



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: February 1, 2023

TO: Hearing Officer

SUBJECT: Variance #11957 and Certificate of Exception #401

LOCATION: 1360 & 1380 South Los Robles Avenue

APPLICANT: Peter Tolkin

ZONING DESIGNATION: RS-2-HD (Single-Family Residential, 0-2 units per acre, Hillside Overlay District)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Variance #11957 and Certificate of Exception #401 with the conditions in Attachment B.

PROJECT PROPOSAL: To facilitate the construction of a 600 square-foot accessory structure (exercise room), the applicant requests the following applications:

- 1) Variance: To allow an accessory structure to be located to the side of the primary structure, where the accessory structure must be located behind the rear plane of the primary structure;
- 2) Minor Conditional Use Permit: To allow an accessory structure with an overall height of 17 feet where 15 feet is allowed, and a top plate height of 14 feet where a top plate height of nine feet is allowed in order to achieve a design that is architecturally compatible with the main structure; and,

- 3) Certificate of Exception: To allow a lot line adjustment to consolidate two existing parcels into one.

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, §15303(e), Class 3, New Construction or Conversion of Small Structures and §15305(a), (Class 5, Minor Alterations in Land Use Limitations) 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 accessory structures including garages, carports, patios, swimming pools, and fences. The project involves the construction of one new accessory structure. Section 15305 exempts minor lot line adjustments in areas with an average slope of less than 20 percent that do not result in any changes in land use or density, or in the creation of any new parcel. The lot line adjustment would shift an interior lot line in an area with an average slope less than 20 percent and would not result in any changes in land use or density or creation of any new parcel.

BACKGROUND:

Site characteristics:

The subject property consists of two parcels developed as one site; the southern parcel (Parcel 1) has a lot size of 26,248 square feet and is currently developed with a 3,613 square-foot, one-story single-family residence and two-car attached garage. The northern parcel (Parcel 2) has a lot size of 25,028 square feet and is developed with a swimming pool and 586 square-foot one-story detached pool house to the north of residence. The topography of the site is relatively flat in the center with a downward slope towards Los Robles Avenue and the southern property line. The steepest grade difference between the buildable pad and the street frontage is along the southern property line.

Adjacent Uses:

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

Adjacent Zoning:

North – RS-2 HD (Single-Family Residential, 0-2 units per acre, Hillside Overlay District)
South – RS-2 HD (Single-Family Residential, 0-2 units per acre, Hillside Overlay District)
East – RS-2 HD (Single-Family Residential, 0-2 units per acre, Hillside Overlay District)
West – RS-4 HD (Single-Family Residential, 0-4 units per acre, Hillside Overlay District)

Previous zoning cases on this property:

1360 South Los Robles Avenue:

- Variance #7658: To allow the subdivision of a recorded lot into two separate sites for single family dwellings. Both parcels have widths in excess of 100 ft. and areas in excess of 25,000 sq.ft. Approved with conditions October 4, 1966.
- Variance #6542: To allow the subdivision of the property at 1365 - 85 S. Oakland and 1360 - 80 S. Los Robles into four separate sites for single family dwellings. All parcels proposed have a width of over 100 ft. Approved with conditions on April 26, 1962.

1380 South Los Robles Avenue:

- Variance #9727: To allow a swimming pool and related facilities in the front portion of the lot. Approved with conditions on August 7, 1980.
- Variance #8601: To allow a tennis court. Approved with conditions on February 14, 1974.

PROJECT DESCRIPTION:

The applicant, Peter Tolkin, has submitted a Variance and a Minor Conditional Use Permit application to facilitate the construction of a detached 600 square-foot accessory structure on property in the Hillside Overlay District. The applicant also submitted a Certificate of Exception application to consolidate two parcels. The proposed accessory structure would be located to the north side of the primary residence; where the Zoning Code requires placement behind the rear wall plane of the primary structure.

Furthermore, the accessory structure proposes an overall height of 17 feet where the maximum is 15 feet, and a top plate height of 14 feet where the maximum is nine feet. Pursuant to Section 17.50.250.E.1.e, the maximum height (including top plate height) may be modified by a Minor Conditional Use Permit in order to achieve a design that is architecturally compatible with the primary residence.

It should be noted that the accessory structure would be attached to a proposed 1,200 square-foot accessory dwelling unit (ADU). The ADU would be permitted by-right and is not under consideration as part of this application.

The project site is comprised of two parcels. Pursuant to Section 17.50.250.C, an accessory structure shall not be constructed before the main structure. In this case, since the main structure is located on a separate parcel, the two parcels shall be consolidated so that the accessory structure is located on the same parcel as the single-family residence. A Certificate of Exception is required for a lot line adjustment to consolidate two parcels into one.

