



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 15, 2024

TO: Hearing Officer

SUBJECT: Tentative Parcel Map #84434

LOCATION: 617, 619A and 619B North Wilson Avenue

APPLICANT: Manish Patel

ZONING DESIGNATION: RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)

GENERAL PLAN DESIGNATION: Medium Density Residential

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Tentative Parcel Map #84434 with the Conditions of Approval in Attachment B.

PROJECT PROPOSAL: Tentative Parcel Map: A condominium conversion project to allow the creation of three air parcels on one land lot. The conversion project would allow the sale of units within an existing three-unit multi-family residential project that are currently for rent.

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 and, therefore, there are no unusual circumstances. Class 1 consists of projects involving negligible or no expansion of an existing use. The creation of air parcels for residential condominium purposes will not constitute a significant expansion of the existing residential use on the site. The proposed Tentative Parcel Map is a mapping action and does not include any physical changes to the site.

BACKGROUND:

Site characteristics: The site is an 8,393 square-foot rectangular-shaped parcel located on the west side of North Wilson Avenue, north of Emerson Street, and south of East Orange Grove Boulevard. The site is developed with three attached residential units in the center of the lot and one detached five-car garage in the rear.

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

Adjacent Zoning: North – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)
South – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)
East – RM-32 (Multi-Family Residential, City of Gardens, 0-32 dwelling units per acre)
West – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)

Previous zoning cases: None.

PROJECT DESCRIPTION:

The applicant, Manish Patel, has submitted a Tentative Parcel Map application proposing a condominium conversion project that would allow the creation of three air parcels on one land lot for residential condominium purposes. The property is currently developed with three attached residential units and one detached five-car garage. The front unit (617) is one-story and 1,064 square feet in area. The middle unit (619 A) is two-stories and 1,476 square feet in area, and the rear unit (619 B) is two stories and 1,650 square feet in area. Through the Tentative Parcel Map process, the three existing residential dwelling units would be converted to individual ownership (residential condominiums) units on one common parcel. Given tenants currently rent units, the proposed project is reviewed as a condominium conversion. No demolition of existing structures or new construction is proposed as part of this application.

ANALYSIS:

The subject property is located in the RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre) zoning district. The 8,393 square-foot lot size is limited to a maximum of three dwelling units. The project site includes three dwelling units and is therefore in compliance with the maximum density requirement. The front unit was constructed in 1923 and the two other units were constructed in 1991. This application does not include any proposed changes to the previously completed Building Permits. At the time of construction, the project was determined to be compliant with all applicable development standards.

Tentative Parcel Map applications are subject to compliance with Title 16 (Subdivisions) of the Pasadena Municipal Code and applicable standards of the City’s Zoning Code and General Plan. The intent of the Subdivision ordinance is to regulate divisions of land. The Hearing Officer may

approve a Tentative Parcel Map provided that seven findings in the affirmative are made pursuant to Municipal Code Section 16.20.170 (Required Findings). Findings are generally necessary to demonstrate the subdivisions consistency with the General Plan, suitability of the site, design, and that the subdivision would not cause serious public health problems, violate water quality control standards, or conflict with public easements.

The project demonstrates consistency with the goals, objectives, and policies of the General Plan and the site is physically suitable for the proposed density as it is relatively flat and located in an urban area. Additionally, the design of the subdivision would not cause substantial environmental damage in that the property is located in an urbanized area and not near any sensitive habitat. Further, the proposed improvements are not likely to cause serious health problems in that the design of the housing project provides appropriate ventilation, light, and circulation within the development, consistent with requirements of the Zoning Code. Finally, the project will comply with all sewer requirements and will not conflict with any public easements or prevent access through the property. The Tentative Parcel Map application is a mapping action to convert three existing multi-family residential units to residential condominiums and there are no proposed physical changes to the site; therefore, staff has determined that the findings can be made, as demonstrated in Attachment B.

In addition to the required findings, conversion projects shall also demonstrate compliance with the specific standards of Chapter 16.46 (Standards for Conversion Projects).

Standards for Conversion Projects

Chapter 16.46 of the Pasadena Municipal Code provides the standards for conversion projects, as discussed below:

16.46.010 – Compliance with electrical code, plumbing code, and housing code.

All conversion projects are required to comply with Pasadena electrical code and Pasadena plumbing code in effect on the date the tentative map for the project is approved.

A letter dated April 29, 2024, and an addendum dated May 9, 2024, were provided by Quality Build Construction Permits, Inc. (License Number 110915) confirming the property complies with the City of Pasadena current electrical and plumbing code requirements. Additionally, the City's Code Compliance conducted a Quadrennial Inspection (CCI2024-00012) in March 2024 and found there were no zoning, property maintenance, or health and safety-related code violations.

