



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: February 15, 2023

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #7065

LOCATION: 1500 Lombardy Road

APPLICANT: Seyoung Choi

ZONING DESIGNATION: RS-2 (Single-Family Residential, 0-2 units per acre of site area)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #7065 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Conditional Use Permit: To allow an accessory structure addition with a top plate height of 10'-8" where a maximum top plate height of nine feet is allowed in order to achieve a design that is architecturally compatible with the main structure.

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 there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. Section 15303 specifically exempts accessory structures

including garages, carports, patios, swimming pools, and fences.

BACKGROUND:

Site characteristics:

The site is a 44,249 square-foot lot located on the south side of Lombardy Road between Holladay Road and South Sierra Bonita Avenue. The subject property is currently developed with an 8,307 square-foot, two-story single-family residence, an attached 972 square-foot garage, a swimming pool, and a 1,435 square-foot detached pool house (accessory structure).

Adjacent Uses:

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

Adjacent Zoning:

North – RS-2 (Single-Family Residential, 0-2 units per acre of site area)
South – RS-2 (Single-Family Residential, 0-2 units per acre of site area)
East – RS-2 (Single-Family Residential, 0-2 units per acre of site area)
West – RS-2 (Single-Family Residential, 0-2 units per acre of site area)

Previous zoning cases on this property:

Exception #8980: Petition for permission to build single family residence at approximately 3,400 square feet with a three-car garage, with an eight-foot high wall set back over 50 feet from the front property line, lighted tennis court proposed at rear. Approved on August 5, 1976.

PROJECT DESCRIPTION:

The applicant, Seyoung Choi, has proposed a 697 square-foot addition to an existing accessory structure (pool house) and has submitted a Minor Conditional Use Permit application to allow a top plate height of 10'-8" where a maximum top plate height of nine feet is allowed. The proposal is designed to be compatible with both the primary structure and existing accessory structure's Colonial Revival architectural style and top plate height. The maximum top plate height may be modified by a Minor Conditional Use Permit in order to achieve a design that is architecturally compatible with the main structure. The subject property is located within the RS-2 (Single-Family Residential, 0-2 units per acre) zoning district.

ANALYSIS:

Accessory structures located within the RS-2 zoning district are required to comply with applicable development standards provided in Zoning Code Sections 17.22.040 (Residential District General Development Standards) and 17.50.250 (Residential Uses – Accessory Uses and Structures). Table A below summarizes the project's compliance with the development standards for the RS-2 zoning district:

Table A: RS-2 Development Standards

Development Feature	Required	With Proposed Accessory Structure Addition	Analysis
RS-2 – Single Family Residential Development Standards			
Accessory Structure Setbacks			
North (front)	>100'	102' (existing)	Complies
South (rear)	2'	35'-9"	Complies
East (side)	5'	11'-8"	Complies
West (side)	5'	90' (existing)	Complies
Maximum Site Coverage	35% (15,487 sf)	13% (8,645 sf)	Complies
Maximum Overall Floor Area	12,062 sf	11,411 sf	Complies
Maximum Overall Accessory Structure Size	6% (2,655 sf)	5% (2,281 sf)	Complies
Maximum Accessory Structure Heights			
Top Plate	9'	10'-8" (existing) 10'-8" (proposed)	<i>MCUP requested</i>
Overall	15'	15'-7" (existing) 14'-7" (proposed)	Nonconforming Complies

As shown in the table above, other than the Minor Conditional Use Permit request, the accessory structure addition would be code compliant. The existing accessory structure was issued a building permit in 2003. At that time, accessory structures in single-family zoning districts were allowed a maximum top plate height of 12 feet and a maximum overall height of 17 feet. The existing accessory structure was constructed with a 10'-8" top plate and 15'-7" overall height, which remains today. In 2005, the Zoning Code was amended, limiting accessory structures to a maximum top plate height of nine feet and an overall height of 15 feet. However, the Zoning Code provided a process to modify heights in order to achieve a design that is architecturally compatible with the main structure.

Minor Conditional Use Permit

Pursuant to Section 17.50.250.E.1.e of the Zoning Code, 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). 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. A Minor Conditional Use Permit may only be granted after making six findings pursuant to Zoning Code Section 17.61.050.H (Findings and Decision). 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 following analysis focuses on whether the request to exceed the maximum

allowable top plate height is architecturally compatible with the main structure, as it relates to architectural design, massing, and overall scale.

Architectural Compatibility

The existing two-story residence and existing detached pool house were both constructed around the same time. The primary structure was designed with a distinctive Colonial Revival architectural style including hipped rooflines, summer wood stucco walls, Doric columns, continuous crown molding along the fascia, French doors that extend to the ceiling and large double hung windows. The primary structure has a top plate height of 10'-11". In conjunction with the primary structure, the existing detached pool house also features similar Colonial Revival architecture, including tall perimeter walls with a top plate height of 10'-8". The proposed 697 square-foot pool house addition will continue the existing 10'-8" top plate height, thus allowing a comparable top plate that mimics the unique architecture of the primary residence and existing accessory structure.