ANALYSIS:

Variance: To allow an accessory structure to be located to the side of a primary structure

A Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when, because of special circumstances applicable to the subject property, the strict application of the 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 that makes it obviously impractical to require compliance with the applicable development standards. A 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.

Pursuant to Section 17.29.060(C) of the Zoning Code, accessory structures in the Hillside Overlay District, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. The proposed project consists of the construction of a new accessory structure (detached exercise room) located to the side of the primary residence.

The project site is developed with an existing single-family residential structure set back 70 feet from the South Los Robles Avenue front property line, 40 feet from the south side property line, 21 feet from the rear property line, and approximately 128 feet from the north side property line. The existing residence is situated on the southern portion of the project site, and the side yard area to the north is developed with a 586 square-foot detached accessory structure and a swimming pool. As proposed, the new accessory structure (exercise room) would be located to the north of the dwelling, set back 85 feet from South Los Robles Avenue property line, 50 feet from the north side property line and 180 feet from the east property line. The structure would be fully screened from South Los Robles Avenue by existing landscaping and fencing and would have limited visibility due to the 17-foot grade difference from the lower street.

Table A below summarizes the project’s compliance with the development standards for the RS-2 HD zoning district:

Table A: RS-2 HD and Hillside Overlay Development Standards

Development Feature	Required	Proposed Accessory Structure	Analysis
RS-2 HD – Single Family Residential and Hillside Overlay Development Standards			
Minimum Setbacks			
Front (S. Los Robles Ave.)	25'	85'	Complies
Side (south)	25'	180'	Complies
Side (north)	10'	50'	Complies
Rear (east)	25'	180'	
Maximum Site Coverage	35% (17,947 sf)	13% (6,680 sf)	Complies
Maximum Site Floor Area	13,819 square feet	6,186 square feet	Complies
Size of Individual Accessory Structure	600 square feet	600 square feet	Complies
Maximum Aggregate Accessory Structure Size	6% (3,077 sf)	2% (1,186 sf)	Complies
Maximum Accessory Structure Heights			
Top Plate	9'	14'	<i>MCUP requested</i>
Overall	15'	17'	<i>MCUP requested</i>
Accessory Structure Location	Behind rear wall plane of primary structure	In front of rear wall plane of primary structure	<i>Variance requested</i>

As shown in the table above, other than the Variance and Minor Conditional Use Permit requests, the accessory structure would be code compliant. In reviewing the Variance request to allow the accessory structure to the side of the primary structure, staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally

to sites in the same zoning district. Based on the location of the existing dwelling with a 21-foot rear setback, it is infeasible to construct an accessory structure behind the rear wall plane of the primary residence.

The ability to have a detached accessory structure is a substantial property right of the property owner that many other owners in the surrounding Residential Single-Family neighborhood enjoy. The total area of all accessory structures will be less than the maximum aggregate size allowed of 3,077 square feet, and the proposed structure would comply with the maximum individual structure size allowed of 600 square feet.

Furthermore, it is not anticipated that the location of the detached accessory structure would be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. The proposed accessory structure is proposed to be located 85 feet from the front property line and will not be visible from the public right-of-way. In addition, the construction would be required to comply with all applicable Fire Department and Building and Safety Division standards through the City's plan check process.

Minor Conditional Use Permit: To allow an accessory structure to exceed the overall height and the top plate height.

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

Pursuant to Section 17.50.250.E.1.d of the Zoning Code, an accessory structure may raise to, but shall not exceed, an overall height of 15 feet. Additionally, Section 17.50.250.E.1.b of the Zoning Code states that the top plate height shall not exceed nine feet. The proposed accessory structure has an overall height of 17 feet, a deviation of two feet from 15 feet requirement and a proposed top plate height of 14 feet, exceeding the maximum requirement by five feet. Section 17.50.250.E.1.e of the Zoning Code states that in order to achieve a design that is architecturally compatible with the main structure, the maximum height (including the top plate height) may be modified by a Minor Conditional Use Permit (MCUP). The applicant has submitted this MCUP application to allow the new accessory structure's height in order to be architecturally compatible with the primary dwelling unit.

The existing one-story residential structure was originally built in 1969 with a distinctive geometric architectural style, with varied pitched and flat roofs, minimal to no eave overhangs, large windows and glass doors, white plaster walls, and a prominent front entrance. The primary structure has a top plate height of 18 feet. Additionally, the existing pool house on-site also features similar architecture to the primary structure, including tall perimeter walls with a top plate height of 16 feet.