16.46.020 – Parking requirements.

A condominium conversion project shall meet the required number of parking spaces for the zoning district in which it is located. This includes both guest parking requirements and back up distance requirements. All parking spaces shall meet the minimum dimensions contained in Title 17 of this code for full parking spaces. No compact parking spaces shall be permitted.

Zoning Code section 17.46.040 requires that multi-family residential uses provide two covered spaces per unit that are 650 square feet or larger. The subject property is developed with three units, each over 650 square feet in area. Therefore, the requirement is six covered parking spaces. The subject site is developed with an existing five-car garage.

Pursuant to California Government Code Section 65863.2.(a), a public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit. The site is within one-half mile of the Lake Avenue Metro Station. In accordance with State Law, there is no minimum parking requirement for this site due to its proximity to public transit. Therefore, the existing parking is adequate, and the project satisfies the requirements applicable to this site.

16.46.030 – Utility meters.

The consumption of gas and electricity within each dwelling unit is required to be separately metered so that the unit owner can be separately billed for each utility. There are three separate electrical meters and three separate gas meters on site.

16.46.040 – Warranties.

The applicant is required to grant the homeowners' association or other body responsible for the management of the project a warranty against all defects in common areas for not less than one year from sale of first unit. To comply with this standard, the applicant has provided a written and signed document granting a warranty against all defects in common areas for not less than one year. The warranty covers at a minimum the bearing walls, columns, floors, roofs, foundations, central heating cooling and other utility installations.

Conditions of approval have been included in this report requiring the applicant to comply with Section 16.46.040, Warranties of the City's Municipal Code.

16.46.050 – Relocation allowance for displaced tenants.

The subdivider shall compensate tenants for their relocation expenses by payment of a relocation fee of \$500.00 per dwelling unit to the tenants who relocate from the building to be converted after approval of the tentative map for the conversion project. Other provisions of the Section address relocation allowance for households at or below 140 percent of the median income, and moving expense allowance. On October 28, 2023, the applicant sent a written notice to all tenants notifying them of their relocation allowance amount and rights. The tenants have signed the notice and have been aware of all applicable tenant rights and benefits, as identified in the Pasadena Municipal Code.

16.46.060 – Relocation counseling.

The applicant is required to submit a counseling assistance plan to provide relocation counseling and assistance to qualified tenants, to aid such tenant in finding and relocating to equivalent housing. The applicant has agreed to provide relocation counseling and assistance to qualified tenants as necessary.

16.46.070 – Notices to tenants.

The applicant is required to provide to each tenant written notification of intent to convert at least 60 days prior to filing a tentative map as required by state statutes. On October 28, 2023, the applicant delivered the notices by certified mail to the tenants of the occupied units at that time (619 A and 619 B), which was more than 60 days prior to the application's filing date of February 13, 2024.

16.46.072 – Tenant right to purchase.

Any present tenant or tenants is/are required to be given the exclusive right to contract for the purchase of the unit upon the terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. On October 28, 2023, the applicant provided a written notice to all tenants notifying their exclusive right to purchase. The tenants have reviewed, signed, and acknowledged the tenant right to purchase in compliance with the Pasadena Municipal Code.

16.46.074 – Vacation of units.

Each non-purchasing tenant, not in default under the obligations of the rental agreement of lease under which the unit is occupied, will have at least 180 days from the date of approval of the conversion by the Hearing Officer or, if an appeal is filed, the date of approval by the City Council, to find substitute housing and to relocate. On October 28, 2023, the applicant provided a written notice to all tenants notifying them of this requirement. The tenants have reviewed, signed, and acknowledged the vacation of units in compliance with the Pasadena Municipal Code.

16.46.076 – Tenant right to terminate lease.

Any present tenant or tenants have the right to terminate their lease agreement without penalty, following the receipt of notification from the owner of the intent to convert. On October 28, 2024, the applicant has provided a written notice to all tenants notifying them of intent to convert and the tenant right to terminate lease agreement. The tenants have reviewed, signed, and acknowledged the tenant right to terminate lease agreement in compliance with the Pasadena Municipal Code.

16.46.078 – Household with disabled persons, senior citizens, or minor children.

In case where the household has a tenant or tenants who are disabled, senior citizens, or minor children, the applicant is required to allow an additional period of time, not exceeding six months beyond the time specified in Section 16.46.070(D). In addition, if the tenant or tenants have minor children, the applicant does not have to require that tenant to vacate the unit until the end of the school year in which the 180-day notice expires. On March 8, 2024, the applicant provided a written notice to all tenants notifying them of this requirement. The tenants have reviewed, signed, and acknowledged of their rights in compliance with the Pasadena Municipal Code.

