



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: August 17, 2022

TO: Hearing Officer

SUBJECT: Minor Variance #11952

LOCATION: 276 Linda Vista Avenue

APPLICANT: Benison Pang

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

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11952 with conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow a front yard setback of 12'-11", where a minimum of 39'-8" is required.

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 70 square feet of new area and 409 square feet of converted space to an existing 1,264 square-foot single-family residence, and the construction of a new 441 square-foot detached two-car garage and is therefore exempt.

BACKGROUND:

Site Characteristics: The site is a 26,887 square-foot, triangular-shaped lot located on the north side of Linda Vista Avenue at the intersection with West Holly Street between North Arroyo Boulevard and Mira Vista Terrace. The site is currently developed with a 1,264 square-foot, one-story single-family residence and a 409 square-foot detached, two-story, one-car garage and storage structure.

Adjacent Uses: North – Single-Family Residential
South – Open Space
East – Open Space
West – Single-Family Residential

Adjacent Zoning: North – RS-4 (Single-Family Residential, 0-4 units per acre)
South – OS (Open Space)
East – OS (Open Space)
West – RS-2 HD (Single-Family Residential, 0-2 units per acre, Hillside Development Overlay Zone)

Previous Zoning Cases on this Property: V #3731 – To allow the remodel and enlarging of an existing structure to facilitate the conversion of the structure into a single-family dwelling. Approved by the Zoning Committee on December 18, 1952.

PROJECT DESCRIPTION:

The applicant, Benison Pang, has submitted an application for a Minor Variance to facilitate a 479-square-foot addition to the front of an existing single-story single-family residence. The addition entails the conversion of a 409 square-foot detached one-car garage and storage structure and the construction of a 70 square-foot hallway addition to attach the existing detached structure to the single-family residence. The existing detached structure is set back 12'-11" from the front property line, where the minimum front setback requirement is 39'-8". A Minor Variance is required to adjust a required setback. The site is located within the RS-4 (Single-Family Residential, 0-4 units per acre) zone. No protected trees are proposed to be removed or impacted as part of the project.

It should be noted that in order to allow the conversion of the existing one-car garage, the applicant is required to provide the required two-car covered parking for the single-family dwelling, pursuant to Zoning Code Section 17.46.040. The applicant proposed to construct a new 441 square-foot detached two-car garage in a compliant location with access from an existing driveway to the north of the existing residence and the proposed addition. No entitlements are required for the proposed two-car garage and the garage will be reviewed during the Building Plan Check process.

ANALYSIS:

The project is subject to the development standards of the RS-4 zone. With the exception of the requested Minor Variance for the front setback, the proposed addition complies with all other applicable development standards, as shown in Table 1.

Table 1 – RS-4 Residential Development Standards

Development Standard		Requirement	Proposed Project	Compliance
Setbacks (Minimum)	Front	39'-8"	12'-11"	<i>Minor Variance Requested</i>
	Side (south)	10'	> 65'	Complies
	Side (north)	10'	> 150'	Complies
	Rear	25'	> 200'	Complies
Height (Maximum)		32'	15'	Complies
Top Plate Height (first story maximum)		10'	10'	Complies
Site Coverage (Maximum)		35% or 9,410 sq. ft.	8.1% or 2,184 sq. ft.	Complies
Floor Area (Maximum)		25% + 1,000 sq. ft. or 6,721 sq. ft.	2,184 sq. ft.	Complies
Neighborhood Compatibility Analysis - House Floor Area (Maximum)		4,004 sq. ft.	1,743 sq. ft.	Complies

Minor Variance: To allow a 12'-11 front setback, where the Zoning Code requires a minimum of 39'-8".

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.

Pursuant to Zoning Code Section 17.22.050.A.1, where 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet. In this case, the blockface average is 39'-8" feet which is the required front yard setback.

The subject site is a triangular lot located on the north side of Linda Vista Avenue at the intersection with West Holly Street between North Arroyo Boulevard and Mira Vista Terrace. The site is currently developed with a detached 409 square-foot "carriage house" that serves as a one-car garage with storage below which is situated in front of an existing 1,264 square-foot single-family residence. An Oak tree with an 18" diameter is located in the center of the lot adjacent to the house, and the property has a slope along the southern side property line.