The proposed 600 square-foot accessory structure is designed with a taller top plate and overall height to mimic the unique architecture of the primary residence and existing accessory structure. Other similar design elements proposed include large windows and a flat roof and parapet. Should the proposed accessory structure have a top plate height of nine feet, it would be out of character as it relates to the existing heights and style of the primary and existing accessory structure. The intent of the Code requirement is to limit the height of an accessory structure to ensure that,

visually, the residence is the most prominent feature on the site. The proposed increased height would result in more cohesive architecture across the site, while still appearing as an ancillary structure.

Certificate of Exception – Lot Line Adjustment to shift an interior lot line

Applicants may request a Certificate of Exception (CE) application for a lot line adjustment between two or more adjacent parcels, where: 1) the land taken from one parcel is added to the adjacent parcel; and 2) a greater number of parcels than originally existed is not thereby created. The Hearing Officer may approve a CE provided the resulting parcels conform to the General Plan, any applicable Specific Plan, and zoning and building ordinances.

The applicant’s proposal would consolidate two parcels into one. Presently, the two parcels function, the single-family residence is located on Parcel 1 and the existing swimming pool and existing accessory structure on Parcel 2. As demonstrated in the following table, a greater number of parcels would not result, and the total size of the two subject parcels would not change (i.e. no net increase or decrease).

Parcel	Zone	Address	Assessor’s Identification Number	Existing Lot Area (sq ft)	Proposed Lot Area(sq ft)
1	RS-2 HD	1380 South Los Robles	5325-001-059	26,248	51,276
2	RS-2 HD	1360 South Los Robles	5325-001-061	25,028	0
			Total	51,276	51,276

In the RS-2 HD zoning district, the minimum lot width is 100 feet and minimum lot size is 20,000 square feet. The proposed consolidated lot would have a lot width of approximately 247 square feet and lot size of 51,276 square feet, and would therefore be in compliance. After the lot consolidation, the area from Parcel 2 is proposed to be allocated to Parcel 1, therefore no net gain or loss of total lot square footage is proposed.

The mapping action would facilitate the construction of the proposed accessory structure on the single-family residential property. The proposed building would be in compliance with the Zoning Code development standards, other than what is requested under the Variance and Minor Conditional Use Permit.

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 and the character of the single-family neighborhood would be maintained. The new accessory structure is in conformance with the General Plan, including Policy 21.3 and 22.2 (Residential Neighborhoods – Neighborhood Character and Garages and Accessory Structures), which encourages development to maintain elements of the residential street that unify and enhance the character of the neighborhood. The accessory structure will be screened by the existing fence and landscaping so that it is not visible from Los Robles Avenue. In addition, the proposed accessory structure is located at a grade elevation 17 feet higher than the street and sidewalk elevation along Los Robles Avenue, therefore, further screening it from the public right-of-way. General Plan Policy 4.11 requires that development demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale,

massing, orientation, setbacks, visibility, privacy, and aesthetics. The proposed project has been designed to be architecturally compatible with the existing residence.

The proposed lot line adjustment consolidating two lots into one is consistent with the General Plan Objectives and Policies, specifically Policy 21.9 (Hillside Housing), which strives to maintain appropriate scale, massing and access to the existing residential structures within hillside areas. The proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to the site.

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(e), (Class 3, New Construction or Conversion of Small Structures) and §15305(a), (Class 5, Minor Alterations in Land Use Limitations). 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 accessory structures including garages, carports, patios, swimming pools, and fences. The project involves the construction of one new accessory structure. Section 15305 exempts minor lot line adjustments in areas with an average slope of less than 20 percent that do not result in any changes in land use or density, or in the creation of any new parcel. The lot line adjustment would shift an interior lot line in an area with an average slope less than 20 percent and would not result in any changes in land use or density or creation of any new parcel.

COMMENTS FROM OTHER DEPARTMENTS:

The Design and Historic Preservation Division has reviewed the project and had no comments. The Building and Safety Division and Public Works Department have provided conditions of approval, which are included in Attachment B.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the Variance to allow the accessory structure to be located to the side of the residence and the Minor Conditional Use Permit to deviate from the height requirements can be made. Staff finds that exceptional or extraordinary circumstances and conditions existing on the developed lot, which warrants the approval of the Variance for the location of the detached accessory structure. The accessory structure location and height would not be detrimental to surrounding properties and to other residences in the immediate neighborhood. Furthermore, the proposed consolidated parcel would not create additional parcels, nor would it conflict with the governing Codes and Ordinances. Staff recommends approval of the Variance, Minor Conditional Use Permit, and Certificate of Exception, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

ATTACHMENTS:

