



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: July 6, 2022

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #6954

LOCATION: 1605 Elizabeth Street

APPLICANT: Daniel Sanchez

ZONING DESIGNATION: RM-12 (Multi-Family Residential, Two Units Per Lot)

GENERAL PLAN DESIGNATION: Low-Medium Density Residential

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6954 with the conditions in Attachment B.

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- PROJECT PROPOSAL:**
1. Minor Conditional Use Permit: To allow the alteration and conversion of an existing nonconforming 87-unit dormitory use into a 63-unit multi-family residential housing project. Interior modifications, fencing, and parking lot improvements are included. No new square-footage is proposed.
 2. Private Tree Removal Permit: To allow removal of two protected African Fern Pine trees (*Afrocarpus falcatus*) 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 minor alterations to existing structures including interior or exterior alterations. Therefore, the proposed

alteration and conversion of an existing building and related site improvements are exempt from environmental review.

BACKGROUND:

Site characteristics: The subject site is a 61,380 square-foot (1.41 acres) parcel located on the northeast corner of North Sierra Bonita Avenue and Elizabeth Street. The site is improved with an 87-unit, three-story dormitory building and surface parking lot originally constructed in 1965.

Adjacent Uses: North – Single-Family Residential
South – Institutional/School
East – Multi-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RM-12 (Multi-Family Residential, Two Units Per Lot)
South – PS (Public and Semi-Public)
East – RM-12 (Multi-Family Residential, Two Units Per Lot)
West – RM-12 (Multi-Family Residential, Two Units Per Lot)

Previous zoning cases on this property: Variance #28-23114 – To build screen porch on rear of house. Approved in 1928.

Variance #35-28241 – To add a small house on a lot containing less than 5,000 square feet. Approved in 1935.

Variance #65-7506 – To construct a parking lot on the property and to substitute the required masonry wall on the north side with a wood fence. The parking would be developed in conjunction with the construction of a men's dormitory on the property. Approved with conditions on November 24, 1965.

PROJECT DESCRIPTION:

The applicant, Daniel Sanchez, on behalf of the property owner, has submitted a Minor Conditional Use Permit application to allow the alteration and conversion of an existing dormitory use to a multi-family residential use in the RM-12 (Multi-Family Residential, Two Units Per Lot) zoning district. The existing three-story courtyard-style dormitory building has frontage on North Sierra Bonita Avenue, Elizabeth Street, and University Drive. The existing surface parking lot is located behind the dormitory building at the northern portion of the site. The dormitory use was legally established in 1965 with a surface parking lot. Under the current zoning requirements, the use of the site is nonconforming because dormitory uses are no longer permitted. The proposed alteration and conversion of the nonconforming dormitory use to a multifamily use is allowed subject to the approval of a Minor Conditional Use Permit (MCUP).

The project includes interior renovations to convert the dormitories into 63 multi-family dwelling units. The project also includes façade improvements such as new windows, painting, perimeter fencing, landscaping, and parking lot restriping.

ANALYSIS:

Minor Conditional Use Permit: To allow the alteration of a nonconforming use

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

The Minor Conditional Use Permit application allows the City to review the project and determine if the proposed alteration would be compatible with the surrounding area. The Hearing Officer may grant a MCUP only after making six findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and The following analysis focuses on whether the request for an alteration of a nonconforming use would create negative impacts to the surrounding uses, as it relates to conformance with the provisions of the Zoning Code and consistency with the General Plan.

General Development Standards

Pursuant to Zoning Code Section 17.71.080.E.2, alteration of a nonconforming use requires compliance with applicable development standards for the underlying zoning district. The alteration and conversion of the dormitory use to a multi-family use would reduce the property's unit count from 87 dormitory units to 63 multi-family residential dwelling units. The conversion of the units would occur solely through interior renovations and window modifications. Thus, the existing building footprint is not changing and no new square footage is proposed. There is no proposed modification to the existing floor area ratio (FAR), setbacks, height, etc. Proposed exterior improvements are limited to new windows, paint, perimeter fencing, landscaping, and parking lot restriping. Although there will be no intensification to the existing density, the existing surface parking lot will be restriped and reconfigured from 66 parking spaces to 70 parking spaces to comply with applicable Zoning standards.

Tree Removal Permit: To allow the removal of two protected trees (African Fern Pine trees)

The applicant also requests a Private Tree Removal Permit to allow removal of two protected mature African Fern Pine trees (*Afrocarpus falcatus*) also known as (*Podocarpus gracilior*) Fern Pine trees on private property.