The proposed project includes the conversion of the existing one-car garage and storage structure and the construction of a 70-foot addition to attach the existing garage to the existing dwelling. The detached structure has an existing front yard setback of 12'-11" that would not change;

however, by attaching the detached structure to the primary structure, it would become part of the primary structure and be subject to the development standards for the primary structure, including the front setback. As stated earlier, the minimum front setback for the subject site is 39'-8", the front setback for the conversion would be 12'-11", and for the hallway addition would be 28', both of which would not be in compliance with the required setback.

Due to the irregular lot shape, the presence of a large tree in the center of the lot, and a steep slope along the southern side yard, development opportunities to the rear and sides of the residence are constrained. The intent of the proposed addition is to convert and connect an existing detached one-car garage/storage structure to the existing single-story residence. The converted structure would include a new bedroom and bathroom with a new 70-square foot hallway addition to the primary residence. The Minor Variance request would facilitate a reasonable enjoyment of real property because the addition will provide for additional living space within an existing converted structure with a 70-foot addition without requiring additional construction elsewhere on the lot. The application would allow the property owner to enjoy a property right to build an addition while maintaining the existing front setback of the existing detached structure.

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 result in a minimal visual impact from the street because it will maintain the front setback of the existing detached structure thus maintaining the character of the streetscape along Linda Vista Avenue. Additionally, the project would comply with applicable development standards for the zone, the addition connecting the converted detached structure to the residence will be one-story and the project will not result in a change in use. Further, the project will be required to obtain building permits with approval from all relevant City departments and divisions to ensure that the construction meets all requirements.

Neighborhood Compatibility

Projects that include additions over 500 square feet or additions visible from the public right-of-way are to consider the character and scale of existing development in the neighborhood. The neighborhood is generally comprised of lots located within a 500-foot radius of the site. The Zoning Code specifies that the allowable floor area of a proposed dwelling (excluding garages, accessory structures, basements, etc.) may not exceed the median floor area of existing dwellings within the 500-foot radius by more than 35 percent. Floor area for this calculation relies on data from the Los Angeles County Assessor.

Within a 500-foot radius, there are 37 parcels within the City of Pasadena jurisdiction, with 19 of these parcels developed with single-family dwellings. The median floor area of these 19 dwellings is 2,966 square feet. Thirty-five percent above the median is 2,479 square feet. The proposal includes a 4,004 square-foot dwelling (excluding the garage) and complies with Neighborhood Compatibility. Data obtained for the median calculation is included in Attachment C.

Tree Protection Ordinance

A tree inventory was provided demonstrating two onsite trees, which are proposed to remain. 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 Low 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 single-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 conversion of existing accessory structure and the construction of an addition to a single-family residence within the required front yard setback. The proposed addition would not alter the existing character of the neighborhood as it involves the conversion of existing space and new 70 square-foot addition to connect the area to the front of an existing one-story, single-family residence. Additionally, there would be no further encroachment into the front yard setback, as the proposed addition to connect the existing detached structure to the existing dwelling would occur behind the existing garage/storage structure, therefore, maintaining the character of the streetscape and same visual appearance as the existing homes along Linda Vista Avenue.

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, 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 70 square feet of new area and 409 square feet of converted space to an existing 1,264 square-foot single-family residence, and the construction of a new 441 square-foot detached two-car garage and is therefore exempt.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The 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 Building and Safety Division and Department of Public Works 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, with the exception of the front setback. 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 C: Neighborhood Compatibility Analysis

