



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: August 16, 2023

TO: Hearing Officer

SUBJECT: Minor Variance #11965

LOCATION: 1239 Dominion Avenue

APPLICANT: Tom Grimley

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

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11965 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow for a 35'-2" front setback, where a minimum of 37'-11" is required, in order to accommodate the construction of a 128 square-foot, single-story addition to an existing single-story single-family residence.

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 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project adds 128 square feet to an existing 1,294 square-foot single-family residence and is therefore exempt from environmental review.

BACKGROUND:

Site Characteristics: The site is a 7,510 square-foot, rectangular-shaped lot located on the west side of Dominion Avenue between East Washington Boulevard to the north and Asbury Drive to the south. The site is currently developed with a 1,294 square-foot, one-story single-family residence, and a 594 square-foot detached garage and carport.

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, Tom Grimley, has submitted an application for a Minor Variance to facilitate the construction of a 128-square-foot addition to the front of an existing single-story single-family residence. Specifically, the applicant requests a 35'-2" front setback where the minimum required is 37'-11". 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.

The existing house consists of two bedrooms and two bathrooms. The proposal would add an additional 128 square-foot bedroom to the front of the home in the location of an existing unenclosed front porch. No other changes to the house are proposed. The existing driveway and vehicular access from Dominion Avenue would remain unchanged. 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	37'-11"	35'-2"	<i>Minor Variance</i>
	Side (north)	5'	2'-6"	Existing 2'-6" to remain
	Side (south)	5'	10'-3"	Project Complies
	Rear	25'	50'	Project Complies
Height (Maximum)	28'	19'-4"	Project Complies	
Top Plate Height (first story maximum)	10'	9'-6"	Project Complies	
Site Coverage (Maximum)	35% or 2,629 sf	27% or 2,016 sf	Project Complies	
Gross Floor Area (Maximum)	30% + 500 sf or 2,753 sf	2,016 sf	Project Complies	
Floor Area of House (Neighborhood Compatibility)	1,812 sf	1,422 sf	Project Complies	

Minor Variance: To allow a 35'-2" front setback, where the Zoning Code requires a minimum of 37'-11".

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. A Minor Variance is a form of Variance intended for adjustments that are determined to have lesser (minor) potential impacts. 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, 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 calculating the blockface average, measurement shall be from the front property line to the primary structure. Building projections and unenclosed porches shall not be used as the reference point for this measurement. In this case, the blockface average is 37'-11" feet and is the minimum required front setback.

The existing structure has a 42'-8" setback to the primary structure and 35'-2" to the unenclosed front porch. As proposed, the application includes a request to infill a 128 square-foot portion of the existing front porch, of which 44 square feet will encroach approximately 2'-9" into the required 35'-2" front setback. The granting of the Minor Variance would facilitate a reasonable enjoyment of real property because the addition will provide for a third bedroom for the property owner to enjoy in a location where no changes to the remainder of the existing footprint would occur. The additional bedroom is a modest expansion designed to encroach the least amount into the front setback by only providing the minimum width required by the building code for a habitable room

(interior width of seven feet). Providing a habitable bedroom that complies with the required front setback would result in a bedroom with insufficient width to be habitable or would require alteration to other portions of the existing house, which are not included in the project.

In addition, the project would result in a minimal visual impact from the street because it will be located entirely beneath the existing roofline and will maintain the front setback of the existing front porch, thus maintaining the character of the streetscape along Dominion Avenue. Lastly, there are conditions applicable to the site that do not apply generally, in that the subject property has an existing front setback of more than 42 feet, the largest on the blockface, and beyond the 25-foot minimum commonly applied in single-family zoning districts. As a result, allowing a front setback of 35'-2" would provide a setback condition that would be more consistent with the homes in the same zoning district. In addition, a majority of the lots on the blockface have existing setbacks of 37 feet or less, and the proposed setback would align with those conditions. As a result, the proposed setback would be consistent with the majority of the homes on the blockface and the granting of this application would not constitute a special privilege because many other properties within the vicinity enjoy a similar circumstance. As a result, staff can make all the findings necessary to recommend approval of the Minor Variance.

Tree Protection Ordinance

A tree inventory was provided identifying one, protected tree within the front setback, a 40-inch DBH (Diameter at Breast Height) Cedrus deodora (Deodar cedar) tree. The applicant is proposing to retain the tree and the proposed addition, and all construction activity, would not encroach within the protected tree's dripline, therefore not impacting the tree. In addition, a condition of approval requires a Tree Protection Plan to be submitted for review during the building permit plan check to ensure the retention of the protected tree on-site.

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 in the location of an existing covered porch. 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 Dominion Avenue.

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 addition will not result in an increase of more than 50 percent of the floor area of the structures

before the addition, or 2,500 square feet, whichever is less. The project adds 128 square feet to an existing 1,294 square-foot single-family residence and is therefore exempt from environmental review.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Departments of Public Works, Fire, the Building and Safety Division, and the Design and Historic Preservation Section. The Departments of Public Works 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 #11965

Minor Variance: To allow a 35'-2" front setback, where the Zoning Code requires a minimum of 37'-11".

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 conditions applicable to the site that do not apply generally, in that the subject property has an existing front setback of more than 42 feet, the largest on the blockface, and beyond the 25-foot minimum commonly applied in single-family zoning districts. As a result, allowing a front setback of 35'-2" will provide a setback condition that will be more consistent with the homes in the same zoning district. In addition, a majority of the lots on the blockface have existing setbacks of 37 feet or less, and the proposed setback will align with those conditions. The proposed front addition will be located entirely beneath the existing roofline and will maintain the front setback of the existing front porch, thus maintaining the character of the streetscape along Dominion Avenue.
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, development opportunities to the front of the residence are constrained. The granting of the Minor Variance will facilitate reasonable enjoyment of real property because the addition will provide for a third bedroom for the property owner to enjoy in a location where no changes to the remainder of the existing footprint will occur. The additional bedroom is a modest expansion designed to extend the least amount into the front setback by only providing the minimum width required by the building code for a habitable room (interior width of seven feet). Providing a habitable bedroom that complies with the required front setback will result in a bedroom with insufficient width to be habitable or will require alteration to other portions of the existing house, which are not included in the project.
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 128 square-foot addition to the front of an existing 1,294 square-foot single-family residence. The proposed front setback is 35'-2". The granting of the Minor Variance request will not be detrimental to property or improvements in the vicinity because the majority of the houses on Dominion Avenue consist of a front setback consistent and in scale with the proposed setback of 35'-2", thus maintaining the character of the streetscape. Furthermore, the addition will comply with all other applicable development standards for the zoning district, 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 128 square-foot addition to the front of an existing residence in the location of an existing front porch. The granting of this application will not constitute a special privilege because many of the houses on fronting Dominion Avenue consist of a front setback consistent and in scale with the proposed setback of 35'-2", thus maintaining the character of the streetscape.

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 #11965

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, August 16, 2023," 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 35'-2" in conjunction with a 128 square-foot addition.
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 **ZENT2022-00160** 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 Jennifer Driver, Current Planning Section, at (626) 744-6756 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:

- a. 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.
- b. 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):

- a. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal.
- b. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.