



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** April 3, 2024

**TO:** Hearing Officer

**SUBJECT:** Certificate of Exception #415

**LOCATION:** 353 & 375 Anita Drive

**APPLICANT:** Jake S. Szymanski

**ZONING DESIGNATION:** RS-6 HD-SR (Single-Family Residential, 0-6 dwelling units per acre of site area, Hillside Development Overlay District, San Rafael Area)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Ivan Galeazzi

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Certificate of Exception #415 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Certificate of Exception: To allow a lot line adjustment between parcels 5709-030-008, 5709-030-010 (353 Anita Drive), and 5709-030-009 (375 Anita Drive). The proposal would consolidate parcels 5709-030-008 and 5709-030-010 (353 Anita Drive) into a single parcel (Parcel 1). The proposal also includes adjusting the lot line between Parcel 1 (353 Anita Drive) and Parcel 2 (375 Anita Drive), transferring 5,445 square feet of lot area from Parcel 2 (375 Anita Drive) to Parcel 1 (353 Anita Drive).

**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, §15305, 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 15305 exempts minor lot line adjustments, in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. The proposal will consolidate two parcels into one land lot, and will adjust an interior lot line between the two remaining adjacent parcels, therefore it will not result in a greater number of parcels than originally existed, and does not result in any changes in land use or density. The proposed lot line adjustment is therefore exempt from environmental review.

**BACKGROUND:**

**Site characteristics:** The subject site consists of three separate parcels on the west side of Anita Drive. The property at 353 Anita Drive encompasses two parcels, 5709-030-008 and 5709-030-010, totaling approximately 36,561 square feet, and is developed with a single-family residence. The property at 375 Anita Drive encompasses one parcel; 5709-030-009, is approximately 21,638 square feet, and is developed with a single-family residence.

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

**Adjacent Zoning:** North – RS-6 HD-SR (Single-Family Residential, 0-6 dwelling units per acre of site area, Hillside Development Overlay District, San Rafael Area)  
South – RS-6 HD-SR (Single-Family Residential, 0-6 dwelling units per acre of site area, Hillside Development Overlay District, San Rafael Area)  
East – RS-6 HD-SR (Single-Family Residential, 0-6 dwelling units per acre of site area, Hillside Development Overlay District, San Rafael Area)  
West – RS-6 HD-SR (Single-Family Residential, 0-6 dwelling units per acre of site area, Hillside Development Overlay District, San Rafael Area)

**Previous Zoning Cases on this Property:** None.

**PROJECT DESCRIPTION:**

The applicant, Jake S. Szymanski, on behalf of the owners, has submitted a Certificate of Exception application to allow a lot line adjustment between the parcels 5709-030-008, 5709-030-010 (353 Anita Drive), and 5709-030-009 (375 Anita Drive). The proposal would consolidate parcels 5709-030-008 and 5709-030-010 (353 Anita Drive) into a single parcel (Parcel 1). The proposal also includes adjusting the lot line between Parcel 1 (353 Anita Drive) and Parcel 2 (375 Anita Drive), transferring 5,445 square feet of lot area from Parcel 2 (375 Anita Drive) to Parcel 1 (353 Anita Drive).

The property at 353 Anita Drive consists of two parcels, 5709-030-008 and 5709-030-010, totaling approximately 36,561 square feet, and is developed with a single-family residence with a detached two-car garage. The property at 375 Anita Drive consists of one parcel, 5709-030-009, measuring approximately 21,638 square feet, and is developed with a single-family residence with an attached two-car garage.

This application only concerns the modification to existing lot boundaries, no demolition or new construction is proposed as part of this application.

**ANALYSIS:**

Applicants may request a Certificate of Exception 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 Certificate of Exception provided the resulting parcels conform to the General Plan, any applicable Specific Plan, and zoning and building ordinances. Table 1 below summarizes the existing lot areas, and the resulting lot area for Parcel 1 after the two parcels are merged. Table 2 below summarizes the lot areas after the lot line adjustment between Parcel 1 and Parcel 2.

**Table 1: Existing Lot Areas**

Assessor's Number	Address	Existing Lot Area	Proposed Lot Area
5709-030-008	353 Anita Drive	21,727 sf	36,561 sf (Parcel 1)
5709-030-010		14,834 sf	
5709-030-009	375 Anita Drive	21,638 sf	21,638 sf (Parcel 2)

**Table 2: Proposed Lot Areas**

Address	Existing Lot Area	Proposed Lot Area
353 Anita Drive (Parcel 1)	36,561 sf	42,006 sf
375 Anita Drive (Parcel 2)	21,638 sf	16,193 sf

The applicant's proposal would consolidate two parcels into one and take land from one parcel and add to the adjacent parcel. A greater number of parcels than currently exists would not be created. The analysis that follows discusses the proposed parcels consistency with applicable provisions of the Zoning Code.