The existing pool house and proposed addition feature matching design elements including hipped rooflines, summer wood stucco walls, Doric columns, continuous crown molding along the fascia, French doors that extend to the ceiling and double hung windows with similar head heights to the French doors. The addition's proposed top plate accommodates a consistent ceiling and Doric column heights with continuous crown molding along the fascia of the pool house. Should the proposed accessory structure have a top plate height of nine feet, it would be incompatible with the existing heights and style of the existing structures. It is staff's determination that the additional accessory structure height allows the detached accessory structure addition to be architecturally compatible with the main structure's Colonial Revival architectural design. The proposed top plate height would result in more cohesive architecture across the site, while maintaining the detached pool house as an ancillary structure in support of the main 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. Aside from the requested modification of the top plate height requirement, the proposed accessory structure addition meets all applicable development standards for the RS-2 zoning district, including, but not limited to, accessory structure size, lot coverage, setbacks, and encroachment plane. 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, building and safety codes, and fire requirements through the City's plan check process.

Tree Protection Ordinance

The applicant provided a tree inventory, which identified 28 existing trees on private property. Of the 28 trees, none meet the requirements for protection.

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 accessory structure addition 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 addition would be located behind the primary structure and would not be visible from the public right-of-way. Architectural compatibility also satisfies General Plan Policy 4.11 (Development that is Compatible), 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.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303 (Class 3, New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt classes; therefore, there are no unusual circumstances. Section 15303 exempts accessory structures including garages, carports, patios, swimming pools, and fences.

COMMENTS FROM OTHER DEPARTMENTS:

The Design and Historic Preservation Division, Building and Safety Division, Department of Public Works, Department of Transportation, Department of Water and Power, and Fire Department had the opportunity to review the proposal. Based on their review of the project, the Building and Safety Division provided comments and recommended conditions of approval, which are included in Attachment B.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the Minor Conditional Use Permit to allow a 10'-8" top plate height can be made. The detached pool house addition's height would not be detrimental to surrounding properties and to other residences in the immediate neighborhood. Staff recommends approval of 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 #7065

Minor Conditional Use Permit: To allow an accessory structure addition with a top plate height of 10'-8"

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The subject site is within the RS-2 (Residential Single-Family) zoning district. The intended land use within the RS-2 zoning district is single-family residential and associated ancillary uses. A detached pool house accessory structure is considered an ancillary use to a single-family dwelling and is permitted within the RS-2 zoning district. Pursuant to Section 17.50.250.E.1.e of the Zoning Code, the maximum height of an accessory structure (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 main structure. Therefore, the MCUP request to modify the top plate height of an addition to an accessory structure complies with applicable provisions of the Zoning Code.
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 subject site is within the RS-2 (Single-Family Residential) 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. A detached accessory structure is considered an ancillary use to a single-family dwelling and is permitted within the RS zoning district. The proposal to modify the top plate height requirement of an accessory structure will not change the primary use of the site as a residence. As such, the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The project 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 located behind the primary residence, is not visible from the public right-of-way, 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 (Development that is Compatible), 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.
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.* With the exception of the top

plate height requirement, the proposed accessory structure meets all applicable development standards of the Zoning Code, including, but not limited to, accessory structure size, setbacks, encroachment plane, etc. 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.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed accessory structure complies with all applicable setbacks and other requirements, with the exception of the top plate height requirement analyzed through the Minor Conditional Use Permit request. 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.

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 proposed structure is located behind the primary residence, is not visible from the public right-of-way, and is architecturally cohesive with the existing primary structure and complies with all applicable setback requirements. Additionally, the structure is designed to be architecturally compatible with the tall top plate and Colonial Revival 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.

ATTACHMENT B
CONDITIONS FOR MINOR CONDITIONAL USE PERMIT #7065

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 15, 2023" except as modified herein.
2. This approval authorizes an accessory structure addition with a maximum top plate height of 10'-8", as depicted in the plans submitted with this application and stamped "Approved at Hearing, February 15, 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 accessory structure addition shall be designed to match the Colonial Revival architectural style of the main residential structure.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number **ZENT2022-00146**, 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, Katherine Moran, Current Planning Section, at kmoran@cityofpasadena.net or (626) 744-6740 to schedule an inspection appointment time.

Planning Division

8. Prior to issuance of a Building Permit, a copy of the recorded covenant for the accessory structure with air conditioning 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.
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. 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. Important: New 2022 Codes will be in effect starting on January 1st 2023.
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 2022 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. 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.
17. 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.