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11952

Minor Variance: To allow a front yard setback of 12'-11", where a minimum of 39'-8" 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 subject site is an irregularly-shaped, triangular lot located on the north side of Linda Vista Avenue at the intersection with West Holly Street between North Arroyo Boulevard and Mira Vista Terrace. The irregular lot shape, the presence of a large tree in the center of the lot, and a steep slope along the eastern side yard are exceptional conditions applicable to this site that does not apply generally to sites in the same zoning district. Due to these conditions, development opportunities to the rear and sides of the residence are constrained. The proposed project will convert an existing structure and will add a 70 square-foot addition to connect the front of the existing structure, both of which do not result in further encroachment into existing front setback.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The proposed project includes the conversion of an existing detached one-car garage and storage structure that presently encroaches into the front yard setback and the addition of a new 70 square-foot hallway to connect to the existing single-story residence. The converted structure will accommodate a new bedroom and bathroom. The Minor Variance request would facilitate a reasonable enjoyment of real property because the addition will provide for additional living space without requiring additional construction elsewhere on the lot.
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 result in a minimal visual impact from the street because it will maintain the front setback of the existing detached structure thus maintaining the character of the streetscape along Linda Vista Avenue. Additionally, the project will comply with applicable development standards for the zone, the addition connecting the converted detached structure to the residence will be one-story, and the project will not result in a change in use. Further, the project will be required to obtain building permits ensuring that the construction will be safe. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would be a single-story addition to the front of the property.
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 Low Density Residential in the General Plan Land Use Element. The use of the site will 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 proposed addition will not alter the existing character of the neighborhood as it involves the conversion of an existing accessory structure and new 70 square-foot addition to connect the space to the front of an existing one-story, single-family

residence. Additionally, there will be no further encroachment into the front yard setback, as the proposed addition to connect the existing detached structure to the existing dwelling would occur behind the existing garage/storage structure, therefore, maintaining the character of the streetscape and same visual appearance as the existing homes along Linda Vista Avenue.

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
RECOMMENDED CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11952

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, August 17, 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 Zoning Code Section 17.64.040.C.
3. This approval allows a front yard setback of 12'-11", where a minimum of 39'-8" is required.
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 **ZENT2022-00102** 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 Alison Walker, Current Planning Section, at (626) 744-6742 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.
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.
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. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way. Construction vehicles should only maneuver/turn-around within the project site private property. Parking of all construction vehicles and construction worker vehicles shall be within the project site's private property.

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.

18. 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

**ATTACHMENT C
NEIGHBORHOOD COMPATIBILITY – PROPERTIES IN CITY OF PASADENA
WITHIN 500 FEET**

#	PARCEL	SITE ADDRESS	ZONE	OVERLAY	LOT SIZE (SF)	BUILDING SIZE (SF)
1	5708-027-001	985 HOLLY VISTA DR	RS2	HD	62548	2966
2	5708-028-012	333 MIRA VISTA TER	RS2	HD	29874	3358
3	5708-028-013	301 LINDA VISTA AVE	RS2	HD	20425	3546
4	5708-028-014	307 LINDA VISTA AVE	RS2	HD	20283	2925
5	5708-028-015	315 MIRA VISTA TER	RS2	HD	21249	4188
6	5708-029-002	215 LA VEREDA RD	RS2	HD	26677	2156
7	5708-029-004	195 LA VEREDA RD	RS4	HD	18684	4980
8	5708-029-011	205 LINDA VISTA AVE	RS4	HD	9556	2748
9	5708-029-012	190 LA VEREDA RD	RS4	HD	18592	2206
10	5708-029-013	200 LA VEREDA RD	RS4	HD	12950	4481
11	5708-029-014	235 LA VEREDA RD	RS4	HD	11431	2360
12	5708-029-016	265 LINDA VISTA AVE	RS2	HD	24475	3378
13	5708-029-017	281 LINDA VISTA AVE	RS2	HD	29171	3521
14	5708-029-018	201 LA VEREDA RD	RS4	HD	19893	3496
15	5708-031-001	276 LINDA VISTA AVE	RS4		26841	1264
16	5708-031-002	280 LINDA VISTA AVE	RS4		35009	4602
17	5708-031-003	310 LINDA VISTA AVE	RS4		23043	2688
18	5708-031-004	312 LINDA VISTA AVE	RS4		13091	2823
19	5708-031-005	320 LINDA VISTA AVE	RS4		15606	2824
					Median	2,966 SF
					+35%	4,004 SF