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CITY OF PASADENA

June 2, 2003

TO: Jane Rodriguez, City Clerk  
FROM: Steve Madison, Councilmember, District 6  
SUBJECT: ITEM FOR CALL UP

I wish to call up Conditional Use Permit #4188 for 484 S. Grand Avenue.

06/09/2003  
7.A.1.

**ZONING HEARING OFFICER  
STAFF REPORT  
May 21, 2003**

**SUBJECT:** Conditional Use Permit #4188

**LOCATION:** 485 South Grand Avenue

**APPLICANT:** Christopher V. Ward, A.I.A.

**ZONING DESIGNATION:** RS-4-HD

**GENERAL PLAN  
DESIGNATION:** Low Density Residential

**PREPARED BY:** David Sinclair

**STAFF RECOMMENDATION:** Acknowledge the Environmental Determination and the Specific Findings in Attachment A to **approve** the Conditional Use Permit with the attached conditions in Attachments B and C, and **deny** the Variance to encroach into the required side yard.

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**PROJECT PROPOSAL:** Conditional Use Permit – Hillside home exceeding 4,000 square feet  
Variance- To locate a portion of a new garage in the required side yard.

**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, §15303, Class 3, New Construction or Conversion of Small Structures).

**BACKGROUND:**

- **Site characteristics:** The project site is a roughly rectangular shaped lot that is approximately 23,960 square feet (0.55 acres) in size. The property is located within a hillside district, and is developed with a single-family residence with a detached 2-car garage.
  
  - **Adjacent Uses:** North – Single-Family Residential  
South – Single-Family Residential  
East – Single-Family Residential  
West – Single-Family Residential
  
  - **Adjacent Zoning:** North – RS-4-HD (Single-Family Residential)  
South – RS-4-HD (Single-Family Residential)  
East – RS-4 (Single-Family Residential)  
West – RS-4-HD (Single-Family Residential)
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**Previous Zoning Cases:** CUP#4012 – Construction of a 789 square foot second story addition and a 469 square foot first story addition to an existing 2-story residence, where the portion of the second story addition over the porte-cochere will maintain the existing 7'-2" setback from the north side property line. Approved with conditions 3/20/02.

V#10696 – Construction of a 28-foot long lattice fence, 7 feet in height with a 10-foot high center portion, located within the side yard. Approved 4/1/87.

#### **ANALYSIS:**

The applicant, on behalf of the property owners, Jack and Smooch Reynolds, is proposing to convert an existing detached garage into a pool house and construct a detached 3-car garage in the front yard on a single-family residential property located within the Hillside Overlay District. The overall proposal consists of the addition of 826 square feet of gross floor area to a hillside property that is developed with structures currently totaling 5,475 square feet. As a result of the proposal, the gross floor area for the site will be increased to 6,301 square feet. The applicant has also requested a Variance requesting that the new garage be placed such that it encroaches four feet into the required nine-foot side yard setback.

#### **Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet.**

Pursuant to Section 17.48.072 of the Hillside Overlay District, a Conditional Use Permit is required when the gross floor area of a proposed dwelling and all other related structures is greater than 4,000 square feet, or an addition to an existing dwelling would create gross floor area greater than 4,000 square feet. The subject site is currently occupied with a 4,953 square foot single-family residence and a 522 square foot detached accessory structure (garage). The applicant is proposing to convert the garage into a pool house and construct an 826 square foot detached garage in front of the house. As a result, the proposed construction would result in a total of 6,301 square feet of gross floor area on the site.

The purpose of the Hillside Overlay district is to preserve and protect the views to and from hillside areas, to minimize massing of structures, to maintain the identity, image, and environmental quality of the City and to promote orderly development through the adopted development standards. The development standards of the base zoning district (RS-4) apply to the subject site in addition to the development standards of the Hillside Overlay District, one of which is maximum gross floor area. The maximum gross floor area permitted is based upon a formula that is directly related to the zoning designation, size of the lot, and the average slope of the site. Based on the lot area of 23,960 square feet and an average slope of less than 15% (6.2%), the maximum permitted floor area is 6,490 square feet. The proposal, as submitted, is below the maximum allowed for the site, and is also within the 35% lot coverage limit (8,386 square feet) set forth in the Zoning Code.

Furthermore, the proposal complies with virtually all the other development standards of the Zoning Code that are applicable to the subject property (i.e. height and parking). The existing and proposed front yard exceed the minimum 25 feet required, the new garage structure is 13'-3" in height where a maximum of 17 feet is permitted, and all the required parking spaces (resident and guest) are provided. However, the location of the new detached garage places it five feet from the side property line where nine feet is required (lot width of 90 feet) (see Variance discussion below), while all other required setbacks are exceeded. Based on the proposal's general compliance with the development standards of the Zoning Code and its

negligible impact to the surrounding residential neighborhood, staff is recommending approval of the Conditional Use Permit request subject to the conditions listed in this report and included in Attachment B and C.

**Variance – To Locate Garage in the Required Side Setback.**

Pursuant to Zoning Code Section 17.20.030(R), the side setback shall be 10% of the width of the lot. The lot in question is 90 feet wide; therefore the required setback is nine feet. The applicant is requesting to locate a new detached garage such that it would be five feet from the side property line. As such, the proposed garage does not comply with the aforementioned development standard, and requires a Variance.

The Zoning Code permits accessory structures at a maximum size of 8% of the lot size (or 800 square feet, whichever is greater). Based on a lot size of 23,960 square feet, the maximum floor area for all accessory structures cannot exceed 1,917 square feet. The proposed 826 square foot garage and existing 522 square foot garage total 1,348 square feet, which is below the maximum permitted.

The proposed garage is located approximately 13'-4" in front and off to the side of the main structure and is accessed from the existing driveway and motor court. The garage is placed perpendicular to the street such that the doors will not face the street. The majority of the area where the garage is proposed is currently paved, and the new parking spaces are being provided to replace the 2 covered parking spaces lost in the proposed conversion of the existing garage into a pool house.

Due to ample space in the existing motor court, staff does not find that the necessary findings can be made to justify this deviation from the Zoning Code. There is plenty of space to move the garage four additional feet to meet the required nine-foot side yard setback. Or, the proposed depth of the garage could be reduced to 20 feet so that a redesigned garage could be relocated only three additional feet and satisfy the required side yard setback. As such, there are no special or unusual circumstances that would warrant approval of the variance. It is staff's assessment that this is a self-induced hardship. Based on this analysis, staff is recommending denial of the Variance request.

**SUMMARY/CONCLUSION:**

It is staff's assessment that the findings necessary for approving the Conditional Use Permit to allow the construction of a new 826 square foot 3-car garage can be made in this case. The site is large enough to accommodate the additional square footage while meeting all lot coverage, floor area, and parking. Staff, however, does not support the Variance request from the side yard setback requirement. Sufficient justification cannot be made as to why the construction of a new structure cannot comply with the side setback requirement set forth in the Zoning Code. The nine-foot setback can be accommodated without causing any impact to the subject site physically or visually.

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**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #4188**

Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet

1. *The location of the conditional use permit is in accordance with the special purposes of Title 17 of the Pasadena Municipal Code and the purposes of the RS-2 HD district in which the proposed project is located. Specifically, the proposal complies with and meets the intent of the development standards as specified in Section 17.48 (Hillside Development Standards) and 17.20 (Single-Family Residential) of the Zoning Code. The proposed addition will be below the allowed square footage of the subject site, and will not convey an over-developed appearance from any public right-of-way. Views will not be significantly impacted and the character of the neighborhood will be retained. Additionally, the proposed development will occur on existing flat areas with no proposed grading.*

2. *The location of the conditional use permit and the proposed conditions in which it would operate will be consistent with the General Plan. An objective of the General Plan Land Use Element is to ensure that residential development is in character and scale of the existing residential neighborhood. The proposed addition to an existing single-family residence will occupy a large lot and while visible from the public right-of-way, will not result in a negative impact on the surrounding neighborhood. The overall square footage is well within the maximum lot coverage and gross floor area requirements for the site, and is in keeping with the adopted hillside protections adopted by the City.*

3. *The conditional use permit will not be detrimental to the public health, safety, or welfare of persons residing, or working in or adjacent to the neighborhood of such use, or injurious to properties or improvements in the vicinity. The proposed addition to an existing single-family residence will not disrupt the character of the neighborhood. Furthermore, the proposal is within the requirements of the Zoning Code. Lastly, single-family residential development is not known to have significant adverse impacts to the public health, safety, and welfare.*

4. *The proposed conditional use permit will comply with the provisions of Title 17, including any specific condition required for the proposed conditional use permit in the district in which it would be located. Noncompliance with any of the conditions of approval or any of the provisions of Title 17 would suspend issuance of permits to construct the 3-car garage.*

**Variance – To Locate Carport Between Main Structure And Front Property Line**

5. *There are no exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district. In this case, the detached garage is proposed as entirely new construction. The site is a large site and there is ample room to design a structure that meets code. No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the side yard setback requirement. The garage could be located near its proposed location and satisfy the required side setback. Additionally, a garage that is not as deep as the proposed twenty-two feet could be designed so that the side setback is met with minimal deviation from the proposal.*

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4188**

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

1. The site plan, floor plan, and building elevations submitted for building permits shall substantially conform to plans submitted with this application and dated "Received for Hearing May 21, 2003," except as modified herein.
2. The proposed 3-car garage shall have a maximum top plate of 8'-3" feet and a maximum height of 14 feet as measured from finished grade.
3. The applicant shall comply with Chapter 17.20 and 17.48 of the Zoning Code, which relates to development in the RS and Hillside Overlay districts.
4. This Conditional Use Permit only allows a 826 square foot 3-car garage, and a garage conversion to a pool house. The total gross floor area of the proposal approved under this entitlement shall not exceed approximately 6,301 square feet. Any future additions on the subject property shall require approval of a new Minor Conditional Use Permit.
5. The existing garage doors shall be removed as part of the conversion of the garage space into a pool house. The pool house shall not be used for sleeping or living purposes, and shall not be rented out at any time.
6. No mechanical equipment, with the exception of solar collectors, shall be permitted on any roof unless fully enclosed in an enclosure designed to be architecturally compatible with the existing house. Any above ground mechanical equipment shall not be located in the 25-foot front yard, and shall be a minimum of 5-feet from any side or rear property line.
7. This project must comply with implementation of the newly adopted Storm Water and Runoff Control Regulations (SUSMP) as regulated by the City's Building Department.
8. The "Final Conditions of Approval" shall be incorporated into the construction plans prior to the plans being submitted for Plan Check.
9. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
10. The proposed project, Case No. PLN2003-00067, shall comply with all conditions of approval, subject to a Final Zoning Inspection. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee and to schedule an inspection appointment time. All fees are to be paid to the cashier at the permit center located at 175 N. Garfield Avenue. The cashier will ask for the case number provided above. Failure to pay the inspection fee prior to initiating the application may result in revocation proceedings of this entitlement

**HEARING OFFICER ACTION:** The Zoning Hearing Officer decided to adopt the Environmental Determination and Findings recommended by Staff and **approved** the Conditional Use Permit and **denied** the Variance to encroach into the required side-yard setback with the Conditions listed in Attachments B and C.

**ATTACHMENT C**  
**MEMORANDUM - CITY OF PASADENA**  
**DEPARTMENT OF PUBLIC WORKS**

**DATE:** May 12, 2003

**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** City Engineer  
Department of Public Works

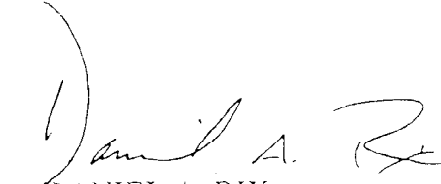
**RE:** Conditional Use Permit No. 4188  
485 South Grand Avenue

The Department of Public Works has reviewed the application for Conditional Use Permit No. 4188 at 485 South Grand Avenue. The applicant is proposing to construct a detached garage for an existing single-family residence that will result in the gross floor area exceeding 4,000 square feet. A variance is also requested to allow a portion of the new detached garage to be located within the required side yard setback. If this conditional use permit is approved, the following conditions are recommended:

1. Grand Avenue was resurfaced in November 2001. If the street is excavated for utility connections prior to November 2006, extensive repaving of the street will be required. Existing utility services shall be re-used.
2. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, avoiding any damage to existing street trees and using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514), along the subject frontage prior to the issuance of a Certificate of Occupancy.
3. The project shall comply with the Tree Protection Ordinance (TPO) that provides protection for specific types of trees on private property as well as all trees on public property.
4. The applicant shall comply to the current NPDES (National Pollutant Discharge Elimination System) Permit requirements for Development Planning and

Development Construction through the Planning and Development Department of the City.

5. Past experience has indicated that projects such as this tend to damage the abutting 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 \$2,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or an additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, either directly or indirectly, by the construction on this site.
6. Prior to the start of construction or the issuance of any permits, the applicant shall meet with the Department of Public Works Permit Inspection Supervisor for review and approval of construction staging, parking, delivery and storage of materials, and any of the specifics that will affect the public right-of-way.
7. 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 affect at the time these conditions are met.



DANIEL A. RIX  
City Engineer

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