



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 6, 2023

TO: Hearing Officer

SUBJECT: Variance #11970

LOCATION: 469 East Ladera Street

APPLICANT: Amelia Chapman

ZONING DESIGNATION: RM-32 (Multi-Family Residential, City of Gardens, 0-48 dwelling units per acre)

GENERAL PLAN DESIGNATION: Medium-High Density Residential

CASE PLANNER: Joseph Weaver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Variance #11970 with conditions in Attachment B.

PROJECT PROPOSAL: Variance: To allow a 1,105 square-foot first and second story addition to an existing one-story single-family residence without providing the required two parking spaces. The Zoning Code requires two covered or uncovered parking spaces where an addition exceeds 500 square feet and is equal to or less than 1,200 square feet.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 2,500 square feet. Therefore, the proposed addition of 1,105 square feet is exempt from environmental review.

BACKGROUND:

Site Characteristics: The site is a 6,152 square-foot lot located on the north side of East Ladera Street between North Los Robles Avenue and North El Molino Avenue. The site is currently developed with a 1,100 square-foot, one-story single-family residence and 120 square-foot detached shed. No driveway or covered parking exists on the site.

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

Adjacent Zoning: North – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)
South – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)
East – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)
West – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)

Previous Zoning Cases on this Property: None

PROJECT DESCRIPTION:

The applicant, Amelia Chapman, has submitted a Variance application to allow a 1,105 square-foot addition to an existing single-family residence without providing two parking spaces. The Zoning Code requires two parking spaces, covered or uncovered, where an addition exceeds 500 square feet and is equal to or less than 1,200 square feet. The property is developed with a 1,100 square foot single-family residence; however, no driveway or parking, either uncovered or covered, currently exists. The applicant proposes to maintain the existing site condition of providing no onsite parking. This request is limited to adjusting a requirement for parking. The proposed addition is designed to comply with applicable development standards and no other adjustments are proposed.

ANALYSIS:

The project is subject to the development standards of the RS-6 zone, as the property is developed with a single-family residence. The proposed addition to the existing single-family residence is subject to development standards in Zoning Code Section 17.22.040 (RS and RM-12 Residential Districts General Development Standards). With the exception of the requested Variance, the proposal is designed to comply with applicable requirements.

Table 1: Single-Family Residential Development Standards

Development Standard	Requirement	Proposed	Compliance
Setbacks (Minimum)	Front	25'	Existing Nonconforming
	Side	5'	Complies
	Rear	25'	Complies

Height (Maximum)	28'	23'-9"	Complies
Second Story Top Plate Height (Maximum)	20'	18'-8"	Complies
Floor Area (Maximum)	30% + 500 sq. ft. (2,345 sq. ft.)	2,325 sq. ft.	Complies
Parking	Two spaces	None	Variance

Variance: To deviate from the two-car parking requirement.

The Hearing Officer may approve a Variance to adjust the parking requirement only after making five findings 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.

Sites that are subject to the RS zoning district requirements generally provide vehicular access via a driveway to a garage. The subject site was developed and maintained without a driveway or area for uncovered or covered parking. The existing dwelling was constructed around 1910 and sited toward the front center of the lot with a four-foot west side setback and a three-foot east side setback.

For the proposed 1,105 square-foot addition, Zoning Code Section 17.46.020.J requires the property to provide two covered or uncovered parking spaces. Due to the siting of the existing residence, the narrow lot width of 40 feet, and existing reduced side yard setbacks of three and four feet, the lot does not provide an opportunity to allow for the passage of a driveway on either side of the residence. Accommodating a driveway and two parking spaces creates an impractical hardship because it would require a major modification or complete demolition of the existing residence in order to provide a compliant driveway leading to covered parking.