Attachment A: Variance, Minor Conditional Use Permit, and Certificate of Exception Findings
Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11957 AND CERTIFICATE OF EXCEPTION #401

Variance: To allow an accessory structure to be located to the side of a primary structure

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.* There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same RS-2 HD (Single-Family Residential, Hillside Overlay) zoning district in that the project site includes the residence constructed on the southern portion of the project site. Given that the area behind the dwelling has a width of 21 feet, it is infeasible to construct an accessory structure behind the rear plane of the residence.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The ability to have an accessory structure is a substantial property right that many other owners in the surrounding single-family residential neighborhood enjoys. A detached accessory structure is a use permitted by right in the RS-2-HD zoning district and such structures are generally located in the rear yard of a single-family property. Granting the Variance is necessary to prevent unreasonable property loss and unnecessary hardship to the property owner since strict application of the Zoning Code would not allow the development of any accessory structure on the subject site. The residence is developed with a 21-foot rear setback which limits the development of any accessory structure on the property.
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 accessory structure will be located on a flat, open portion of the site, and will not interfere with the existing on-site vehicular or pedestrian access. The accessory structure and will be at an elevation 17 feet higher than the street and sidewalk elevation along Los Robles Avenue, and will be set back 85 feet from the front property line. It will be screened by the existing fence and existing landscaping, therefore not visible from the public right-of-way. Furthermore, the Building and Safety Division and Public Works Department reviewed the project and expressed no concerns regarding the proposal.
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 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 and the character of the single-family neighborhood would be maintained. The new accessory structure is consistent with the General Plan, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of the residential street that unify and enhance the character of the neighborhood, as several other property owners already enjoy this substantial property right in the surrounding neighborhood. Furthermore, the accessory structure would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district as detached accessory structures for an incidental use (exercise room) with a maximum area of 600 square feet are a permitted accessory use throughout the RS-2 (Single-Family Residential) zoning district and throughout the Hillside Overlay district. Other than the

Variance and Minor Conditional Use Permit requested, the accessory structure will be code compliant.

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 to comply with the City's development standards has not been considered a factor throughout the review of this application.

Minor Conditional Use Permit: To allow an accessory structure to exceed the overall height and the top plate height.

6. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The subject site is situated within the RS-2-HD (Residential Single-Family, Hillside Overlay) zoning district. The intended land use within the RS-2-HD zoning district is single-family residential and associated ancillary uses, such as the proposed detached accessory structure. The maximum permitted height for an accessory structure is 15 feet and the maximum top plate height permitted is nine feet. The proposed accessory structure has an overall height of 17 feet, a proposed top plate height of 14 feet, which may be permitted with the approval of a Minor Conditional Use Permit in order to achieve a design that is architecturally compatible with the main structure. The accessory structure has been designed to be architecturally compatible with the design of the existing primary residence and existing accessory structure.
7. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is situated within the RS-2-HD (Single-Family Residential, Hillside Overlay) zoning district. The purpose of the Single-Family Residential 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 environmental effects. The intended land use within the RS zoning district is single-family residential and associated ancillary uses, such as the proposed detached accessory structure. The proposed overall and top plate heights result in an accessory structure that is architecturally compatible with the tall top plate, partially flat roof pitch, and geometric design of the existing primary residential structure. The proposed increased height will result in more cohesive architecture across the site, while still appearing as an ancillary structure. One of the purposes of the Hillside Overlay zoning district is to preserve and protect existing natural resources including native flora and fauna, sensitive wildlife habitats, and mature trees. Conditions of approval will ensure that the project complies with the City's tree protection guidelines, as applicable. As such, the proposed use complies with the purposes of the applicable zoning district.
8. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The project as proposed is consistent with the goals and objectives of the General Plan. 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 single-family neighborhood would be maintained. Furthermore, Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. The proposed structure is set back 85 feet from the front property line, is screened by existing landscaping, located at an elevation 17 feet higher than the street, and is architecturally cohesive with the existing primary structure. Therefore, the proposed accessory structure would not dominate the appearance of the primary dwelling from the street and is in conformance with General

Plan Policy 22.2. Architectural compatibility also satisfies General Plan Policy 4.11, which requires that development demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

9. *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.* With the exception of the height and location requirements, the proposed accessory structure meets all applicable development standards of the Zoning Code, including, but not limited to, accessory structure size, setbacks, floor area ratio, and lot coverage. The use of the site will remain residential; therefore, the project will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. All new construction proposed will adhere to applicable requirements as they relate to the Zoning Code and building and safety codes.
10. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed accessory structure complies with all applicable standards, with the exception of the height and location requirements analyzed through the Minor Conditional Use Permit and Variance requests. The project as designed will preserve the residential character of the neighborhood and will not be injurious to the surrounding single-family residential uses. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements.
11. *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 proposed structure is set back 85 feet from the front property line, is screened by existing landscaping, complies with all applicable setback requirements. Additionally, the structure is designed to be architecturally compatible with the tall top plate, partially flat roof pitch, and geometric design of the existing primary residential structure. The project as proposed is compatible with the residential character of the neighborhood and will maintain the aesthetic values of the surrounding single-family homes within the project area.

