



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: March 21, 2018

TO: Hearing Officer

SUBJECT: Minor Variance #11878

LOCATION: 625 Avocado Avenue

APPLICANT: Joel Tkach

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

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Jamie Peltier

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11878 with conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow the construction of a new 918 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 10'-6" from the property line; where the minimum requirement is 25 feet. A Minor Variance is required to encroach into a required setback.

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. This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The project would add 918 square feet to an existing residence and the use would remain as single-family.

BACKGROUND:

Site Characteristics: The site is a 12,570 square-foot, irregularly shaped lot located on the west corner of Hermanos Street, at the end of a partial cul-de-sac where Hermanos Street and Avocado Avenue meet. The site is currently developed with a 1,380 square-foot one-story, single-family residence and a 400 square-foot detached, two-car garage.

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

Adjacent Zoning: North – RS-6 (Single-Family Residential, 0-6 units per acre)
South – RS-6 (Single-Family Residential, 0-6 units per acre)
East – RS-6 (Single-Family Residential, 0-6 units per acre)
West – OS (Open Space)

Previous Zoning Cases on This Property: None

PROJECT DESCRIPTION:

The applicant, Joel Tkach on behalf of property owners Sara and Chris Jennings, has submitted a Minor Variance application to allow the construction of a new 918 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 10'-6" from the property line; where the minimum requirement is 25 feet. The site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district. No protected trees are proposed to be removed as part of the project. A Minor Variance is required to encroach into a required setback.

The addition to the existing single-family residence is proposed to extend approximately 18 feet along the southern side property line and 51 feet along the west (rear) property line adjacent to the Southern California Edison right-of-way behind the property. The proposed 918 square-foot addition would be one story and added to the rear of the residence to create a master bedroom, bathroom, and great room. Additionally, the project includes a 277 square-foot trellis patio cover between the proposed addition and the existing residence to create a courtyard enclosed on three sides and open to the sky.

The subject site is an irregular shaped lot located at the end of Avocado Avenue at the intersection onto Hermanos Street. This street configuration results in an irregular lot that tapers at the front property line creating a trapezoid shape at the corner of Hermanos Street and Avocado Avenue. The side property lines widen from the front property line and in length measure approximately 102 feet, to the south and 196 feet to the north. The property configuration results in atypical required setbacks. In contrast, a majority of the other properties in the general vicinity are rectangular and have equal sides and front and rear property lines, with standard setbacks.

The subject site would maintain an existing 29'-3" front yard setback from Avocado Avenue to the closest point of the residence. The front yard area is improved with existing landscaping, trees, and motor court that takes vehicular access from the corner intersection of Hermanos Street and Avocado Avenue. The existing 1,380 square-foot single-family residence is predominantly located in the center of the irregular shaped property, approximately eight feet from the interior south side property line, and 33' from the rear property line, which backs up to a parcel owned by Southern California Edison, dedicated for utility power lines. The 400 square-foot detached garage is located towards the northernmost portion of the site, taking its vehicular access from the driveway at Hermanos Street and Avocado Avenue. The area between the single-family residence and the detached garage is currently occupied by landscaping and mature trees.

As a result of the existing lot shape, required setbacks, landscaping, and location of existing improvements (residence, garage, driveway...etc.), the applicant is proposing to construct the addition within the area to the west of the single-family residence, within the required rear yard setback.

ANALYSIS:

The minimum required rear yard setback for a property within the RS-6 zoning district is 25 feet. The Zoning Code defines the rear property line as a lot line that is parallel or approximately parallel to the front lot line. The rear yard setback extends across the full width of the site. Setbacks are to be measured at right angles from the nearest point on the rear property line to the nearest portion of the structure.

The Zoning Code does not allow the addition to the existing structure to be located within a required rear setback. The addition is proposed to be located in the southwestern portion of the site, 10'-6" from the rear property line. A Minor Variance is needed to deviate from the 25-foot rear yard setback requirement.

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when five specific findings are made in the affirmative. These findings relate to special circumstances related to the property; not granting of special privilege; meeting the intent and purpose of the subject property is zoning district and the Zoning code; and that the request would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

The subject site is an irregular trapezoid shaped lot at the end of a partial cul-de-sac where Hermanos Street and Avocado Avenue meet. The irregular configuration of the lot subsequently results in setback and buildable areas different from those of traditional rectangular shaped lots in the area. The rear property lot line has a length of 185 feet and the front property lot line has a length of 42 feet, resulting in the trapezoidal lot shape. Due to the wider rear lot line, the required rear yard setback area is approximately 4,200 square feet of the 12,570 square-foot lot, which is about one-third of the property. The Zoning Code prohibits structures in setback areas; however, the property is limited to about one-third of the area for development once all the square feet from the setback areas (front, rear and sides) are removed from the lot area. The development area is further reduced by the location of the existing residence, garage and mature trees.

Additionally, the subject property abuts a property owned by Southern California Edison to the rear zoned Open Space that is used for utility power lines with no residential development. The

proposed addition is encroaching into the required rear yard setback, but there are no neighboring residential properties to the rear that would potentially be affected by the development.

The backyard area between the existing residence and detached garage is occupied by mature trees and landscaping that would need to be potentially cleared in order to construct a 918 square-foot single-story addition. This area functions as the property’s “backyard” space where activities associated with typical use of single-family residential property occurs. The applicant is requesting to construct an addition to the residence in an area that would not obstruct the “backyard” space and would not require trees to be removed.