Further, alternatives such as providing two parking spaces on a driveway within the front setback or reducing the size of the addition would not be feasible. The Zoning Code requires driveways lead to covered parking elsewhere on the lot and establishes a maximum paving of 30 percent within the front setback. Alternatives such as providing two parking spaces via a driveway within the front setback would not comply with these Zoning Code requirements and would necessitate additional Variance requests. In addition, reducing the size of the addition to no more than 500 square feet, so that no covered or uncovered parking is required, would unnecessarily restrict the size of the addition to less than the allowed floor area. Due to these circumstances, granting the application is warranted to allow the property to be improved, and the existing structure to be modestly enlarged, a substantial property right.

The proposed addition would provide a new family room and bedroom on the first floor, and two new bedrooms on the second floor. The proposed addition would occur to the rear (north) of the existing dwelling and complies with applicable development standards that regulate size (floor area maximums), height (top plate, overall height, encroachment plane), and location (setbacks). Granting the application would allow the property to be improved and expanded without providing onsite parking. The residents of the property would continue to park on the street and granting the application would not change the existing condition. It is anticipated that maintaining no onsite parking for the existing single-family residence would not be reasonably detrimental or injurious

to property or improvements in the vicinity of the project site, or to public health, safety or general welfare as the use of the property will remain. As such, the Variance would not constitute a grant of special privilege because alternatives have been explored and exhausted and would only result in unreasonable changes to the property or additional Variances. Therefore, staff recommends the approval of the Variance to deviate from the two-car onsite parking requirement.

Tree Protection Ordinance

A tree inventory was provided demonstrating three onsite trees, which are all proposed to remain. The three existing trees are located in the rear yard and are protected under the City's Tree Protection Ordinance. A tree protection plan will be required for these trees at the time of building permit submittal.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Medium-High Density Residential in the General Plan Land Use Element (General Plan). The use of the site would remain a single-family residence; therefore, the character of the neighborhood, consisting of single-family and multi-family residences, would be maintained. The proposed addition would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), and Policy 21.5 (Residential Neighborhoods – Housing Character and Design). Policy 21.3 encourages development to maintain elements of residential streets that unify and enhance the character of the neighborhood. Policy 21.5 encourages the renovation of existing housing stock in single- and multi-family neighborhoods and that additions reflect the unique neighborhood character and qualities. The project would allow the construction of a two-story addition to a single-family residence without providing onsite parking. The absence of onsite parking would not negatively impact the neighborhood character as the front setback would be maintained and the use would remain as a single-family residence. The addition to the rear of the residence complies with the development standards of the Zoning Code and would result in minimal changes to the front façade of the residence, consistent with the character of the residential neighborhood.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 2,500 square feet. Therefore, the proposed addition of 1,105 square feet is exempt from environmental review.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Fire Department, Building and Safety Division, Design and Historic Preservation Section, Department of Transportation, and the Department of Water and Power. The Fire Department and Department of Transportation had no comments at this time. 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, Department of Public Works, and Department of Water and Power provided conditions of approval, which are incorporated in Attachment B of this staff report.

CONCLUSION:

Staff concludes that the findings necessary for approving the Variance request to maintain no onsite parking where two covered or uncovered parking spaces are required, can be made. Approval of the Variance allows the property owner enjoyment of typical residential activities and would not reasonably create detriment or injury to property or improvements in the vicinity. Further, the proposed addition to the residence would comply with all other applicable development standards of the Zoning Code. Recommended conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff recommends approval of the Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11970

Variance: To deviate from the two-car parking requirement.

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.* Sites that are subject to the development standards of RS zoning districts generally provide vehicular access via a driveway to a garage or are improved with sufficient side yard area to accommodate driveway access into the rear yard. The subject site was developed without a driveway or covered parking which is an extraordinary condition for a residential property. Further, the subject site is 40 feet in width with an existing side yard of less than 5 feet wide on either side. This existing condition prevents the passage of a compliant driveway leading to covered parking in the rear yard as required by the Zoning Code. These existing conditions create constraints on the property that do not apply generally to sites in the same zoning district.

