



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: February 17, 2021

TO: Hearing Officer

SUBJECT: Variance #11936

LOCATION: 1904 Wagner Street

APPLICANT: Jon Roberts

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

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Jason Van Patten

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Variance #11936 with the conditions in Attachment B.

PROJECT PROPOSAL: Variance: To allow a 515 square-foot addition to an existing single-family residence without providing compliant two-car covered parking. The existing 908 square-foot single-story residence currently maintains an attached 221 square-foot one-car garage. The Zoning Code requires two-car covered parking for existing residences that propose additions of more than 150 square feet. The applicant proposes to maintain the one-car garage.

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 projects from environmental review where additions to existing structures will not result in an increase of more than 10,000 square feet if the project is located in an area where all public services and facilities are available to allow for maximum

development permissible by the General Plan, and is not located within an environmentally sensitive area.

BACKGROUND:

Site characteristics: The subject property is located on the south side of Wagner Street between Palo Verde Avenue on the east and Allen Avenue on the west. The 6,347 square-foot double frontage lot adjoins Wagner Street on the north and Maple Street on the south. The 210 freeway is located further to the south. The property is developed with an existing single-family residence with attached one-car garage at the front of the house. The front entry to the dwelling and vehicular access are provided via Wagner Street. Similarly, for adjacent properties on the block, Wagner Street functions as the front, with Maple Street functioning as the rear or backyard. The topography of the site is generally flat.

Adjacent Uses: North – Single-Family Residential
South – 210 Freeway
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RS-6 (Single-Family Residential, 0-6 units per acre)
South – PS (Public and Semi-Public)
East – RS-6 (Single-Family Residential, 0-6 units per acre)
West – RS-6 (Single-Family Residential, 0-6 units per acre)

Previous zoning cases on this property: None

PROJECT DESCRIPTION:

The applicant, Jon Roberts on behalf of property owner, has submitted a Variance application to allow a 515 square-foot addition to an existing single-family residence without providing compliant two-car covered parking. The existing 908 square-foot single-story residence currently maintains an attached 221 square-foot one-car garage that is accessible from Wagner Street. The Zoning Code requires two-car covered parking for existing residences that propose additions of more than 150 square feet. The applicant proposes to maintain the attached one-car garage and façade visible from Wagner Street. This request is limited to adjusting a requirement for covered parking. The proposed addition is designed to comply with applicable development standards. No other adjustments are proposed, and no trees are planned for removal.

ANALYSIS:

The subject property is located in the RS-6 (Single-Family Residential, 0-6 units per acre) zoning district. 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: RS Development Standards

Development Standards	Required	Proposed	Compliance
RS-6			
Setbacks			
<i>Front (Wagner)</i>	25'	25'	Complies
<i>Front (Maple)</i>	61'-10"	63'-3"	Complies
<i>Side</i>	5'	5' (east); 5' (west)	Complies
Max Porch Encroachment	10'	4'6" (north); 10' (south)	Complies
Max Site Coverage	No maximum	≈ 33%	Complies
Max Floor Area	2,404 square feet	1,644 square feet	Complies
Height Limit	23'/28'	14'-6"	Complies
Encroachment Plane	30 degrees	30 degrees	Complies
Parking	2-car covered	1-car covered*	Variance

*Existing condition to remain

Variance: To not provide two-car covered parking

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 within the subject RS zoning districts generally provide vehicular access via a driveway to a detached garage or are improved with an attached garage that is wide enough to accommodate two vehicles, side-by-side. The existing dwelling was constructed around 1926 with a front facing (Wagner Street) one-car garage and minimal side setbacks (less than five feet) that do not allow for passage of a driveway. Unlike other properties in the same zoning district, the circumstance does not provide an opportunity to rebuild or widen a detached garage, or allow space to park two cars side-by-side.

In this case, a strict application of the Zoning Code requires the property to provide two parking spaces covered, or alternatively, to limit the size of the addition to 150 square feet in area. Accommodating two covered parking spaces creates an impractical hardship because it requires that the existing one-car garage be made wider, significantly altering the interior floor plan and function of the dwelling. Other alternatives, such as covered tandem parking along Wagner Street, or a driveway leading to covered parking behind (south) the existing dwelling would similarly create unreasonable alterations to the site and necessitate additional variance requests. Additionally, the applicant explored providing driveway access from Maple Street. However, there exists a recorded restriction on the property that prevents access from Maple Street. This restriction was associated with the construction of the freeway and remains in place today. Due to these circumstances, granting the application is reasonable to allow the property to be improved, and the existing structure to be modestly enlarged, a substantial property right.

The proposed addition will expand two existing bedrooms located to the rear of the dwelling and legalize the existing dining room at the front entry. There would be no increase in bedroom count. Actual construction would occur to the rear (south) of the dwelling and comply 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 continue use of the existing one-car garage and the driveway that leads from Wagner Street for the parking of vehicles. This general configuration dates back to original construction and has functioned adequately by allowing two cars to park off the street. Granting the application would not change the existing condition. Therefore, it is anticipated that maintaining one-car covered parking 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 such, the Variance does not constitute a grant of special privilege because alternatives have been explored and exhausted and would only result in unreasonable or impractical changes to the property.

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 projects from environmental review where additions to existing structures will not result in an increase of more than 10,000 square feet if the project is located in an area where all public services and facilities are available to allow for maximum development permissible by the General Plan, and is not located within an environmentally sensitive area. The proposal would add 515 square feet to an existing single-family residence located in an existing developed residential neighborhood where all public services and facilities are available.

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 existing single-car garage and front façade will not visually change through this proposal, maintaining the character of the residential neighborhood.

REVIEW BY 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 and Department of Transportation provided comments that are included as recommended conditions of approval in Attachment B.

CONCLUSION:

Staff concludes that the findings necessary for approving the Variance request to maintain one-car covered parking where two-car covered parking is 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 additions to the property would comply with all other applicable development standards of the Zoning Code. 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 #11936

Variance: To not provide two-car covered parking

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 within the RS zoning district generally provide vehicular access via a driveway to a detached garage or are improved with an attached garage that is wide enough to accommodate two vehicles, side-by-side. The existing dwelling was constructed around 1926 with a front facing (Wagner Street) one-car garage and minimal side setbacks (less than five feet) that do not allow for passage of a driveway. Unlike other properties in the same zoning district, the circumstance does not provide an opportunity to rebuild or widen a detached garage, or allow space to park two cars side-by-side.
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.* A strict application of the Zoning Code requires the property to provide two parking spaces covered, or alternatively, to limit the size of the addition to 150 square feet in area. Accommodating two covered parking spaces creates an impractical hardship because it requires that the existing one-car garage be made wider, significantly altering the interior floor plan and function of the dwelling. Other alternatives, such as covered tandem parking along Wagner Street or a driveway to covered parking behind the existing dwelling will similarly create unreasonable alterations to the site and necessitate additional variance requests. Additionally, the applicant explored providing driveway access from Maple Street. However, there exists a recorded restriction on the property that prevents access from Maple Street. This restriction was associated with the construction of the freeway and remains in place today. 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 proposed addition will expand two existing bedrooms located to the rear of the dwelling and legalize the existing dining room at the front entry. There will be no increase in bedroom count. Actual construction will occur to the rear of the dwelling and comply with applicable development standards that regulate size, height, and location. Granting the application will allow the property to continue use of the existing one-car garage and the driveway that leads from Wagner Street for the parking of vehicles. This general configuration dates back to original construction and has functioned adequately by allowing to cars to park off the street. Granting the application will not change the existing condition. Therefore, it is anticipated that maintaining one-car covered 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 in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The Variance will not compromise the character and quality of the existing neighborhood as the front façade is not proposed to be altered from its existing condition. 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 existing single-car garage and front façade will not visually change through this proposal, maintaining the character of the residential neighborhood. As such, the Variance does not constitute a grant of special privilege because alternatives have been explored and exhausted and would only result in unreasonable or impractical changes to the property.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance in that the cost to the applicant of complying with the City's development standards has not been considered a factor at any time throughout the review of this application.* The cost to the applicant of complying with the City's development standards was not the primary factor considered during the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR VARIANCE #11936

The applicant or the successor in interest shall comply with 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 February 17, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval allows the property to maintain one off-street covered parking space in lieu of the required two-car covered parking spaces in conjunction with a 515 square-foot addition to an existing single-family residence.
4. The applicant or successor in interest shall meet the applicable code requirements of all other 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 **ZENT2020-10089** is subject to the Inspection Program by the City. 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 the Current Planning Section, at (626) 744-6777 to schedule an inspection appointment time.

Planning Division

7. 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).
8. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
9. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
10. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Department of Transportation

11. The parking requirements shall conform to the requirements from the Planning Department. There shall be no new driveway along Maple Street without written Caltrans approval.

Public Works Department

12. 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.
13. Caltrans will not be allowing/approving any permit for any driveway on Maple Street.
14. 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.
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.

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