



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 2, 2022

TO: Hearing Officer

SUBJECT: Variance #11945

LOCATION: 384 North Euclid Avenue

APPLICANT: Susan Juarez

ZONING DESIGNATION: RM-32 (Residential Multi-Family, City of Gardens, 0-32 dwelling units per acre)

GENERAL PLAN DESIGNATION: Medium High Density Residential

PREPARED BY: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Variance #11945 with the conditions in Attachment B.

PROJECT PROPOSAL: To construct a new, 1,530 square-foot, two-story single-family residence with an attached two-car garage, and an attached 534 square-foot Accessory Dwelling Unit (ADU). To facilitate the project the following are requested:

- 1) Variance: To allow the dwelling to intercept the required 30-degree side encroachment plane;
- 2) Variance: To permit a five-foot corner side setback for a garage on a corner lot, where the Zoning Code requires a minimum of 18 feet;
- 3) Minor Variance: To permit a five-foot rear setback, where the Zoning Code requires a minimum of 25 feet; and,
- 4) Minor Variance: To permit a five-foot corner side setback, where the Zoning Code requires a minimum of 10 feet.

ENVIRONMENTAL This project has been determined to be exempt from

DETERMINATION: environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts from environmental review the construction of a single-family residence, or a second dwelling unit, in a residential zone. The project involves the construction of one new single-family residence within the RM-32 zoning district, which is within the maximum allowable number of structures on a legal parcel within a residential zone.

BACKGROUND:

Site characteristics: The subject parcel is a vacant, irregularly pie-shaped, 4,010 square-foot lot and is located on the southeast corner of North Euclid Avenue and East Maple Street. Maple Street serves as a westbound, one-way frontage road for the 210-freeway and access to the site is proposed by a new driveway off of Maple Street. The subject parcel is characterized by a lot width that ranges between 11 feet at the front along Euclid Avenue and 32 feet at the rear and a slight upward sloping topography from both Euclid Avenue and Maple Street and creates an approximate 2.5-foot grade difference between the low point of the site in the southeast corner to the high point of the site along the northern property line. The subject parcel is abutting one- and two-story multi-family residential structures to the north and east of the site, while Maple Street provide a buffer for the residential use from the 210 freeway to the south. There are no protected trees on-site.

Adjacent Uses: North – Multi-Family Residential
South – 210 Freeway
East – Multi-Family Residential
West – Multi-Family Residential

Adjacent Zoning: North – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)
South – PS (Public/Semi-Public)
East – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)
West – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)

Previous zoning cases on this property: None

PROJECT DESCRIPTION:

The applicant, Susan Juarez, is proposing to construct a new 1,171 square-foot, two-story single-family residence with a 359 square-foot, two-car garage, totaling 1,530 square feet. The new two-story single-family residence includes a 504 square-foot first floor consisting of kitchen, living room and stairwell leading to the second floor and an attached 359 square-foot garage. The proposed second floor is approximately 667 square feet in size and consists of two bedrooms and two bathrooms. In addition, a 534 square-foot, one-story Accessory Dwelling Unit (ADU) is proposed attached to the primary dwelling. An ADU is considered ministerial and is not subject to discretionary review.

To facilitate the project, four applications to deviate from the Zoning Code are requested: 1) a Variance to allow the dwelling to intercept the required 30-degree side encroachment plane; 2) a Variance to permit a five-foot corner side setback for a garage facing a corner side property line, where the Zoning Code requires a minimum of 18 feet; 3) a Minor Variance to permit a five-foot rear setback, where the Zoning Code requires a minimum of 25 feet; and, 4) a Minor Variance to permit a five-foot corner side setback, where the Zoning Code requires a minimum of 10 feet. The project does not include the removal of any protected trees.

ANALYSIS:

Variance and Minor Variance applications allow the City to review whether deviations from the Zoning Code can be granted for a project. The Hearing Officer may approve a Variance and Minor Variance application only after making five findings pursuant to Zoning Code Section 17.61.080.G (Findings and Decision), and may only be granted when because of special circumstances applicable to the subject property, including dimension, location, shape, size, or surroundings; geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity, the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary, and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. A Variance or Minor Variance shall not be granted if the granting of the application would be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare. In addition, the cost to the applicant to comply with the City's development standards cannot be considered a factor at any time throughout the review of this application.

In general, the subject parcel is characterized by a unique and substandard lot width that ranges between 11 feet at the front and 32 feet at the rear, when the standard lot width is 60 feet wide in the RM-32 zoning district, as well as a substandard lot size of 4,010 square feet, where the minimum required lot size is 10,000 square feet. The subject parcel is a remnant pie-shaped parcel of the 210-freeway expansion project and due to the substandard lot width and lot size, the subject site has a unique lot configuration and limited buildable area that is only present on the subject site.

The subject site has frontage along Euclid Avenue, which is an approximately 575-foot long street that runs north and south, with 8 – 10 parcels along each of the west and east street frontages in the RM-32 zoning district. The majority of the parcels along the Euclid Avenue blockface are rectangularly shape, have a substandard lot width of approximately 55 feet and a standard lot size of over 10,000 square feet and are developed with one- and two-story multi-family residential structures with scale and massing consistent with a multi-family residential neighborhood.

The site is located in the RM-32 (Multi-Family Residential, City of Gardens, 32 dwelling units per acre) zoning district and single-family development is permitted subject to RS-6 (Single-Family Residential, six dwelling units per acre) development standards. Based on the plans submitted, the proposal complies with all of the applicable development standards of the RS-6 zoning district, including maximum allowable floor area, height, front and interior side setbacks, and number of parking spaces, with the exception of the requested Variances and Minor Variances analyzed in this report. Compliance with applicable RS-6 development standards are summarized in the table below:

Table 1: RS-6 Single-Family Residential Development Standard Summary

Development Standard	Code Requirement	Proposed Project	Compliance
Gross Floor Area	1,703 sq. ft.	1,530 sq. ft.	Yes
Front-Yard Setback	25'-0"	136'-8"	Yes
Rear-Yard Setback	25'-0"	5'-0"	No (Minor Variance Requested)
Interior Side-Yard Setback	5'-0"	5'-0"	Yes
Corner Side Yard Setback	10'-0"	5'-0"	No (Minor Variance Requested)
Garage Corner Side Setback	18'-0"	5'-0"	No (Variance Requested)
Overall Building Height	28'-0"	23'-6"	Yes
Second Floor Top Plate Height	20'-0"	20'-0"	Yes
Encroachment Plane	30 degrees	20 degrees	No (Variance Requested)
Covered Parking	2 spaces	2 spaces	Yes

ADUs that are 800 square feet or smaller are exempted by the State in complying with local jurisdictional requirements for floor area, setbacks and height, so long as the ADU complies with some basic parameters such as four-foot side and rear setbacks and a maximum overall height of 16 feet. The proposed 534 square-foot ADU complies with the State’s minimum development standards, as summarized in Table 2 below, and as a result is not included in the site’s development capacities for floor area nor is it required to provide covered parking. The proposed ADU is ministerial and is not a part of this discretionary review.

Table 2: “Exempt” Accessory Dwelling Unit

Development Standard	Code Requirement	Proposed Project	Compliance
Gross Floor Area	No more than 800 sq. ft.	534 sq. ft.	Yes
Front-Yard Setback	25'-0"	92'-1"	Yes
Rear-Yard Setback	4'-0"	56'-10"	Yes
Interior Side-Yard Setback	4'-0"	5'-0"	Yes

Corner Side Yard Setback	4'-0"	4'-0"	Yes
Overall Building Height	16'-0"	14'-6"	Yes
Parking (Covered or Uncovered)	None required	None	Yes

Variance: To allow the single-family dwelling to intercept the required 30-degree side encroachment plane.

Pursuant to Zoning Code Section 17.22.040, Table 2-3 and Section 17.40.160.D, a property located within the RS-6 zoning district, with a lot width of less than 75 feet, is required to provide a minimum five-foot horizontal setback, a 30-degree angled encroachment plane commencing six feet above the existing grade along the interior side property line, a maximum top plate height of 20 feet and an overall height of 28 feet. These horizontal and angled setbacks, in conjunction with the maximum allowed height limits, are set to moderate the mass and scale of proposed two-story structures abutting other single-family residential properties, and to maintain the desired neighborhood character. The proposed project would provide a compliant five-foot horizontal setback, a compliant 20-foot top plate height and a compliant 23'-6" overall height; however, the structure would intercept the required 30-degree angled encroachment plane. A Variance is requested by the applicant to allow for the deviation from this Zoning Code requirement.

Zoning Code Section 17.40.040 prohibits using lot size as the sole basis for granting a Variance. In this case, staff has determined that the shape, size and topography of the lot is unique and is not consistent with the surrounding residential properties in this neighborhood. As stated above, the site's pie-shaped configuration and substandard lot width is incongruent with the other RM-32 zoned properties on Euclid Avenue. As a result, there are exceptional or extraordinary conditions applicable to the subject property that warrants the approval of a Variance to deviate from the required encroachment plane.

As the property has a 2.5-foot grade difference going north towards the interior side property line from the southern property line, complying with both the required 20-foot top plate requirement and the 30-degree encroachment plane is challenging, especially when factoring in the substandard lot width and size. The top plate height is measured from the lowest existing grade elevation at the southwest area of the single-family residence, and the required 30-degree encroachment plane is measured from the existing grade elevation at an interior property line. Because of the existing grade difference between the interior property line and the lowest existing grade at an exterior wall, a compliant 30-degree encroachment plane would not permit a 20-foot top plate and thus would limit the viability of a second floor, which is a substantial property right enjoyed by others in the vicinity.

In addition, the intent of the encroachment plane is to moderate blocky, vertical massing abutting adjacent structures, to contribute to the diverse architectural character of the blockface, as well as to provide for adequate light and air between two adjacent, two-story single-family residences. As currently developed, the property abutting to the north is developed with one-story multi-family structures in the rear half of the property in line with the proposed two-story single-family residence. The proposed two-story residence includes stepped roof heights along the interior of the property as the topography increases to the northeast and the majority of the proposed residence encroaches slightly into the required encroachment plane, with only the second story above the garage encroaching more significantly into the encroachment plane. Reducing the height of the proposed structure at the interior property line to comply with the

encroachment plane standard would result in a more undifferentiated massing, while the proposed broken up roofline meets the intent of the encroachment plane. As a result, the proposed encroachment into the required encroachment plane would 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.

Staff has determined that construction of a two-story single-family residence at this narrow and substandard sized site, is a substantial property right of the property owner enjoyed by others in the vicinity, since a single-story residence would render a substandard sized residence. Thus, approval of a Variance to intercept the encroachment plane angle is warranted. By granting the encroachment plane Variance application, use of the property would be consistent with the existing residential uses in this neighborhood and would not constitute a special privilege that is not enjoyed by other residential properties in the vicinity. Monetary cost is also not the primary factor for requested application to develop a single-family residential structure on a substandard corner lot. Therefore, staff recommends the approval of the Variance to deviate from the required encroachment plane requirement.

Variance: To permit a five-foot corner side setback for a garage fronting on a corner side property line, where the Zoning Code requires a minimum of 18 feet.

Zoning Code Section 17.22.050.B.1 requires that when garages on a corner lot face the street, the garage door shall be setback a minimum of 18 feet from a corner side property line. The intent of this development standard is to allow for sufficient back-up space for a vehicle to queue while entering/exiting a garage on a corner lot and to provide for adequate visibility when exiting onto a roadway. The project proposes a 5'-0" to 7'-2" setback between the garage door and the corner side property. A Variance is requested by the applicant to allow for the deviation from this Zoning Code requirement.

The sites unique shape and lot width is such that the maximum 32-foot wide property cannot accommodate the required minimum 19-foot depth dimensions of a garage, the required 18-foot setback from the corner side property line for the garage and the required five-foot interior side setback, as that would total at least 42 feet. Due to the unique lot configuration, limited buildable area of the site and small lot size, there are circumstances associated with the subject site that are unique and unusual when compared to residentially zoned lots in the immediate vicinity. In addition, the granting of the Variance would not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public health, safety or general welfare as the garage abuts a one-way directional street (Maple Street) instead of the typical two-way directional street.

Staff finds that by not allowing the project to deviate from the garage corner side yard setback, would result in the project being unfeasible and an unreasonable property loss or unnecessary hardship imposed on the property owner. The proposed project complies with the front setback, interior side yard setback, maximum allowable floor area, maximum height limits and the required number of covered parking spaces and is consistent with the residential development in the immediate vicinity. Cost is not the reason for granting the Variance request. Based on this discussion, unique and extraordinary circumstances apply to the property that support the Variance request, and the required findings to grant the Variance can be made.

Minor Variance: To permit a five-foot rear setback, where the Zoning Code requires a minimum of 25 feet.

Zoning Code Section 17.22.040, Table 2-3, requires that a single-family residence provide a 25-foot rear setback. The project as proposed would result in a five-foot rear setback from the east property line. A Minor Variance is requested by the applicant to allow for the deviation from this Zoning Code requirement.

Due to the project site's limited buildable area and narrow width at the front of the site, the proposed footprint for the single-family residence is shifted eastward towards the widest part of the site at the rear of the property. Because of the pie-shape of the lot and the substandard lot width, requiring a 25-foot rear setback would significantly reduce the buildable area of the property by removing the widest portion of the site from the developable area and would result in an unnecessary hardship on the property owner.

Furthermore, the abutting multi-family developments, which are subject to the RM-32 zoning district development standards, are typically not required to provide a rear setback, and thus the reduced rear setback is not unique to the surrounding area. The proposed five-foot rear setback is compatible with the existing development of the surrounding multi-family development as the majority of properties in the immediate vicinity provide a zero- to five-foot rear setback and the proposed five-foot setback is in keeping with the existing neighborhood character.

Staff finds that by not allowing the project to deviate from the rear setback requirement, it would result in a project that is unfeasible and result in the unreasonable property loss or unnecessary hardship imposed on the property owner. The proposed project complies with the front setback, interior side setback, maximum allowable floor area, the maximum height limits and the required number of parking spaces and there are unique and extraordinary circumstances that apply to the property that support the Minor Variance request, and the required findings to grant the Minor Variance can be made.

Minor Variance: To permit a five-foot corner side yard setback, where the Zoning Code requires a minimum of 10 feet.

The Zoning Code requires that a single-family residence on a corner lot provide comply with the corner side yard setback requirement of 10 percent lot width, with a minimum of 10 feet and a maximum of 25 feet. Based upon the lot width of 12 feet, the proposed project is required to provide a minimum 10-foot corner side setback from Maple Street. The project as proposed would result in a corner side setback measurement of five feet at the narrowest point and 7'-2" at the widest point. A Minor Variance is requested by the applicant to allow for the deviation from this Zoning Code requirement.

As discussed above in the other Variance and Minor Variance requests, due to the unique lot configuration, reduced lot width, limited buildable area of the site and small lot size, there are circumstances associated with subject site that are unique and unusual when compared to residentially zoned lots in the immediate vicinity that warrants the approval of a Minor Variance to deviate from the required corner side yard setback. Granting the Minor Variance from the corner side yard setback requirement would be consistent with the existing residential uses in this neighborhood and would not constitute a special privilege that is not enjoyed by other residential properties in the vicinity. As there are no residential structures opposite the property on Maple Street, no residential uses would be negatively impacted by the five-foot corner side setback. Furthermore, the abutting property to the east, maintains a corner side setback of approximately 19 feet and would not be impacted by reduced corner side setback.

Staff finds that not allowing the project to deviate from the corner side yard setback, would result in the project being unfeasible and resulting in the unreasonable property loss or unnecessary hardship imposed on the property owner. The proposed project complies with the front setback, interior side yard setback, maximum allowable floor area, maximum height limits and the minimum required number of parking spaces and is consistent with the surrounding residential development. Cost is not the reason for granting the Minor Variance request. As such, staff has determined that the construction of a single-family residence on this small, narrow lot can only be achieved by providing a 5'-0" and 7'-2" corner side yard setback and thus warranting the approval of a Minor Variance for corner side yard setback.

GENERAL PLAN CONSISTENCY:

The proposed project is consistent with General Plan Land Use Element (GPLU) Policies 21.5 (Housing Character and Design), 22.1 (Appropriate Scale and Massing) and 23.1 (Character and Design). These GPLU Policies encourage the development of residential projects, including single-family homes, that reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship with street frontages; architectural design and landscaped setback as well as avoiding the sense of "blocky" and undifferentiated building mass, incorporating well-defined entries and use of varied building materials. The use of the site would be a new single-family residence with landscaped front yard setback, varied massing and scale and would be in keeping with the character of the existing residential neighborhood. Therefore, staff finds that the project would be consistent with General Plan Land Use Policies.

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, §15303, Class 3, New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of a single-family residence, or a second dwelling unit, in a residential zone from environmental review. The project involves the construction of one new single-family residence within the RM-32 zoning district, which is within the maximum allowable number of structures on a legal parcel within a residential zone.

COMMENTS FROM OTHER CITY DEPARTMENTS:

The Department of Transportation, Fire Department, Water and Power Department (Water and Power Division), the Design and Historic Preservation Section, Building and Safety Division and Public Works Department have reviewed the project. The Fire Department, Power Division of the Water and Power Department, Design and Historic Preservation Division and Building and Safety Division have reviewed the project and had no comments. The Public Works Department, Department of Transportation and the Water Division of the Water and Power Department have provided conditions, which are included in Attachment B.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the Minor Variances to allow the proposed project to encroach into the required rear and corner side setbacks, and for approving the Variances to deviate from the required side encroachment plane and from the required setback for a garage fronting on a corner side property line can be made. Therefore, staff and recommends approval of the application with the Conditions of Approval in Attachment B.

ATTACHMENTS:

Attachment A: Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11945

Variance: To allow the single-family dwelling to intercept the required 30-degree side encroachment plane.

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 pie-shape configuration, lot width, lot size and topography of the lot is unique and is not consistent with the surrounding larger, wider and rectangular shaped residential properties in this neighborhood and are exceptional or extraordinary circumstances unique to the development of the site. In addition, because of the existing grade difference between the interior property line and the lowest existing grade at an exterior wall, a compliant 30-degree encroachment plane would not permit a 20-foot top plate and thus would limit the viability of a second floor, which is a substantial property right enjoyed by others in the vicinity. As such, staff has determined that there are extraordinary circumstances applicable to this narrow, substandard sized lot, and the construction of a two-story single-family residence can only be achieved by encroaching within the required encroachment plane.
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.* Staff has determined that construction of a two-story single-family residence, which is a substantial property right of the property owner enjoyed by others in the vicinity, on this narrow, substandard sized lot can only be achieved by encroaching within the required encroachment plane. By granting the encroachment plane Variance application, use of the property would be consistent with the existing residential uses in this neighborhood and would not constitute a special privilege that is not enjoyed by other residential properties in the vicinity.
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 intent of the encroachment plane is to moderate blocky, vertical massing over abutting structures, to contribute to the diverse architectural character of the blockface as well as to provide for adequate light and air between two adjacent, two-story single-family residences. The proposed two-story residence includes stepped roof heights along the interior of the property as the topography increases to the northeast and the majority of the proposed residence encroaches slightly into the required encroachment plane, with only the second story above the garage encroaching more significantly into the encroachment plane. Reducing the height of the proposed structure at the interior property line to comply with the encroachment plane standard would result in a more undifferentiated massing, while the proposed broken up roofline meets the intent of the encroachment plane. As a result, the proposed encroachment into the required encroachment plane would 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.
4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The proposed project is consistent with General Plan Land Use Element (GPLU) Policies 21.5 (Housing Character and Design), 22.1 (Appropriate Scale and Massing) and 23.1 (Character and

Design). These GPLU Policies encourage the development of residential projects, including single-family homes, that reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship with street frontages; architectural design and landscaped setback as well as avoiding the sense of “blocky” and undifferentiated building mass, incorporating well-defined entries and use of varied building materials. The use of the site would be a new single-family residence with landscaped front yard setback, varied massing and scale and would be in keeping with the character of the existing residential neighborhood. Therefore, staff finds that the project would be consistent with General Plan Land Use Policies.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance in that the cost to the applicant of complying with the City's development standards has not been considered a factor at any time throughout the review of this application.* The cost to the applicant of complying with the City's development standards has not been considered the primary factor throughout the review of this application.

Variance: To permit a five-foot corner side setback for a garage fronting on a corner side property line, where the Zoning Code requires a minimum of 18 feet.

6. *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 sites unique shape and lot width is such that the maximum 32-foot wide property cannot accommodate the required minimum 19-foot depth dimensions of a garage, the required 18-foot setback from the corner side property line for the garage and the required five-foot interior side setback, as that would total at least 42 feet. Due to the unique lot configuration, limited buildable area of the site and small lot size, there are circumstances associated with the subject site that are unique and unusual when compared to residentially zoned lots in the immediate vicinity.
7. *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.* In order to provide the code required two-covered parking spaces that meet the minimum required dimensions for a parking space, it is not possible for the property to be developed with the code-required 18-foot setback from the garage to the corner side property line. The limited width of the site of between 11 and 32 feet does not allow for the construction of a 19-foot deep garage with adequate side and corner side setbacks. In order to maintain a sufficient interior side setback of five feet from the abutting property to the north, a reduced corner side setback for the garage is required in order to allow for the construction of the two-covered parking spaces that are required with the construction of a new single-family residence, which is a substantial property right of the applicant.
8. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed project complies with the required front setback, interior side yard setback, maximum allowable floor area, maximum height limits and the required number of covered parking spaces and is consistent with the residential development in the immediate vicinity. The Variance to deviate from the garage corner side setback requirement will not compromise the character and quality of the existing residential neighborhood and will not be detrimental or injurious to the public health, safety or general welfare of the community

as the garage abuts a one-way directional street (Maple Street) instead of the typical two-way directional street, and then the 210 freeway.

9. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The proposed project is consistent with General Plan Land Use Element (GPLU) Policies 21.5 (Housing Character and Design), 22.1 (Appropriate Scale and Massing) and 23.1 (Character and Design). These GPLU Policies encourage the development of residential projects, including single-family homes, that reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship with street frontages; architectural design and landscaped setback as well as avoiding the sense of “blocky” and undifferentiated building mass, incorporating well-defined entries and use of varied building materials. The use of the site would be a new single-family residence with landscaped front yard setback, varied massing and scale and would be in keeping with the character of the existing residential neighborhood. Therefore, staff finds that the project would be consistent with General Plan Land Use Policies.
10. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance in that the cost to the applicant of complying with the City’s development standards has not been considered a factor at any time throughout the review of this application.* The cost to the applicant of complying with the City’s development standards has not been considered the primary factor throughout the review of this application.

Minor Variance: To permit a five-foot rear setback, where the Zoning Code requires a minimum of 25 feet.

11. *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’s irregular pie-shape, substandard lot size and lot width results in a limited buildable area that does not apply to sites in the same zoning district and is considered an exceptional circumstance related to this property. Because of these circumstances, the proposed footprint for the single-family residence is shifted eastward towards the widest part of the site at the rear of the property. Requiring a 25-foot rear setback would significantly reduce the buildable area of the property by removing the widest, most buildable, portion of the site from the developable area and would result in an unnecessary hardship on the property owner.
12. *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 unique irregular pie-shape, substandard lot size and lot width results in a limited buildable area and requires the footprint of the structure to be shifted towards the rear property line. Requiring a 25-foot rear setback would significantly reduce the buildable area of the property by removing the widest portion of the site from the developable area and would result in an unnecessary hardship on the property owner. The abutting multi-family developments, which are subject to the RM-32 zoning district development standards, are typically not required to provide a rear setback, and thus the reduced rear setback is not unique to the surrounding area. In addition, the proposed five-foot rear setback is compatible with the existing development of the surrounding multi-family development as

the majority of properties in the immediate vicinity provide a zero- to five-foot rear setback and the proposed five-foot setback is in keeping with the existing neighborhood character.

13. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed project complies with the required front setback, interior side yard setback, maximum allowable floor area, maximum height limits and the required number of covered parking spaces and is consistent with the residential development in the immediate vicinity. The Minor Variance to deviate from the rear setback requirement will not compromise the character and quality of the existing residential neighborhood and will not be detrimental or injurious to the public health, safety or general welfare of the community as the proposed five-foot rear setback is compatible with the existing development of the surrounding multi-family development as the majority of properties in the immediate vicinity provide a zero- to five-foot rear setback and the proposed five-foot setback is in keeping with the existing neighborhood character.
14. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The proposed project is consistent with General Plan Land Use Element (GPLU) Policies 21.5 (Housing Character and Design), 22.1 (Appropriate Scale and Massing) and 23.1 (Character and Design). These GPLU Policies encourage the development of residential projects, including single-family homes, that reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship with street frontages; architectural design and landscaped setback as well as avoiding the sense of “blocky” and undifferentiated building mass, incorporating well-defined entries and use of varied building materials. The use of the site would be a new single-family residence with landscaped front yard setback, varied massing and scale and would be in keeping with the character of the existing residential neighborhood. Therefore, staff finds that the project would be consistent with General Plan Land Use Policies.
15. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance in that the cost to the applicant of complying with the City’s development standards has not been considered a factor at any time throughout the review of this application.* The cost to the applicant of complying with the City’s development standards has not been considered the primary factor throughout the review of this application.

Minor Variance: To permit a five-foot corner side yard setback, where the Zoning Code requires a minimum of 10 feet.

16. *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’s irregular pie-shape, substandard lot size and lot width results in a limited buildable area that does not apply to sites in the same zoning district and is considered an exceptional circumstance related to this property. The sites unique shape and lot width is such that the maximum 32-foot wide property cannot accommodate the required minimum 19-foot depth dimensions of a garage, the required five-foot interior side setback and the required 10-foot corner side setback, as that would total at least 34 feet, or as much as 42 feet if providing

the code required setback between a garage and a corner property line (see above discussion for a Variance for a garage setback).

17. *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.* In order to provide the code required two-covered parking spaces that meet the minimum required dimensions for a parking space, it is not possible for the property to be developed with the code-required 10-foot corner side setback. The limited width of the site of between 11 and 32 feet does not allow for the construction of a 19-foot deep garage with adequate side and corner side setbacks. In order to maintain a sufficient interior side setback of five feet from the abutting property to the north, a reduced corner side setback is required in order to allow for the construction of a new single-family residence, which is a substantial property right of the applicant. Allowing the Minor Variance for the construction of a new single-family residence on an irregular shaped substandard size lot is necessary for the preservation and enjoyment of a substantial property right of the property owner.
18. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed project complies with the required front setback, interior side yard setback, maximum allowable floor area, maximum height limits and the required number of covered parking spaces and is consistent with the residential development in the immediate vicinity. The Minor Variance to deviate from the corner side setback requirement will not compromise the character and quality of the existing residential neighborhood and will not be detrimental or injurious to the public health, safety or general welfare of the community as the site abuts Maple Street and the 210-Freeway to the south and no residential uses will be impacted by the reduced corner side yard setback of five feet. The proposed residential use will be compatible with the surrounding residential uses in the neighborhood.
19. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The proposed project is consistent with General Plan Land Use Element (GPLU) Policies 21.5 (Housing Character and Design), 22.1 (Appropriate Scale and Massing) and 23.1 (Character and Design). These GPLU Policies encourage the development of residential projects, including single-family homes, that reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship with street frontages; architectural design and landscaped setback as well as avoiding the sense of “blocky” and undifferentiated building mass, incorporating well-defined entries and use of varied building materials. The use of the site would be a new single-family residence with landscaped front yard setback, varied massing and scale and would be in keeping with the character of the existing residential neighborhood. Therefore, staff finds that the project would be consistent with General Plan Land Use Policies.
20. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance in that the cost to the applicant of complying with the City’s development standards has not been considered a factor at any time throughout the review of this application.* The cost to the applicant of complying with the City’s development standards has not been considered the primary factor throughout the review of this application.

ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR VARIANCE #11945

The applicant or successor in interest shall meet the below 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 November 2, 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 the construction of a new two story, 1,171 square-foot single-family residence with a 359 square foot two-car attached garage with the following deviations:
 - a. Variance to intercept the required 30-degree side encroachment plane.
 - b. Variance to have a garage setback from a corner property line of five feet.
 - c. Minor Variance to have a rear setback of five feet.
 - d. Minor Variance to have a corner side setback of five feet.
4. The applicant shall comply with all applicable development standards of the Zoning Code including Chapter 17.22 (Single-Family Residential) with the exception of the Variances and Minor Variances as stated above.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. Any change to these conditions of approval or expansion of the use shall require the modification of this Variance or a new Variance request.
7. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
8. The proposed project, Activity Number **ZENT2021-00074** 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 the Current Planning Case Manager, Jennifer Driver at (626) 744-6756 to schedule an inspection appointment time.

Planning Division

9. In order to develop an undeveloped a lot, a Certificate of Compliance pursuant to Zoning Code Section 17.40.030 shall be applied for and approved prior to building permit issuance.
10. All new fence, walls, and/or gates shall comply with the corner lot fence and wall requirement of the Zoning Code. The applicant shall obtain a Zoning Permit prior to the installation of any new property line fences, walls, and gates.

11. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.

Department of Public Works

12. In order to accommodate an Americans with Disabilities Act (ADA) compliant curb ramp, the applicant shall verify, and reconstruct if necessary, a standard curb ramp at the northeast corner of Euclid Avenue and Maple Street, if possible, per Caltrans Standard A88A or City of Pasadena Standard No. S-414. The curb ramp construction shall be completed prior to the issuance of Certificate of Occupancy. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process.

The applicant shall submit to the City for review any proposed designs that will comply with the ADA requirements. The applicant is responsible for the design, preparation of plans and specifications, and construction of the new curb ramp. Plans for the curb return improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to submit fees, per the current General Fee Schedule, to cover the cost of plan checking and construction inspection of the improvements. Note that the building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit the curb return improvement plans and the plan check fees at least two (2) months prior to the issuance of any building or demolition permits.

Upon review of the curb ramp improvement plans, the applicant may need to dedicate to the City for street purposes the land necessary at the property line corner rounding (up to (see S-423) radius) to provide for the minimum clearance required by the Americans with Disabilities Act standards. If so, the applicant shall remove and reconstruct the sidewalk for the dedicated area, per Standard Plan No. S-421. The applicant shall be responsible for all the cost required to complete the dedication, if it is required. The dedication document and processing fee shall be submitted to this office, at least three to four (3-4) months, prior to issuance of any permits. The dedication documents shall be executed and recorded prior to the issuance of a Certificate of Occupancy.

The applicant is responsible for the design, preparation of plans and specifications, and construction of the new curb ramp. Plans for the curb return improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to submit fees, per the General Fee Schedule, to cover the cost of plan checking and construction inspection of the improvements. Note that the building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit the curb return improvement plans and the plan check fees at least two (2) months prior to the issuance of any building or demolition permits.

13. The applicant shall demolish existing and construct all new public improvements along the subject development frontage of Maple Street including concrete drive approach per

Standard Plan S-403 and concrete sidewalk per Standard Plan S-421. All public improvements shall be completed prior to the issuance of Certificate of Occupancy.

14. The proposed development shall connect to the public sewer with one or more new six-inch diameter house sewers laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer “means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer.” The section of house sewers within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.
15. The applicant is responsible for the design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to place a deposit with the department to cover the cost of plan checking. The amount of deposit will be based on the current City’s General Fee Schedule. Note that building plans approved by the City’s Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit public improvements plans and the plan check deposit at least two (2) months prior to the issuance of any building or demolition permits.
16. The existing street lighting along the Maple Street frontage is substandard. In order to improve pedestrian and traffic safety, the applicant shall replace/renovate two (2) existing street lighting, on the frontage of the subject property per the City requirements and current standards. The renovation shall include but not limited to new LED light(s), conductors, lamp socket, fuse, globe/lantern, globe holder, photo cell, and miscellaneous related parts.
17. In the event where the existing street light pole determined, by the City, to be deteriorated and/or damaged, the applicant shall replace the existing street light pole with a new street light pole in kind. The replacement shall include but not limited to new pole, new footing, new LED light(s), conduit, conductors, lamp socket, fuse, globe/lantern, globe holder, photo cell, and other miscellaneous related parts. The applicant shall schedule a street lighting pre-inspection with the Public Works inspector to determine the details/scope of the replacement/renovation of the existing street lighting. Please contact 626-744-4195 or via email: pw-permits@cityofpasadena.net to schedule a street lighting pre-inspection, prior to the issuance of any permits.
18. If the existing street lighting system along the project frontage is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including new LED lights, conduit(s), conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works.
19. The applicant is responsible for the design, preparation of plans and specifications, and the construction of all required street light(s) and traffic signal modifications. Plans for the improvements shall be prepared by a civil engineer, registered in the State of California. Upon submission of improvement plans to the Departments of Public Works for

checking, the applicant will be required to submit fees, per the current General Fee Schedule, to cover the cost of plan checking and construction inspection of the improvements. In addition, there is possibly considerable lead-time for the materials required for the construction and modification. In order to avoid delays in the development schedule, the applicant shall coordinate with this office at 626-744-4195 regarding this street light/traffic signal condition at least six (6) months in advance of the anticipated issuance of Certificates of Occupancy or the final processing of the tract map, whichever happens earlier.

20. To protect existing City trees during construction, the applicant shall fully conformed to the Tree Protection Guidelines signed by the City Manager. The full guidelines is available at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>.
21. Any existing street tree(s) proposed to be removed are subject to the approval of the Urban Forestry Advisory Committee (UFAC).
22. 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.
 - a. 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.
 - b. The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.
23. 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.
24. Prior to any construction, tree protections including the installation of fencing to protect public trees 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.

25. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary 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.
26. Prior to issuance of any permit, a deposit in the amount of the applicant's total liabilities based on the aforementioned approved tree assessment report shall be submitted to the City. The deposit is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.
27. On-site drainage, such as roof drain, area drain and subterranean garage discharge, shall be contained on-site per LA County Regional Water Quality Control Board's current permit.
28. The applicant shall provide storm water drainage plans and obtain approval from the Planning Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
29. In order to ensure that the developer maintains a clean and safe site during the construction phase of development, the applicant shall place a \$5,000 refundable deposit with the Department of Public Works prior to the issuance of any permit. This deposit is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/ resurfacing, street trees, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control.
30. 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.

31. In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.
32. 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.
33. In addition to the above conditions, the requirements of all applicable Pasadena Municipal Code (PMC) will apply and be implemented during the corresponding plan review and permitting. They may include but not limited to:
 - a. Sidewalk Ordinance - Chapter 12.04
 - b. Sewer Facility Charge – Chapter 4.53
 - c. Residential Impact Fee – Chapter 4.17
 - d. City Trees and Tree Protection Ordinance - Chapter 8.52
 - e. Construction and Demolition Waste Ordinance - Chapter 8.62
 - f. Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100

Department of Transportation

34. Parking: No permanent, on-street, overnight parking permits will be issued to future residents of this project. Future tenants shall be advised of the unavailability of permanent, on-street, overnight parking permits.
35. Construction Staging & Traffic Management: Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging & Traffic Management Plan to the Department of Public Works for review and approval. This plan shall show the impact of the various construction stages on the public right-of-way including street occupations, parking space relocation agreements, closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. Permitted hours for construction vehicles (delivery, haul) may be limited to the hours between 9:00 AM – 3:00 PM.
36. Entry Gate(s): If proposed, any parking entry gate shall be setback a minimum 20' from the property line. The gate must be included on the site plan and approved by the Department of Transportation prior to the issuance of the first permit for construction (demolition, grading, or building).
37. Visibility triangle: Views adjoining both sides of the driveway at the property line shall not be obstructed with landscaping, block wall, or non-porous fencing greater than 2.5' in height.
38. Traffic Impact Fee: The Traffic Reduction and Transportation Improvement Fee (Ordinance No. 7076) will apply to all net new residential, retail, industrial, and office developments and is based on the Fee Schedule at the time of building permit issuance. For FY 2022 the fee is:

Land Use	Fee (FY 2022)
Single family (per dwelling unit)	\$9,550.39
Multi-family (per dwelling units)	\$3,697.88

Affordable housing projects may receive fee credits.

Department of Water and Power, Water Division

39. Existing 1-inch water service from 1995 sufficient for the project. If water upgrades are requested, please reach out to Utility Services Planning at (626) 744-4495.