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.* Application of the Zoning Code requires the property to provide two covered or uncovered parking spaces, or alternatively limit the size of the addition to 500 square feet in area, so that no parking is required. The property was developed without a driveway or covered parking and due to the siting of the existing residence and the narrow lot width of 40 feet, the lot does not provide an opportunity to allow for the passage of a driveway on either side of the residence. Accommodating two parking spaces creates an impractical hardship because it will require a major modification or complete demolition of the existing residence in order to provide a compliant driveway leading to covered parking. Further, alternatives such as providing two parking spaces on a driveway within the front setback are not feasible. The Zoning Code requires driveways lead to covered parking elsewhere on the lot and establishes a maximum paving of 30 percent within the front setback. Therefore, alternatives such as providing two parking spaces via a driveway within the front setback will not comply with the Zoning Code and will necessitate additional Variance requests. The proposed 1,105 square-foot addition will allow the applicant to expand a two-bedroom residence and provide for a new family room, and three additional bedrooms. Therefore, granting the application allows the property to be improved, and the existing structure to be modestly enlarged, a substantial property right.

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 property was developed around 1910 without a driveway or covered parking. Granting the application will allow the property to be improved and expanded without providing onsite parking. The residents of the property will continue to park on the street and granting the application will not change the existing condition. Further, the site will remain as a single-family use and the project will comply with all other applicable development standards that moderate size, height, and appearance. The project is also required to comply with all applicable Fire Department and Building and Safety Division standards through the City's plan check process. Therefore, maintaining the existing condition of the site without parking will not be reasonably detrimental or injurious to property or improvements in the vicinity of the project site, or to public health, safety, or general welfare.

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 Medium-High Density Residential in the General Plan Land Use Element. The use of the site will remain a single-family residence; therefore, the character of the neighborhood, consisting of single-family and multi-family residences, will be maintained. The proposed addition would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), and Policy 21.5 (Residential Neighborhoods – Housing Character and Design). Policy 21.3 encourages development to maintain elements of residential streets that unify and enhance the character of the neighborhood. Policy 21.5 encourages the renovation of existing housing stock in single- and multi-family neighborhoods and that additions reflect the unique neighborhood character and qualities. The project would allow the construction of a two-story addition to a single-family residence without providing onsite parking. The absence of onsite parking would not negatively impact the neighborhood character as the front setback would remain unchanged. The addition to the rear of the residence complies with the development standards of the Zoning Code and would result in minimal changes to the front façade of the residence, consistent with the character of the residential neighborhood. The Variance does not constitute a grant of special privilege because alternatives have been explored and exhausted and will only result in unreasonable changes to the property or additional Variances.

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 VARIANCE #11970

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, December 6, 2023," except as modified herein.
2. The right granted under this application must be enacted within 36 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 the construction of a 1,105 square-foot addition to an existing single-family residence without the provision of the required two onsite covered or uncovered parking spaces.
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 **ZENT2023-00049** 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

7. The unhabitable attic space within the existing single-family residence shall not be converted to habitable space considered as floor area. In the event the unhabitable attic space is proposed to be converted to habitable space, the attic shall be constructed to meet all Zoning Code requirements to be exempt from the definition of gross floor area (i.e., dormer width, top plate, ratio to building footprint etc.).
8. 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).
9. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
10. 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. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.

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 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. 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.

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. SOILS REPORT REQUIRED.

A soils engineer report is require 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.

19. 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.

Public Works Department

20. 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.

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 any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 6' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.

23. 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. There is no vehicle access to this property, the document shall indicate how construction materials can be delivered to the rear where the addition takes place. A maximum of two construction workers' vehicles can be parked on the street; all others shall be parked on-site only. 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.

24. In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.
25. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met.
26. 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:
 - Sidewalk Ordinance - Chapter 12.04
 - Sewer Facility Charge – Chapter 4.53
 - Residential Impact Fee – Chapter 4.17
 - City Trees and Tree Protection Ordinance - Chapter 8.52
 - Construction and Demolition Waste Ordinance - Chapter 8.62
 - Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100

Department of Water and Power

27. PWP records reflect that there is one 1-inch domestic service serving this property, the service was installed in 1994 (#11289). If the applicant or the Fire Department requests an upgrade, please reach out to Utility Services Planning at (626) 744-4495. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes.