



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** September 21, 2022

**TO:** Hearing Officer

**SUBJECT:** Minor Conditional Use Permit #7031

**LOCATION:** 2434 Oswego Street

**APPLICANT:** Paul Hopkins

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

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

**CASE PLANNER:** Alison Walker

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and **approve** Minor Conditional Use Permit #7031 with the findings in Attachment A and the conditions in Attachment B.

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**PROJECT PROPOSAL:** Minor Conditional Use Permit: To allow rooftop trellis structures to exceed the allowable building height by two feet, for a proposed multi-family building in the RM-32 (Multi-Family Residential, City of Gardens) zoning district.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section 15303(e)). This exemption applies to construction of new, small structures, including up to six units in an urbanized area. The project includes rooftop trellis structures on a new five-unit multi-family residential project, and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

**BACKGROUND:**

**Site characteristics:** The project site is a rectangular interior lot with a lot width of 50 feet and measures approximately 10,114 square feet. The property is currently developed with a two one-story, detached dwelling units.

**Adjacent Uses:** North – Multi-Family Residential

South – Multi -Family Residential  
East – Multi-Family Residential  
West – Multi-Family Residential

**Adjacent Zoning:** North – RM-32 (Multi-Family Residential, City of Gardens)  
South – RM-32 (Multi-Family Residential, City of Gardens)  
East – RM-32 (Multi-Family Residential, City of Gardens)  
West – RM-32 (Multi-Family Residential, City of Gardens)

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

## **PROJECT DESCRIPTION:**

The applicant and owner, Paul Hopkins, has submitted a request for a Minor Conditional Use Permit (MCUP) to allow rooftop trellis structures to exceed the allowable building height by two feet for a new five-unit multi-family building. The Zoning Code allows enclosed or trellised roof decks to exceed the height limit up to 10 feet for a maximum of 25 percent of the roof area upon approval of a MCUP. The subject property is a 10,114 square-foot parcel, located within the RM-32 (Multi-Family Residential, City of Gardens) zoning district.

## **ANALYSIS:**

### Minor Conditional Use Permit: To allow rooftop trellis to exceed the height requirement

Pursuant to Section 17.22.070.F.1.f of the Zoning Code, on lots less than 60 feet in width in the RM-32 district, the maximum height of structures is 32 feet to the highest ridgeline. Zoning Code Section 17.40.060.D.2.b states that appurtenances covering not more than 25 percent of the roof area may exceed the height limit established by the applicable zoning district by a maximum of 10 feet. For projects subject to the City of Gardens provisions, enclosed or trellised roof decks may exceed the height limit upon approval of a MCUP.

Minor Conditional Use Permits are intended to allow for activities and uses which may be desirable in the applicable zoning district and compatible with adjoining land uses, but whose effect on a site and its surroundings cannot be determined before being proposed for a particular location. The procedures of this Section provide for the review of the configuration, design, location, and potential impacts of the proposed use in order to evaluate the compatibility of the proposed use with surrounding uses, and the suitability of the use to the site.

The applicant proposes to demolish the two existing dwelling units on the property and construct a new two-building, five-unit, multi-family project with rooftop trellises. As part of the project, two trellis structures totaling 1,144 square feet are proposed on the roof area, which totals 5,042 square feet for the two buildings combined. The trellis structures cover 23 percent, which is in compliance with the maximum 25 percent of roof coverage allowed with a MCUP. In addition, appurtenances, such as the trellises, may exceed the maximum required height limit by 10 feet. As described above, the maximum height permitted for this property is 32 feet to the highest ridgeline. The project proposes trellises with a maximum height of 34 feet, which exceed the allowed height by two feet. Both the roof area coverage and the height proposed are consistent with what may be allowed with the approval of a MCUP.

With the exception of the height requirement, the proposed project meets all applicable development standards for the RM-32 zoning district provided in the Zoning Code, including but not limited to garden size, setbacks, and light and air separation. The height of the proposed structures, measured from existing grade to the top of the building parapets would be a maximum height of 28'-8", which complies with the maximum 32-foot height requirement. The trellises would be nine feet in height as measured from the roof, with an overall height of 34 feet. In addition to Zoning Code compliance, the five-unit residential project would be consistent with the goals and objectives of the Medium Density Residential land use designation of the General Plan.

