



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 16, 2022

TO: Hearing Officer

SUBJECT: Minor Variance #11959

LOCATION: 1430 Forest Avenue

APPLICANT: Travion Nelson

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 Variance #11959 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow for a 25'-2" front setback, where a 39'-9" minimum setback is required, in order to accommodate the construction of a 493 square-foot, single-story addition to an existing single-story single-family residence. A Minor Variance is required to adjust the front setback requirement.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 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 493 square feet to an existing 884 square-foot single-family residence and is therefore exempt from environmental review.

BACKGROUND:

Site Characteristics: The site is a 4,378 square-foot, rectangular-shaped corner lot located on the northeast corner of Forest Avenue and Palisade Street. The site is currently developed with an 884 square-foot, one-story single-family residence and a 210 square foot attached garage.

Adjacent Uses: North – Single-Family Residential
South – Elementary School
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
South – PS (Public and Semi-Public)
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: Variance #1694 – To erect a single-family dwelling on portion of recorded lot having frontage of 60 feet on Palisade Street and an area of 4,380 square feet. Approved on November 14, 1946.

PROJECT DESCRIPTION:

The applicant, Travion Nelson, has submitted an application for a Minor Variance to facilitate the construction of a 493-square-foot addition to the front of an existing single-story single-family residence. Specifically, the applicant requests a 25'-2" front setback where the minimum required is 39'-9". A Minor Variance is required to adjust a required setback. The site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district. No protected trees are proposed to be removed or impacted as part of the project.

ANALYSIS:

The project is subject to the development standards of the RS-6 zone. With the exception of the requested Minor Variance for the front setback, 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'-9"	25'-2"	<i>Minor Variance</i>
	Side (east)	6'-2"	15'-6"	Project Complies (Existing is nonconforming at 2'-10")
	Corner Side (west)	10'	11'-1"	Project Complies
	Rear	25'	30'-8"	Project Complies (Existing is nonconforming at 3')
Height (Maximum)	28'	9'-6"	Project Complies	
Top Plate Height (first story maximum)	10'	8'-8"	Project Complies	
Site Coverage (Maximum)	No Maximum	36% or 1,587 sf	Project Complies	
Floor Area (Maximum)	30% + 500 sf or 1,814 sf	1,587 sf	Project Complies	

Minor Variance: To allow a 25'-2" front setback, where the Zoning Code requires a minimum of 39'-9".

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), adjustments of required setbacks are allowed subject to approval of a Minor Variance. The Hearing Officer may approve a Minor Variance to adjust a required setback only after making five findings in the affirmative, pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties. In addition, a Minor Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts. Lastly, cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Minor Variance.

Pursuant to Zoning Code Section 17.22.050.A.1 (RS and RM-12 District Additional Development Standards – Front-yard setback measurement), where 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet. In this case, the blockface average is 39'-9"; therefore, the minimum required front setback is 39'-9".

The existing residence is situated toward the rear (north) portion of the lot and is currently sited within the required 25-foot rear setback and the required 6'-2" side setback. The residence is currently located approximately 42 feet from the front property line and as a result development opportunities for the site are towards the front of the residence. The applicant is requesting a Minor Variance to construct a 493 square-foot addition at the front of the residence that would maintain a distance of 25'-2" to the front property line.

There are extraordinary circumstances that apply to this property in that the blockface along Palisade Street consists of a mix of double frontage lots (two frontages) and interior lots (single

frontage). For the double frontage lots, Macdonald Street on the north functions as the primary frontage, and Palisade Street functions as the rear or back yard, which is often a significantly larger setback. The setback of the double frontage lots when measured from the property line fronting Palisade Street to the rear building line of the residence are approximately 50 feet each. The inclusion of these lots in the blockface average results in a much larger average front setback requirement of 39'-9" for the subject property. Further, the lot dimensions and area contribute in constraining the property. Other alternative areas for development, which include a second story would similarly require a discretionary review to adjust required setbacks, but may also result in an addition that is closer in proximity to neighboring residences.

The granting of the Minor Variance would facilitate a reasonable enjoyment of real property because the addition will provide for an enlarged dining room and living room for the property owner to enjoy. The granting of this application will not constitute a special privilege because many of the houses on the single frontage lots along palisade consist of a front setback consistent in scale with the proposed setback of 25'-2", thus maintaining the character of the streetscape along Palisade Street. The site is also subject to the same maximums for floor area as other properties in the same zoning district, which are calculated based on lot size. As such, the Minor Variance request would facilitate a reasonable enjoyment of real property.