16.46.080 – Notices to new tenants.

After submittal of the application to convert, any prospective tenants for units included in the conversion project is required to be notified in writing of the intent to convert prior to leasing or renting of any unit, and if such notice is given, the applicant is not required to give such tenants the benefits provided by Sections 16.46.050 (Relocation allowance for displaced tenants) and 16.46.060 (Relocation counseling). After the application to convert was submitted, a new tenant began renting 617 North Wilson. The applicant then provided notice and provided tenant signature acknowledging the notice on March 15, 2024.

16.46.085 – Increase in rents.

From the date of approval of the application to convert until the date of conversion, tenants' rent cannot be increased more frequently than once annually nor at a rate greater than the rate of increase in the Consumer Price Index (Los Angeles-Long Beach) on an annualized basis, for the same period. This limitation does not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the application to convert. On October 28, 2023, the applicant provided a written notice to current tenants which included this requirement.

Tenant Protection Ordinance

The proposed project would create three new residential air parcels in conjunction with new construction. The Housing Department has reviewed the application and determined that the project does not entail the demolition of any existing multi-family rental units and as a result, the City's Tenant Protection Ordinance is not applicable.

Inclusionary Housing

Zoning Code Chapter 17.42 (Inclusionary Housing Requirements) establishes standards and procedures to encourage the development of housing that is affordable to a range of households with varying income levels. These standards apply to new residential projects consisting of 10 or more dwelling units. Because the project consists of three units, it is not subject to the inclusionary housing requirements.

GENERAL PLAN CONSISTENCY:

The subject property is designated Medium Density Residential (0 – 16 dwelling units per acre) in the General Plan Land Use Element. The three-unit project complies with the maximum density allowed. The Tentative Parcel Map for three air parcels is consistent with General Plan Policy 2.1 (Housing Choices) and Goal 23 (Multi-Family Neighborhoods). The project supports these policies by expanding the type of housing units available for Pasadena residents. The project will enhance the neighborhood character by providing ownership opportunity of a residential use in the RM-16 multi-family zoning district.

TREE PROTECTION ORDINANCE:

Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance) establishes standards for the protection and removal of protected trees on private property. There are no trees proposed to be removed on site.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities, and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. Class 1 consists of projects involving negligible or no expansion of an existing use. The creation of air parcels for residential condominium purposes will not constitute a significant expansion of the existing residential use on the site. The proposed Tentative Parcel Map is a mapping action and does not include review of physical changes to the site.

REVIEW BY OTHER DEPARTMENTS:

The City's Building and Safety Division, Department of Transportation, Public Works Department, Housing Department, Fire Department, and Department of Water and Power have reviewed the proposal. The Public Works Department and Department of Transportation provided recommended conditions of approval that have been included in Attachment B of this staff report.

CONCLUSION:

The Tentative Parcel Map would create three air parcels on a single lot for residential condominium purposes. It is staff's assessment that the proposal is consistent with land use policies of the General Plan, development standards applicable to multi-family projects, and applicable sections of the City's Subdivision Ordinance, including the condominium conversion standards. Therefore, staff recommends approval of the application based on the findings in Attachment A and the conditions in Attachment B.

Attachments:

Attachment A: Specific Findings for Tentative Parcel Map

Attachment B: Conditions of Approval for Tentative Parcel Map

ATTACHMENT A
SPECIFIC FINDINGS FOR TENTATIVE PARCEL MAP #84434

1. *The proposed map is consistent with applicable general and specific plans as specified in Section 65450.* The subject property is designated Medium Density Residential (0-16 dwelling units per acre) in the General Plan Land Use Element. The three-unit project complies with the maximum density allowed. The Tentative Parcel Map for three air parcels is consistent with General Plan Policy 2.1 (Housing Choices) and Goal 23 (Multi-Family Neighborhoods). The project supports these policies by expanding the type of housing units available for Pasadena residents. The project will enhance the neighborhood character by providing ownership opportunity in the RM-16 multi-family zoning district.
2. *The site is physically suitable for the type of development.* The site is topographically flat and presently developed with three dwelling units. There are no proposed physical alterations to the existing development as part of this mapping action. The site has adequately accommodated the multifamily development since 1991. Additionally, a Quadrennial Inspection (CCI2024-00012) was conducted in March 2024 and found there were no zoning, property maintenance, or health and safety-related code violations.
3. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.* The property and surrounding neighborhood is in an urbanized area and is developed with residential uses. The project has been reviewed in compliance with the California Environmental Quality Act. No fish or wildlife habitats in the vicinity have been identified. As such, approval of the map will not result in significant environmental impacts.
4. *The design of the subdivision or the proposed improvements is not likely to cause serious health problems in that the subdivision is compatible with existing residential land uses in the vicinity.* The design of the development provides appropriate ventilation, light, and circulation within the development and among other existing developments in the vicinity. The development is within the maximum density allowed for the site. The three dwelling units were constructed in compliance with the Zoning, Fire, and Building Code requirements that will not cause serious health problems to the residential neighborhood. There is no new development proposed with this application and therefore the on-site uses will remain compatible with existing residential uses in the vicinity. The Tentative Parcel Map will allow the sale of each dwelling unit that are currently for rent and will not change the residential use of the property. The design of the subdivision will not cause serious health problems.
5. *The proposed map meets the requirements of Title 16 as applicable.* The proposal to subdivide an existing parcel into three legal air parcels will comply with applicable standards of Title 16. The Tentative Parcel Map was prepared by a registered engineer, obtained a map number assigned by the County, references the locations of adjacent streets and other public properties, labels and identifies easements, and references means of vehicular access. Copies of the Tentative Parcel Map were provided to the applicable parties, including, but not limited to the City Engineer, Water Department, Power Department, Fire Department, and Department of Transportation as required by Title 16. The proposed project complies with the land use designation under the General Plan. Additionally, applicant will comply with all applicable requirements identified in Chapter 16.46 "Standards for Conversion Projects" of the Pasadena Municipal Code.

6. *The discharge of waste from the proposed subdivision into existing sewer system would not add to or result in violation of existing water quality control standards.* The residential development standards of the Pasadena Municipal Code require the project site to connect to existing public sewer system. As confirmed by the Public Works Department, the three-unit site currently connects to the public sewer system and there is no expected increase in discharge of waster that would add to or result in violation of existing water quality control standards. Compliance with this requirement was verified in a letter dated April 29, 2024 and addendum dated May 9, 2024 was provided by Quality Build Construction Permits, Inc. (License Number 110915).

7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.* The design of the subdivision and type of improvements proposed will not conflict with easements acquired by the public, as the project is existing and there are no physical changes to the site proposed.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP #84434

The applicant or the successor in interest shall comply with the following conditions:

General

1. The final map to be recorded with the Los Angeles County Recorder shall substantially conform to the Tentative Parcel Map submitted with this application and dated "Approved at Hearing May 15, 2024," except as modified herein.
2. The plans submitted for building permits shall be in general conformance to site plan submitted and stamped "Approved at Hearing May 15, 2024," except as modified herein.
3. This approval allows Tentative Parcel Map #84434 to create three residential air parcels for residential condominiums on a single lot. The creation of the three residential air parcels shall occur substantially as shown on the submitted plans, except as modified herein and shall comply with the applicable land use regulations and development standards of the Pasadena Municipal Code subject to the approval of the Zoning Administrator.
4. In accordance with Section 16.18.060.A of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years of the effective date of the approval. It shall expire and become void unless an extension of time is approved in compliance with Section 16.18.060 of the Municipal Code.
5. The applicant or successor in interest shall comply with the attached conditions of approval from other City Departments.

Planning Division

6. The common area portion of the site shall be maintained and kept in good condition at all times.
7. The applicant or successor in interest shall grant the homeowners' association or other body responsible for the management of the project a warranty against all defects in common areas for not less than one year from sale of first unit, in compliance with Section 16.46.040 of the Pasadena Municipal Code.

Department of Public Works

8. Prior to submission of the final map to the City, the applicant's engineer shall set boundary monuments on the proposed subdivision per Pasadena Municipal Code, Section 16.24, and furnish to the City a set of field notes that have been recorded with Los Angeles County Department of Public Works. The monuments shall be independently inspected by a third-party licensed surveyor; with a certified report submitted to the City.
9. Prior to submission of the final map to the City for approval, the applicant shall pay a non-refundable flat fee (based on the current General Fee Schedule) to cover the cost of processing the final map. The applicant shall complete all required conditions of approval before City's approval.

10. 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.
11. In addition to the above conditions, the requirements of all applicable Pasadena Municipal Code (PMC) will apply and be implemented during the corresponding plan review and permitting. They may include but not limited to:
 - a. Sidewalk Ordinance - Chapter 12.04
 - b. Sewer Facility Charge – Chapter 4.53
 - c. Residential Impact Fee – Chapter 4.17
 - d. City Trees and Tree Protection Ordinance - Chapter 8.52
 - e. Construction and Demolition Waste Ordinance - Chapter 8.62
 - f. Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100

Department of Transportation

12. Parking: No permanent, on-street, overnight parking permits will be issued to future residents of this project. Future tenants shall be advised by the property management/owner of the unavailability of the permits. Temporary overnight parking permits are available for purchase.