No. on Tree Location Map	Tree Species (Common Name)	Type	Diameter at Breast Height	Height	Location
3	(<i>Afrocarpus falcatus</i>) African Fern Pine tree a.k.a (<i>Podocarpus gracilior</i>) Fern pine	Specimen Tree	28 inches	45 feet	Along south-facing building wall, east of the main entrance
7	(<i>Afrocarpus falcatus</i>) African Fern Pine tree a.k.a aka (<i>Podocarpus gracilior</i>) Fern pine	Specimen Tree	30 inches	50 feet	Along south-facing building wall, west of the building entrance on Elizabeth Street

Pursuant to Section 8.52.075 of the City's Municipal Code (City Trees and Tree Protection – Private property tree removal and landmark tree pruning permits—Issuance), one of six findings shall be made in order to approve private tree removal. The applicant proposes the following finding:

- 4) Describe how/why there is a substantial hardship to the property owner in the enjoyment and use of the real property if the injury or removal of the private tree is not permitted

Both trees are located directly against the building façade facing Elizabeth Street. One African fern pine (noted as Tree 3 in the submitted tree inventory and protection plan) is located east of the main entrance and is deteriorating in health. The other African fern pine is located west of the building entrance on Elizabeth Street (noted as Tree 7). The City's consulting arborist, David Hughes (WE-7752A) of Psomas, observed the trees. According to Mr. Hughes, the trees appear to be at risk of failure based on its severe lean toward the south and some epicormic shoots that are growing from the lower trunk area suggesting deterioration in the root system. Additionally, the trees were planted too close to the building and are growing directly against the wall. The current size and location of the trees negatively impact the existing building footings, foundation, and window openings. Notably, the trees affect the adequate clearance of bedroom windows, preventing necessary emergency egress. Due to the height and spread of the trees in conjunction with the location of the windows, it is not viable to safely trim the trees to the extent that would allow window access. Therefore, the proposal would satisfy Finding #4.

GENERAL PLAN CONSISTENCY:

The subject site maintains a nonconforming dormitory use with 87 dwelling units and a surface parking lot constructed with permits in 1965. The site is designated as Low-Medium Density Residential in the General Plan Land Use Element. Goal 6 (Character and Scale of Pasadena) of the Land Use Element includes policies for the evolution of the built environment that while maintaining Pasadena's unique sense of place, character, and the urban fabric. Policy 6.2 (Established Neighborhoods) focuses on the preservation, protection, and enhancement established residential neighborhoods by providing appropriate transitions between these and adjoining areas. It requires new development to complement and respond to the existing physical characteristics that contribute to the overall character and livability of the neighborhood. Through the conversion of the existing units, the project would preserve the exterior of the existing building, which has existed for over fifty years, thus maintaining the overall character of the neighborhood. Goal 21 (Desirable Neighborhoods) of the Land Use Element includes policies for the conservation and maintenance of Pasadena's residential neighborhoods. Specifically, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods to reflect the unique neighborhood character and qualities, including the building form, scale, massing and, architectural design. The proposed conversion of the dormitory use to 63 multi-family residential units would consist of interior modifications, thus maintaining the existing massing and character of the neighborhood. The site will continue to be compatible with the adjacent single and multi-family neighborhood.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts minor alterations to existing structures including

interior or exterior alterations. Therefore, the proposed alteration and conversion of an existing building and site improvements are exempt from environmental review.

REVIEW BY OTHER DEPARTMENTS:

The Building and Safety Division, Fire Department, Department of Transportation, Public Works Department, Water and Power Department, Housing Department, and the Design and Historic Preservation Section had the opportunity to review the proposal. Based on their review of the project, the Building and Safety Division provided comments and recommended conditions of approval, which are included in Attachment B.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Minor Conditional Use Permit and Private Tree Removal Permit can be made. The proposed project does not include modification to the existing building footprint or the addition of new square footage. There is no proposed modification to the existing floor area ratio (FAR), setbacks, height, etc; therefore, meets applicable development standards required by the Zoning Code. Staff finds that the project would be compatible with the residential development within the surrounding neighborhood and would not be detrimental to the general welfare of the City, as the project would not result in an increase to the number of dwelling units on the subject site. Furthermore, the project is consistent with the goals and policies of the General Plan. The proposed tree removal would benefit public safety. As such, staff recommends that the Hearing Officer adopt the environmental determination and the specific findings in Attachment A to approve the application with the conditions in Attachment B.