Tree Protection Ordinance

A tree inventory was provided demonstrating one onsite tree which is proposed to remain. The property does not contain any protected trees under the City's Tree Protection Ordinance, and no trees are proposed to be removed.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the neighborhood, consisting of single-family residences would be maintained. General Plan Land Use Element, Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The project would allow the construction of an addition to a single-family residence within the required front yard setback. The proposed addition would not alter the existing character of the neighborhood as it involves an expansion to the front of an existing one-story, single-family residence. Additionally, the addition will be consistent with other houses in the vicinity maintaining the character of the streetscape and same visual appearance as the existing homes along Palisade Street.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 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 493 square-foot addition 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.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Departments of Public Works, Transportation, Water and Power, Fire, the Building and Safety Division, and the Design and Historic Preservation Section. The Departments of Public Works, Transportation, Water and Power, and Fire Department had no comments at this time and would review the project during the building permit plan check process to ensure compliance with applicable code requirements. The Design and Historic Preservation Section conducted a Historic Resource Evaluation on the subject property, which concluded the property does not meet the criteria for any historical designation and that no further review would be needed. The Building and Safety Division provided conditions of approval, which are incorporated in Attachment B of this staff report.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variance can be made. The proposed project meets applicable development standards required by the Zoning Code, with the exception of the front setback. The approval of the Minor Variance request would allow the property owner enjoyment of the existing residence without impacting the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Specific Findings for Minor Variance

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11959

Minor Variance: To allow a 25'-2" front setback, where the Zoning Code requires a minimum of 39'-9".

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The subject site is a rectangular-shaped lot located on the northeast corner of Forest Avenue and Palisade Street. There are extraordinary circumstances that apply to this property in that the blockface along Palisade Street consists of a mix of double frontage lots (two frontages) and interior lots (single frontage). The setback of the double frontage lots when measured from the property line fronting Palisade Street to the rear building line of the residence are approximately 50 feet each. The inclusion of these lots in the blockface average results in a much larger average front setback requirement of 39'-9" for the subject property. In addition, the lot is deficient in area and depth and there are no other viable building areas which would not similarly require a Minor Variance.
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.* Due to the average front setback requirement and deficiencies in lot area and depth, development opportunities to the residence are constrained. Other alternative areas for development, which include a second story would similarly require a discretionary review to adjust required setbacks, but may also result in an addition that is closer in proximity to neighboring residences. The intent of the proposed addition is to enlarge an existing dining room and living room, which is currently located at the front of the residence. The Minor Variance request would facilitate a reasonable enjoyment of real property and prevent unnecessary hardship because the 493 square-foot addition will provide for a larger dining room and living room for the property owner to enjoy.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The project consists of 493 square-foot addition to the front of an existing 884 square-foot single-family residence. The proposed front setback is 25'-2". The granting of the Minor Variance request will not be detrimental to property or improvements in the vicinity because many of the houses on the single frontage lots fronting Palisade Street consist of a front setback consistent and in scale with the proposed setback of 25'-2", thus maintaining the character of the streetscape along Palisade Street. The addition will not be located any closer to an adjacent residence than the existing condition. In addition, the addition would comply with all other applicable development standards for the zoning district, would be will be single-story, and the project will not result in a change in use. Further, the project will be required to obtain building permits ensuring that the construction will be safe. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would be a single-story addition to the front of the property.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the neighborhood would be maintained. 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. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontage; architectural design, and landscaped setbacks. The proposed addition would not alter the existing character of the neighborhood as it involves a 493 square-foot addition to the front of an existing residence. The granting of this application will not constitute a special privilege because many of the houses on the single frontage lots fronting Palisade Street consist of a front setback consistent and in scale with the proposed setback of 25'-2", thus maintaining the character of the streetscape along Palisade Street. Additionally, the lot is unique in that it is deficient in area and depth which constrain any development opportunity.

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

ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11959

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.
3. This approval allows a minimum front setback of 25'-2" in conjunction with an addition totaling 493 square feet.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.
7. The proposed project, Activity Number **ZENT2022-00121** is subject to the Inspection Program by the City as well as the Mitigation Monitoring and Reporting program. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Joseph Weaver, Current Planning Section, at (626) 744-3813 to schedule an inspection appointment time.

Planning Division

8. The applicant shall comply with all requirements of the Zoning Code, including the applicable development standards provided in Chapter 17.22 (Residential Zoning Districts).
9. Any above ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
10. 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).
11. 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 Division

12. 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.
13. 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.
14. 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>.
15. 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>.
16. MEANS OF EGRESS (EXITING): Provide and specify at least one operable exterior opening in basements, habitable attics, and every sleeping room with the minimum clear opening requirements for an emergency escape and rescue opening on the plans or schedule.

Provide a minimum of 8 percent for natural lighting and 4 percent for natural ventilation of the floor area of all habitable rooms/areas.
17. ENERGY: Submit the current, applicable residential energy documentation using either the "Prescriptive Standard" or the "Performance Standard". Photocopy form to plans, include the mandatory measures.
18. 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.