Certificate of Exception – Lot Line Adjustment to consolidate two parcels into one

12. *The parcel resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.* The proposed lot line adjustment consolidating two lots into one is consistent with the General Plan Objectives and Policies, specifically Policy 21.9 (Hillside Housing), which strives to maintain appropriate scale, massing and access to the existing residential structures within hillside areas. The proposed density remains unchanged and is within the maximum density allowed for the Low Density Residential land use designation of the General Plan. Furthermore, the proposed lot configuration is consistent with the lot size and character of other residential lots in the vicinity of the site. The proposal does not impact existing access to the site. The proposed lot consolidation will not conflict with the development standards of the RS-2-HD zoning district. Any future development on the site will conform to the development standards of the underlining zoning district and Building Code.

ATTACHMENT B
CONDITIONS FOR VARIANCE #11957 AND CERTIFICATE OF EXCEPTION #401

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan and elevations submitted for building permits shall substantially conform to plans submitted with this application stamped "Approved at Hearing, February 1, 2023" except as modified herein.
2. This approval authorizes a Variance and Minor Conditional Use Permit to allow a new accessory structure to be located to the side of the primary structure and to have a top plate height of 14 feet and overall height of 17 feet, as depicted in the plans submitted with this application and stamped "Approved at Hearing, February 1, 2023."
3. This approval authorizes a lot line adjustment between adjacent parcels, 5325-001-059 (Parcel #1) and 5325-001-061 (Parcel #2). The proposed lot line adjustment would consolidate the two lots as depicted in the plans submitted with this application and stamped "Approved at Hearing, February 1, 2023."
3. 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).
4. The applicant or successor in interest shall provide to the Zoning Administrator a legal description and plan exhibit of the parcels resulting from the Lot Line Adjustment. The legal description and plan exhibit shall be prepared by a licensed civil engineer or land surveyor and shall include the wet stamp and signature of the author. The legal description shall substantially conform to the plans submitted with this application.
5. Prior to permit issuance, the applicant or successor in interest shall be responsible for recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the Zoning Administrator, and furnishing a Grant Deed containing a legal description matching the legal description contained in the Certificate of Exception. This lot line adjustment shall not be effective until recorded with the Los Angeles County Recorder.
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 **ZENT2022-00110**, 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 case planner, Alison Walker, Current Planning Section, at awalker@cityofpasadena.net or (626) 744-6742 to schedule an inspection appointment time.

Planning Division

7. Prior to permit issuance, a copy of the recorded covenant for the accessory structure with toilet facilities shall be provided to the Zoning plan checker. The covenant shall state that the structure is an accessory structure and shall be maintained as an accessory structure and not be used for sleeping quarters or be converted to a residential use. The purpose of this covenant is to ensure that subsequent owners of the property are aware of the restrictions on the property.
8. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
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.
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.

Building and Safety Division

12. The project shall 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. At submittal of Building Plan Check, 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 complete routing plans for sewer drainage piping from the furthest most fixtures to sewer lateral. Indicate on plans slopes and cleanouts. Minimum slope of sewer line and drainage piping is 2%.
14. At submittal of Building Plan Check, photocopy to plans and complete the 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH CITY OF PASADENA AMENDMENTS FORMS. These forms can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>.
15. At submittal of Building Plan Check, 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>

16. At submittal of Building Plan Check, submit the current, applicable residential energy documentation using either the “Prescriptive Standard” or the “Performance Standard”. Photocopy form to plans, include the mandatory measures.
17. Be aware that a soils engineer report is required for:
 - a. All new constructed single and multi-family residential, commercial, and industrial buildings.
 - b. An addition to a commercial or industrial building.
 - c. Second (2nd) story addition to existing one-story building.
 - d. Hillside construction, i.e. decks, retaining walls, and swimming pools.
18. At submittal of Building Plan Check, in addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, and grading plans as required. **No deferred submittal**. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

Public Works Department

19. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
20. The existing street lighting along Los Robles Avenue 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. All work within public right of way shall be permitted separately by the Department of Public Works.
21. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject

development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.

22. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way. Construction vehicles should only maneuver/turn-around within the project site private property.
23. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met.
24. 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