Due to the irregular shape of the lot, existing development of the site, and the existing mature trees, constructing a 918 square-foot addition to the existing residence poses unusual circumstances that a typical property in the RS-6 zoning district does not encounter. The applicant wishes to maintain all the existing trees located on the site and the proposed additions are designed to preserve the “backyard” area without interfering on the adjacent neighbors.

If the Minor Variance were to be approved, there would be an approximately 10-foot, six-inch setback from the rear property line that abuts open space dedicated to utility power lines. With the exception of the requested Minor Variance, the proposed addition complies with all other applicable development standards, as shown in Table 1.

Table 1 – Residential Development Standards

Development Standard		Requirement	Proposed Project	Compliance
Setbacks	Front	25 feet	29 feet, 3 inches	Complies
	Sides	6 feet	22 feet, 3 inches (north)	Complies
			8 feet (south)	Complies
	Rear	25 feet	10 feet, 6 inches	<i>Minor Variance</i>
Encroachment Plane		30 degree angle measured 6 feet above existing grade	No projection into encroachment plane	Complies
Floor Area		Maximum 4,250 sq. ft.	2,698 sq. ft.	Complies
Height	Maximum 28 feet		14 feet, 2 inches	Complies
	Top Plate 23 feet		10 feet	Complies
Lot Coverage		Maximum 4,800 sq. ft.	2,698 sq. ft.	Complies
Floor Area		Maximum 4,250 sq. ft.	2,978 sq. ft.	Complies

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 single-family neighborhood would be maintained. The proposed addition would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The proposed addition would not alter the existing character of the neighborhood, as it would be in the rear of the property, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Avocado Avenue.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The Department of Public Works provided comments and recommended conditions of approval, which would be incorporated should the project be approved. The Building and Safety Division, Fire Department, Department of Transportation and Design and Historic Preservation Section 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.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variance to allow the construction of a new 918 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 10'-6" from the property line can be made. The proposed project meets all other applicable development standards required by the Zoning Code. The approval of the Minor Variance request would allow the property owner enjoyment of typical residential activities, while protecting existing mature trees and landscaping and reducing impacts to 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: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11878

Minor Variance: To allow the construction of a new 918 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 10'-6" from the property line; where the minimum requirement is 25 feet.

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.* The subject site is an irregular trapezoid shaped lot and the parcels in the vicinity are standard rectangular shaped lots. The existing development is located in the center of the lot and the detached garage is located north of the residence. Between the residence and the garage is the area functioning as the backyard for the property that contains mature trees. The rear property lot line has a length of 185 feet and the front property lot line has a length of 42 feet, resulting in the trapezoidal lot shape. The rear yard setback area is approximately 4,200 square feet of the 12,570 square-foot lot, which is about one-third of the property. The property is limited to about one-third of the area for development once all the square feet from the setback areas are removed from the lot area. Additionally, the property abuts to the rear a property owned by Southern California Edison zoned Open Space that is used for utility power lines with no residential development. The proposed addition is encroaching into the required rear yard setback, but there are no neighboring residential properties to the rear that would potentially be affected by the development. Due to the irregular shaped lot and existing conditions, the potential area for new development is limited once the required setbacks are applied. With the exception of the requested Minor Variance, the proposed addition complies with all other applicable development standards.
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.* The usable area of the lot is limited due to the existing development on the property, the irregular shape of the lot and resulting required setbacks. The project will be 10'-6" from the rear property line and located away from an area of the site that functions as a traditional backyard. Granting of the Minor Variance would allow the property owner to utilize this portion of the property for "backyard" activities typical of a single-family residence and would not significantly impact neighboring residences because it would be built to the rear adjacent to the Southern California Edison right-of-way.
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 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 rear of the property and abuts the Southern California Edison right-of-way.
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 single-family neighborhood will be maintained. The single-story addition, with a reduced rear yard setback of only 10'-6", would be consistent with the adopted General Plan policies, including Policy

21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The addition will not alter the existing character of the neighborhood, as it will be in the rear of the property, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Avocado Avenue. The project will comply with all the applicable development standards of the Zoning Code except for the Minor Variance requested to encroach into the required rear yard setback.

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 as the main factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11878

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 "Received at Hearing, March 21, 2018," 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 Section 17.64.040.C of the Zoning Code.
3. This approval allows for the construction of a 918 square-foot single-story addition to an existing single-family residence with a reduced rear yard setback of 10'-6" from the rear property line.
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 **PLN2017-00585** 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 Jamie Peltier, Current Planning Section, at (626) 744-7096 to schedule an inspection appointment time.

Planning Division

7. The addition to the single-family residence shall not be located closer than 10'-6" from the rear property line.
8. 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.
9. All lighting shall be directed downward to minimize glare from the property.

Public Works Department

10. As part of a building permit plan check submittal, the applicant shall provide proof or supporting documents of the 10-foot utility easement indicated along the rear of the property. This easement shall be shown on all construction plans of the site.
11. No permanent structure, including, but not limited to any portion of the main or accessory building, shall be constructed within, on, under, or over the utility easement area.

12. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection tape submitted to the Department of Public Works for 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.
13. Past experience has indicated that projects such as this tend to damage the existing public and private street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$1,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the existing public and private street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
14. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: http://cityofpasadena.net/PublicWorks/Engineering_Division/.

15. 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. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree.
- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at <http://cityofpasadena.net/PublicWorks/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.