*Minimum Lot Size (Area):*

The minimum lot size in the RS-6 HD-SR zoning district is 7,200 square feet. The applicant's proposal would consolidate parcels 5709-030-010 and 5709-030-008 into a single 36,561 square-foot parcel, then adjusting the lot line between Parcel 1 (353 Anita Drive) and Parcel 2 (375 Anita Drive), by transferring 5,445 square feet of lot area from Parcel 2 (375 Anita Drive) to Parcel 1 (353 Anita Drive). After the lot line adjustments, the lot size for Parcel 1 is 42,006 square feet, and the lot size for Parcel 2 is 16,193 square feet.

Therefore, the proposed parcels comply with minimum lot size requirement

*Minimum Lot Width:*

The minimum lot width in the RS-6-HD-SR zoning district is 55 feet. Lot width is measured across the lot at the required front setback line. The existing lot width for 353 Anita Drive is approximately 108 feet and the lot width for 375 Anita Drive is approximately 166 feet.

The lot line adjustment to merge the two parcels at 353 Anita Drive does not affect the existing lot width since parcel 5709-030-010 is located to the rear of parcel 5709-030-008.

The lot line adjustment to transfer 5,445 square feet of lot area from Parcel 2 to Parcel 1 also does not affect the existing lot widths since the adjustment would occur within the interior of the lots and does not adjust the width of the parcels.

Since the lot widths would remain unchanged after the lot line adjustments, the parcels would continue to comply with the minimum lot with requirement.

*Gross Floor Area:*

In the RS-6-HD zoning district, the maximum allowable gross floor area is equal to 27.5 percent of the lot area, plus 500 square feet. For lots 10,000 square feet or more in the Hillside Overlay District, any portion equal to or greater than 50 percent slope, or any access easement on the lot must be deducted from the lot area when calculating the maximum allowable gross floor area. In cases where the average slope (excluding areas sloping equal to or greater than 50 percent and access easements) across the lot exceeds 15 percent, the maximum allowable gross floor area is further reduced using a formula specified in Zoning Code Section 17.29.060.A.4 (Building Design Standards – Maximum Floor Area).

To determine the maximum floor area allowed for each parcel, a slope analysis was provided for the proposed Parcel 1 (353 Anita Drive) and for existing Parcel 2 (375 Anita Drive).

The property located at 353 Anita Drive, would have a 42,006 square-foot lot area after the lot line adjustments. Of this, 5,144 square feet has a slope equal to or greater than 50 percent. The average slope is 16.4%, after excluding areas sloping equal to or greater than 50 percent. Using the calculation applicable to the RS-6 HD-SR zone, the maximum allowed floor area is 10,563 square feet. The parcel is developed with an existing 7,080 square-foot two-story residence, a 665 square-foot detached garage, and an 82 square foot shed, for a total gross floor area of 7,827 square feet, which complies with maximum allowed floor area.

The property located at 375 Anita Drive, would have a 16,193 square-foot lot after the lot line adjustment. Of this, 493 square feet has a slope equal to or greater than 50 percent. The average slope is 9.9%, after excluding areas sloping equal to or greater than 50 percent. Using the calculation applicable to the RS-6 HD-SR zone, the maximum allowed floor area is 4,818 square feet. The parcel is developed with an existing 2,231 square-foot single-story residence, a 554 square-foot attached garage, and an 80 square foot shed, for a total gross floor area of 2,865 square feet, which complies with maximum allowed floor area.

Therefore, the proposed parcels comply with applicable requirements for floor area.

*Lot Coverage:*

The maximum allowed lot coverage in the RS-6 HD-SR is equal to 35 percent of the lot area. Lot coverage is the percentage of the site covered by roofs, soffits or overhangs extending more than three feet from a wall, and by decks more than four feet in height. This standard evaluates the percentage of land area covered by development.

The maximum permitted lot coverage for the property located at 353 Anita Drive is 14,702 square feet. The lot coverage on this parcel is 4,781 square feet or 11.4 percent; and includes the 3,425 square-foot footprint of the existing residence, the 665 square-foot garage, a total of 511 square feet of porches, a 98 square-foot covered patio, and an 82 square-foot shed.

The maximum permitted lot coverage for the property located at 353 Anita Drive is 5,668 square feet. The lot coverage on the parcel is 3,025 square feet or 18.74 percent; and includes the 2,231 square-foot footprint of the existing residence, the 554 square-foot garage, a 160 square-foot deck, and an 80 square-foot shed.

Therefore, the proposed parcels comply with applicable requirements for lot coverage.

*Setbacks:*

Properties located within the Hillside Overlay, San Rafael Area are subject to the front setback requirements for a specific tract, street or block, and lots, as established in Table 2-9 (San Rafael Hillside Neighborhood Front Setbacks) in Section 17.29.100 of the Zoning Code. A lot that is not included in Table 2-9 shall meet the minimum 25-foot front yard setback requirement. The subject sites are described as Tract 7012 Lots 8, 9, and 10, and per Table 2-9 the properties are required to comply with the current front setback requirement, which is 25 feet.