The purpose of the structures is to provide private rooftop outdoor space for the future residents and a location for future installation of solar panels. To minimize visual impact from neighboring properties and the public right-of-way, the proposed rooftop trellis structures would be located in the center of buildings, and setback 70'-6" from the front property line, 18'-4" from both side property lines, and 6'-0" from the rear property line. Additionally, the trellis structures would be designed to be consistent with the proposed buildings' modern architecture. The geometric buildings would feature flat roofs with tall parapets surrounding the new rooftop private open space. Due to the location of the trellises on the building and the compatibility with the proposed modern architecture, there would be no impact from the trellises on those persons residing in the neighborhood.

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

The project was reviewed by the Fire Department, Department of Public Works, Building and Safety Section, and Design and Historic Preservation (DHP) Section. Comments were received from Building and Safety Division and have been included as conditions of approval in Attachment B. The remaining departments had no comments and would review the plans through the building permit plan check process.

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

The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Medium Density Residential in the General Plan Land Use Element, which is characterized by medium-high density multi-family complexes in neighborhoods with densities of up to 32 dwelling units per acre and one to three story buildings. The use of the property is proposed to be a five unit multi-family building, which would be consistent with the Medium Density Residential land use, and therefore, the character of the multi-family neighborhood would be maintained.

Furthermore, one of the Guiding Principles of the Land Use Element of the General Plan is that Pasadena will provide neighborhoods with a variety of housing types. Goal 21 of the General Plan (Desirable Neighborhoods) seeks that the neighborhoods in the city are composed of variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained. Specifically, Policies 21.4 and 21.5 (New Residential Development and Housing Character and Design) encourages that the City attract new residential development that is well-conceived and constructed, and encourages that when replacement housing is proposed, that it reflects the unique neighborhood character and qualities including building massing and relationship to street frontages.

The rooftop trellis structures would serve as recreational features for the residents of the multi-family development, which would result in a desirable place to live and contribute to the quality of life. The proposed location of the trellises on the center of the buildings and setback a minimum of

70 feet from the front property line demonstrate that the project is designed with attention to the appearance from the street. Though the trellises exceed the height requirements, the relationship to the street frontage and the building massing from the street remains consistent with the requirements unique to the City of Gardens neighborhoods.

**ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section 15303(e)). This exemption applies to construction of new, small structures, including up to six units in an urbanized area. The project includes rooftop trellis structures on a new five-unit multi-family residential project, and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

**CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the MCUP can be made. The proposed project meets all applicable development standards required by the Zoning Code. Given the location of the trellises, the setback from the property lines, and the compatible design of the trellises the building, the project would not negatively impact the surrounding neighborhood. Furthermore, the project is consistent with the goals and policies of the General Plan. 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 of approval in Attachment B.

Attachments:

- Attachment A: Minor Conditional Use Permit Findings
- Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #7031**

Minor Conditional Use Permit: To allow rooftop trellis to exceed height requirement

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 subject site is situated within the RM-32 (Multi-family Residential, City of Gardens) zoning district. Pursuant to Section 17.22.070.F.1.f of the Zoning Code, on lots less than 60 feet in width in the RM-32 district, the maximum height of structures is 32 feet to the highest ridgeline. Zoning Code Section 17.40.060.D.2.b states that appurtenances covering not more than 25 percent of the roof area may exceed the height limit established by the applicable zoning district by a maximum of 10 feet. For projects subject to the City of Gardens provisions, enclosed or trellised roof decks may exceed the height limit upon approval of a Minor Conditional Use Permit. Therefore, the construction of rooftop trellis structures on the new multi-family building and exceed the overall height of 32 feet by two feet is allowed subject to the approval of a Minor Conditional Use Permit.
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 proposed use is a new two-story, five-unit, multi-family project with trellises at the private rooftop open space. With the exception of the height requirement, the proposed project will meet all applicable development standards for the RM-32 zoning district provided in the Zoning Code, including, but not limited to, garden size, setbacks, and light and air separation. The height of the proposed multi-family structures, as measured from existing grade to the top of the buildings will be a maximum height of 28'-8", which complies with the maximum 32-foot height requirement. The trellises will be nine feet in height as measured from the roof. In addition, the project is subject to Design Review. As proposed, the project has been designed to maintain the multi-family residential character of the neighborhood and zoning district.
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 project will be consistent with the goals and objectives of the General Plan. The subject site is designated as Medium Density Residential in the General Plan Land Use Element, which is characterized by medium-high density, multi-family complexes in neighborhoods with densities of up to 32 dwelling units per acre and one to three story buildings. The use will be a five-unit multi-family building, which would be consistent with the Medium Density Residential land use, and therefore, the character of the multi-family neighborhood will be maintained.

