



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 16, 2022

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #7016

LOCATION: 847, 849, 851 E. Howard Street

APPLICANT: Mitchell Sawasy

ZONING DESIGNATION: RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Joseph Weaver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #7016 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit: To allow the enlargement of a nonconforming use. The project includes a 474 square-foot addition to the existing front unit (851 E. Howard Street). No changes are proposed to the rear unit (849 E. Howard Street). The subject site is located within the RS-6 (Single-Family Residential) zoning district, and is developed with two residential dwelling units, and an accessory dwelling unit that is under construction, where the Zoning Code allows for one dwelling unit per lot. A nonconforming use may not be altered or enlarged, unless a Minor Conditional Use Permit is first obtained.

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

Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet, if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and when in an area where the location of the project is not environmentally sensitive. The project adds 474 square feet to an existing 736 square-foot unit and is exempt from environmental review.

BACKGROUND:

Site characteristics:

The subject site is a 13,048 square-foot parcel located on the north side of East Howard Street between North El Molino Avenue to the west and North Lake Avenue to the east. The site is improved with two units consisting of a 736 square-foot single-story unit (851 E. Howard Street) at the front of the lot and a 600 square-foot single-story unit (849 E. Howard Street) that is detached and located toward the rear of the lot. Additionally, a 1,195 square-foot accessory dwelling unit (847 E. Howard Street) is currently being constructed at the rear of the lot under a separate building permit. The site is also improved with two, one-car garages.

Adjacent Uses:

North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning:

North – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
South – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
East – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
West – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

Previous zoning cases on this property:

None

PROJECT DESCRIPTION:

The applicant, Mitchell Sawasy, has submitted a Minor Conditional Use Permit application to allow the enlargement of a legal nonconforming use. The subject site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district and is legally developed with two detached units, where the Zoning Code currently allows for one dwelling unit. A legal nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained. No protected trees are proposed to be removed or impacted as part of the project.

The proposed project is an expansion of the existing front unit to accommodate two new bedrooms. The proposal includes a 474 square-foot addition to the rear of the existing 736 square-foot unit.

ANALYSIS:

A nonconforming use is defined as a use of a structure (either conforming or nonconforming) or land that was legally established and maintained before the adoption of current Zoning Code

regulations governing the allowable land uses for the zoning district in which the use is located. The RS-6 zoning district allows a maximum of one dwelling unit per lot. According to the City's permit records, the existing front unit (851 E. Howard) was constructed in 1909 and the existing rear unit (847 E. Howard) was constructed in 1921. As such, the use of the site with two dwelling units is considered legal nonconforming.

Section 17.71.080.E (Alterations and/or Addition to Nonconforming Uses and Structures – Alteration or Enlargement of a Nonconforming Use Shall Require a Permit) of the Zoning Code states that a nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained, in compliance with Section 17.61.050 (Conditional Use Permits and Master Plans). The Minor Conditional Use Permit application allows the City to review the project and determine if the proposed enlargement would be compatible with the surrounding area. In order to approve a Minor Conditional Use Permit, a Hearing Officer shall make six findings in the affirmative. These findings relate to project conformance with the Zoning Code and General Plan, potential project impacts on the surrounding properties, and compatibility with the surrounding uses.

The project is subject to the development standards of the RS-6 zone. The proposed addition complies with applicable development standards pursuant to Table 2-3 (RS and RM-12 Residential District Development Standards), Section 17.22.040 (RS and RM-12 Residential Districts General Development Standards) as shown in Table 1 below.

Table 1 – Single-Family Residential Development Standards

Development Standard	Requirement	Proposed Project	Compliance
Setbacks (Minimum)	Front	39'	≈56' Project Complies (Existing is nonconforming at 32')
	Side (west)	6'-3"	17'-9" Project Complies
	Side (east)	6'-3"	15'-7" Project Complies
	Rear	25'	>100' Project Complies
Height (Maximum)	28'	12'-6"	Project Complies
Site Coverage (Maximum)	35% or 4,800 sf whichever is greater	27% or 3,528 sf	Project Complies
Floor Area (Maximum)	20% of lot size plus 1,700 sf or 4,309 sf	3,321 sf	Project Complies
Parking (Minimum)	3 covered spaces	2 covered and 3 uncovered spaces	Existing Nonconforming

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

The proposed addition is designed to comply with applicable standards, and the number of existing units would remain unchanged. The addition is limited to one-story in height and maintains adequate light, air and privacy around the units and from adjacent structures. The proposed addition is within the scale of the existing neighborhood and would not be visible from the street. Therefore, it will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. Further, the use will not be detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the City because they would be constructed in conformance with current building and fire codes.