The proposed lot line adjustments would not alter the existing front setbacks of the existing structures. The existing residence located at 353 Anita Drive would maintain the existing 41'-0" front setback. The existing residence located at 375 Anita Drive would maintain the existing legal non-conforming 23'-6" front setback.

The minimum required side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of 10 feet. As stated above, the lot width for 353 Anita Drive is 108 feet, and the lot width for 375 Anita Drive is 166 feet. Therefore, the minimum side yard setback requirement for both parcels is ten feet.

The proposed lot line adjustment between the parcels impacts the south side setback of Parcel 1 and the north side setback of Parcel 2. The residence at 353 Anita Drive currently has an 18.9' south side setback. After the lot line adjustment, it will maintain a 17.2' south side setback, as such still comply with the minimum side yard setback requirement.

The attached garage at 375 Anita Drive currently has a nonconforming 3.7' north side setback. After the lot line adjustment, the north side setback would increase to 6.8'. Although the north setback would be nonconforming to the current minimum side setback requirement, the resulting setback would decrease the existing nonconformity.

The minimum rear setback is 25 feet. Currently, the residence at 353 Anita Drive is set back 30.1' from the rear property line. After the lot line adjustments, the residence will have an 82.5' rear

yard setback. The residence at 375 Anita Drive is currently set back 139.8' from the rear property line. After the lot line adjustments, the residence will have a 120.4' rear yard setback.

Therefore, the proposed parcels comply with applicable requirements for setbacks.

**GENERAL PLAN CONSISTENCY:**

The proposed project, a mapping action consolidating existing parcels, 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 configurations are 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 any lots.

**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, §15305, 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 15305 exempts minor lot line adjustments, in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. The proposal will consolidate two parcels into one land lot, and will adjust an interior lot line between the two remaining adjacent parcels, therefore it will not result in a greater number of parcels than originally existed, and does not result in any changes in land use or density. The proposed lot line adjustment is therefore exempt from environmental review.

**COMMENTS FROM OTHER DEPARTMENTS:**

The Departments of Public Works, Fire, Building and Safety Division, and Design and Historic Preservation Section were provided with an opportunity to review the proposal. The Department of Public Works provided a recommended condition of approval in Attachment B.

**CONCLUSION:**

It is staff's assessment, based on the analysis of the project, that the finding necessary for approving the Certificate of Exception can be made as included in Attachment A of this report. The two parcels resulting from the lot line adjustments would continue to comply with applicable development standards and provisions of the Zoning Code. Existing conditions would not be made worse as a result of the boundary adjustment and any future development on either parcel would be required to comply with applicable development standards and the Building Code requirements in place at the time of any construction activity. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the recommended Conditions of Approval in Attachment B.

Attachments:

Attachment A: Recommended Specific Findings for Approval

Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CERTIFICATE OF EXCEPTION #415**

Certificate of Exception

1. *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 project, a mapping action consolidating two parcels into, and adjusting a common lot line between the newly created parcel and an adjacent parcel, 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 any lots. Both parcels will comply with all applicable development standards after the lot line adjustment, with the exception of the existing non-conforming side yard setback for the property located at 375 Anita Drive which is made more conforming. The proposal does not include any construction or removal of any trees.

**ATTACHMENT B**  
**RECOMMENDED CONDITIONS OF APPROVAL FOR CERTIFICATE OF EXCEPTION #415**

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

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans submitted and stamped "Approved at Hearing, April 4, 2024," 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 a renewal is approved in compliance with Section 16.18.060 of the Pasadena Municipal Code.
3. The approval of this application authorizes the adjustment of lot lines that results in the consolidation of two adjacent parcels 5709-030-008 and 5709-030-010 (353 Anita Drive) into one parcel (Parcel 1); and the lot line adjustment between Parcel 1 (353 Anita Drive) and Parcel 2 (375 Anita Drive; 5709-030-009).
4. The applicant or successor in interest shall provide to the Zoning Administrator a legal description and plan exhibit of the parcels resulting from this 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.
5. 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. Prior to recordation of the Certificate of Compliance, the applicant or successor in interest shall demonstrate the parcels involved are under common ownership in the same entity or entities.
6. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.

Public Works Department

7. A portion of the house sewer serving the property at 375 Anita Drive, as shown in the attached Sewer Map #0056, will be encroaching within the property of 353 Anita Drive after the proposed lot line adjustment. The owner of 353 Anita Drive shall dedicate a six feet wide sewer easement for the encroachment to the City as a public easement for sewer repair and maintenance purposes. No structures shall be constructed within the easement. The applicant shall be responsible for all the costs required to complete the dedication. The dedication documents and processing fee shall be submitted to Department of Public Works. The dedication documents shall be executed and recorded prior to the issuance of a Certificate of Compliance.