Furthermore, one of the Guiding Principles of the Land Use Element of the General Plan is that Pasadena will provide neighborhoods with a variety of housing types. Goal 21 of the General Plan (Desirable Neighborhoods) seeks that the neighborhoods in the city are composed of variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained. Specifically, Policies 21.4 and 21.5 (New Residential Development and Housing Character and Design) encourages that the City attract new residential development that is well-conceived and constructed, and encourages that when replacement housing is proposed, that it reflects the unique neighborhood character and qualities including building massing and relationship to street frontages.

The rooftop trellis structures will serve as recreational features for the residents of the multi-family development, which will result in a desirable place to live and contribute to the quality of life. The proposed location of the trellises on the center of the buildings and setback a minimum

of 70 feet from the front property line demonstrate that the project is designed with attention to the appearance from the street. Though the trellises exceed the height requirements, the relationship to the street frontage and the building massing from the street remains consistent with the requirements unique to the City of Gardens neighborhoods.

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 proposed five-unit multi-family project will meet all applicable development standards of the Zoning Code, including, but not limited to, air and light separation, setbacks, garden area, as well as the height of the rooftop trellises, with the approval of this Minor Conditional Use Permit. The use of the site will remain multi-family residential; therefore, the project will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. All new construction proposed will adhere to applicable requirements as they relate to the Zoning Code and Building and Safety codes.
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.* The proposed land use, multi-family residential, is a permitted use in the RM-32 Zoning District and is consistent with neighboring properties. In addition, the proposed five-unit multi-family project would meet all other Zoning Code requirements. Furthermore, the proposed project 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, because the project was reviewed by the Building and Safety Division, who posed no concerns regarding the proposed 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.
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.* Consistent with the proposed five-unit residential project, the purpose of the trellis structures is to provide private rooftop outdoor space for the residents and a location for future installation of solar panels. To minimize visual impact from neighboring properties and the public right-of-way, the proposed rooftop trellis structures will be located in the center of buildings, and setback 70'-6" from the front property line, 18'-4" from both side property lines, and 6'-0" from the rear property line. Additionally, the trellis structures will be designed to be consistent with the proposed buildings' modern architecture. The geometric buildings will feature flat roofs with tall parapets surrounding the new rooftop private open space. Therefore, the project as proposed is compatible with the medium density residential character of the neighborhood and will maintain the aesthetic values of the surrounding multi-family projects in the neighborhood.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #7031**

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, September 21, 2022", except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval allows for rooftop trellis structures on the new two-story, five-unit multi-family project to cover 23 percent of the total roof area with a maximum height of 34 feet as depicted in the plans submitted with this application, stamped "Approved at Hearing, September 21, 2022."
4. Any change to these conditions of approval or expansion of the use shall require the modification of this Minor Conditional Use Permit or a new Minor Conditional Use Permit.
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 **ZENT2022-00099**, 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 Alison Walker, Current Planning Section, at (626) 744-6742 to schedule an appointment for the Final Zoning Inspection.

Planning Division

8. The applicant shall comply with all applicable development standards of the RM-32 Residential Zoning District, with the exception of the height requirements for the rooftop trellis structures, as granted herein.

Building and Safety Division

9. 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. All construction documents shall be prepared by a **registered design professional**; stamp and sign all plans.

10. 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.
11. 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>
12. 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.
13. 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.
14. Accessibility: Provide compliance with accessibility per CBC 11A and 11B as applicable.
15. 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. **If an exception is used**, then referenced the exception (include code section and exception no.) and show how the design meets the exception's criteria/condition.