Tree Protection Ordinance

The tree inventory provided by the applicant identifies 12 onsite trees which are all 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. General Plan Land Use Element Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and architectural design. The proposed addition is designed to comply with development standards that are in place to moderate building form, scale and mass. The proposed single-story addition would comply with required setbacks, building height, and maximums for floor area and lot coverage. The use of the site would remain as two dwelling units and an accessory dwelling unit on one lot and the project would maintain the unique character and design of the residential neighborhood, consistent with the City's General Plan.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b) (9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, (Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the additions will not result in an increase of more than 10,000 square feet if a project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and when the area in which the project is located is not environmentally sensitive. As proposed, the 474 square-foot addition to an existing 736 square-foot unit is proposed in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the project site is not located in an environmentally sensitive area, therefore the project is exempt from environmental review.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the Building and Safety Division, Transportation Department, Public Works Department, Department of Transportation, Fire Department, and the Design and Historic Preservation Section. The Departments of Public Works, Transportation, and Fire 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 did not require an evaluation as the proposed alterations are entirely to the rear of the unit. The Building and Safety Division provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this staff report.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Minor Conditional Use Permit can be made. The proposed project meets all applicable development standards required by the Zoning Code. The project would maintain the existing nonconforming use and would not result in the creation of any new dwelling units onsite. Therefore, staff recommends that the

Hearing Officer approve the Minor Conditional Use Permit subject to the Findings in Attachment A and recommended Conditions of Approval in Attachment B.

ATTACHMENTS:

Attachment A: Specific Findings for Minor Conditional Use Permit

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #7016

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

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district, and complies with all applicable provisions of this Zoning Code.* The enlargement of a nonconforming use is allowed with approval of a Minor Conditional Use Permit pursuant to Section 17.71.080.E of the Zoning Code. The proposed project will comply with all applicable development standards required for the RS-6 zoning district including height, setbacks, floor area, and lot coverage.
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 purpose of the RS-6 zoning district is to ensure adequate light, air, privacy, and open space for each dwelling and to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects. The proposed project involves a 474 square-foot addition to the rear of an existing unit. The project will be designed to comply with the development standards that are in place to moderate building form, scale and mass. The proposed single-story addition would comply with applicable requirements, special purposes of the RS-6 zoning district, and the number of existing dwelling units will remain unchanged.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and architectural design. The proposed addition is designed to comply with development standards that are in place to moderate building form, scale, and mass. The proposed single-story addition would comply with required setbacks, building height, and maximums for floor area and lot coverage. The use of the site would remain as two dwelling units plus an accessory dwelling unit on one lot and the project would maintain the unique character and design of the residential neighborhood, consistent with the City's General Plan.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project scope is limited to a single-story addition to the rear of an existing unit and will not result in an increase in units. The proposed single-story addition is not visible from the street and is within the scale of the existing neighborhood, and therefore will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. The improvements will be required to adhere to all requirements as they relate to the Zoning, Fire, 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 project as proposed will result in a 474 square-foot addition to the rear of an existing unit and will not result in any new units added to the site. The site will continue to function for residential purposes. The addition will be required to comply with all Zoning, Fire and Building and Safety

codes which will be reviewed through the building permit plan check process and is designed to not be detrimental or injurious to the surrounding residential uses.

6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The proposed addition to the rear of the existing unit will not be visible from the street and will not increase the number of residential units on the subject site. The site will remain consistent with the existing and future uses within the residential neighborhood that consist of single-family and multi-family residential uses. The proposed addition has been designed in compliance with the development standards applicable to the subject site and will be compatible in terms of design, location, and size allowed for existing and future uses in the vicinity.

**ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR
MINOR CONDITIONAL USE PERMIT #7016**

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, November 16, 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 (Time Limits and Extensions – Extensions of Time).
3. The approval of the Minor Conditional Use Permit allows a 474 square-foot addition to an existing dwelling unit (851 E. Howard Street).
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. The proposed project, Activity Number **ZENT2022-00072** 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 Joseph Weaver, Current Planning Section, at (626) 744-3813 to schedule an inspection appointment time.

Planning Division

7. The applicant shall comply with all requirements of the Zoning Code, including the applicable development standards provided in Chapter 17.22 (Residential Zoning Districts).
8. 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.
9. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
10. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Building and Safety

11. 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.

12. 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.
- Provide a complete scope of work. Fully disclosed all proposed work and provide square footage at the cover sheet.

13. 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>.

14. 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>.

15. REQUIRED PLANS AND PERMIT(S):

- In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, Energy, 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.