply generally to sites in the same zoning district.
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 facilitate a master bedroom and improved interior layout of the residence, which allows for the preservation and enjoyment of a substantial property right. The additions will be located at the rear of the residence in order to relocate the kitchen toward the main entrance and to provide for a master bedroom at the rear. Alternative locations would create an unnecessary hardship to the applicant and would limit the addition to the front or corner of the property, which would be more visually impacting from the street. Therefore, granting the application prevents unnecessary hardship and allows for the preservation and enjoyment of the property.
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 project will not be detrimental to property in the vicinity because it involves a small, one-story expansion to the rear of the site that will maintain the existing rear and corner side setbacks of the residence. The site will remain as a single-family use and the project will comply with all other applicable development standards that moderate size, height, and appearance. 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 subject site is designated as Medium-High Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the neighborhood would be maintained. General Plan Land Use Element, Goal 21, Desirable Neighborhoods, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The approval of a Minor Variance will not grant a special privilege because the project must comply with all other applicable standards that limit development on the property consistent with limitations of other properties in the vicinity.

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 throughout the review of this application.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11948**

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, July 6, 2022," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval allows a minimum rear setback of 8'-6" in conjunction with additions totaling 126 square-feet in area.
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. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.
7. The proposed project, Activity Number **ZENT2021-00156** is subject to the Inspection Program by the City as well as the Mitigation Monitoring and Reporting program. 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 Joseph Weaver, Current Planning Section, at (626) 744-3813 to schedule an inspection appointment time.

Building and Safety Division

8. **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.
9. **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.
  - Show compliance with the minimum ceiling heights per CRC2019 Section R305.
10. **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://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>.

11. 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>.
12. MEANS OF EGRESS (EXITING):
  - Provide and specify at least one operable exterior opening in basements, habitable attics, and every sleeping room with the minimum clear opening requirements for an emergency escape and rescue opening on the plans or schedule.
  - Provide a minimum of 8 percent for natural lighting and 4 percent for natural ventilation of the floor area of all habitable rooms/areas.
  - Show compliance with the stairways per CRC2019 Section R311.7.
13. ENERGY: Submit the current, applicable residential energy documentation using either the “Prescriptive Standard” or the “Performance Standard”. Photocopy form to plans, include the mandatory measures.
14. REQUIRED PLANS AND PERMIT(S):
  - In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal.
  - Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

#### Public Works Department

15. 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.
16. 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.

17. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.

The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.

The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.

18. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan (PMC Ch. 8.52 – City Trees and Tree Protection Ordinance), prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A non-refundable flat fee, per the current General Fee Schedule, will be required for staff time to review the Tree Protection Ordinance compliance.
19. Prior to any construction, tree protections including the installation of fencing to protect the public trees adjacent to the existing drive approach on Catalina Avenue frontage must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 6' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.
20. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) adjacent to the existing drive approach on Catalina Avenue frontage of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.

21. 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.

22. 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:

- Sidewalk Ordinance - Chapter 12.04
- Sewer Facility Charge – Chapter 4.53
- Residential Impact Fee – Chapter 4.17
- City Trees and Tree Protection Ordinance - Chapter 8.52
- Construction and Demolition Waste Ordinance - Chapter 8.62
- Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100