Attachments:

Attachment A: Minor Conditional Use Permit and Tree Removal Permit Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6954

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

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The alteration of a nonconforming use is permitted with the approval of a Minor Conditional Use Permit as provided in Zoning Code Section 17.71.080.E. The proposed project will comply with applicable development standards required for the zoning district and use.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The site is located within a residential zoning district. A general purpose of residential zoning districts is to provide an adequate supply and range of housing that will accommodate the City's future population growth. The proposed alteration and conversion of a legally established nonconforming dormitory use to a multi-family residential use maintains compliance with the purpose of residential zoning districts. As proposed, the project complies with applicable development standards of the Zoning Code and is allowed with the approval of a Minor Conditional Use Permit.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject site is developed with a nonconforming dormitory use with 87 dwelling units and a surface parking lot constructed with permits in 1965. The site is designated as Low-Medium Density Residential in the General Plan Land Use Element. Goal 6 (Character and Scale of Pasadena) of the Land Use Element includes policies for the evolution of the built environment that while maintaining Pasadena's unique sense of place, character, and the urban fabric. Policy 6.2 (Established Neighborhoods) focuses on the preservation, protection, and enhancement established residential neighborhoods by providing appropriate transitions between these and adjoining areas. It requires new development to complement and respond to the existing physical characteristics that contribute to the overall character and livability of the neighborhood. Through the conversion of the existing units, the project would preserve the exterior of the existing building, which has existed for over fifty years, thus maintaining the overall character of the neighborhood. Goal 21 (Desirable Neighborhoods) of the Land Use Element includes policies for the conservation and maintenance of Pasadena's residential neighborhoods. Specifically, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods to reflect the unique neighborhood character and qualities, including the building form, scale, massing and, architectural design. The proposed alteration of the dormitory use to convert to multi-family residential units consists of interior modifications, thus maintaining the existing massing and character of the neighborhood. The site will continue to be compatible with the adjacent single and multi-family neighborhood and consistent with the City's General Plan.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The existing units on-site were constructed with permits in 1965. The proposed alteration of the existing building to a multi-family use will not increase the existing density, as there is no increase to the number of units proposed as a part of this project. Further, the operation of residential dwelling units within a residential zoning district would be compatible with existing and future uses. Therefore, the proposed project will not be detrimental to the health, safety, or general welfare of the persons

residing or working in the surrounding neighborhood of the existing nonconforming, residential use.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* Approval of the application will allow the alteration of a nonconforming use within a residential zoning district. However, allowing the alteration of a dormitory use to convert to multi-family residential units will maintain the existing building and will not compromise the underlying character of the multi-family residential neighborhood. Furthermore, the conversion will be required to comply with all zoning, building, and fire codes, which will be reviewed through the building permit plan check process.
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The subject site is designated as Low-Medium Density Residential, in the General Plan Land Use Element. The alteration of the existing dormitory use to multi-family residential units will not increase the number of dwelling units on the subject site. Located within close proximity of other multi-family residences, the converted multi-family housing will remain consistent with the existing and future uses within the residential neighborhood, as the proposed conversion complies with the development standards applicable to the subject site and uses in the vicinity.

Tree Removal Permit: To allow the removal of a protected African Fern Pine tree (#3)

7. *There is a public benefit as defined in Section 8.52.024(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree.* Tree 3 was planted too close to the building and is growing directly against the wall. The current size and location of the tree negatively impact the existing building footings, foundation, and window openings. Notably, the trees affect the adequate clearance of bedroom windows, preventing necessary emergency egress. Due to the height and spread of the tree in conjunction with the location of the windows, it is not viable to safely trim the trees to the extent that would allow window access. Therefore, the proposed removal satisfies the finding.

Tree Removal Permit: To allow the removal of a protected African Fern Pine tree (#7)

8. *There is a public benefit as defined in Section 8.52.024(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree.* Tree 7 was planted too close to the building against the wall and is leaning due to root deterioration. The current size and location of the tree negatively impact the existing building footings, foundation, and window openings. Notably, the trees affect the adequate clearance of bedroom windows, preventing necessary emergency egress. Issues of concern are for adequate clearance of bedroom windows, preventing emergency egress. Due to the height and spread of the tree in conjunction with the location of the windows, it is not viable to safely trim the tree to the extent that would allow window access. Therefore, the proposed removal satisfies the finding.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6954

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 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Minor Conditional Use Permit allows the applicant to alter an existing nonconforming 87-unit dormitory use to a 63-unit multi-family residential use.
4. The approval of the Tree Removal Permit allows the applicant to remove two protected trees (African Fern Pine trees).
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 **ZENT2021-00146**, 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 Katherine Moran, Current Planning Section, at (626) 744-6740 to schedule an inspection appointment time.

Planning Division

8. The number of dwelling units shall not exceed 63.
9. Any above ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Zoning Code Section 17.40.150 (Screening).
10. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
11. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, 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.

12. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).

Building and Safety Division

13. 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.
14. 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.
15. 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>
16. 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>.
17. Low Impact Development: Low Impact Development (LID) **may** be required for this project. Refer to the City of Pasadena link for further information on the requirements and submittal process:
18. Means Of Egress (Exiting): Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings as applicable.
19. Fire And Smoke Protection Features: Show materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
20. Accessibility:
 - a. Provide compliance with accessibility per CBC Chapter 11A and/or 11B accordingly.
 - b. Provide an analysis for the minimum required units and parking spaces. Label the accessible units/parking spaces.

21. 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.