

Reese, Latasha

Subject: FW: MCUP 6692

Begin forwarded message:

From: "McAustin, Margaret" <mmcaustin@cityofpasadena.net>
Date: December 6, 2018 at 5:40:53 PM PST
To: "Jomsky, Mark" <mjomsky@cityofpasadena.net>
Cc: "Morales, Margo" <mlmorales@cityofpasadena.net>
Subject: MCUP 6692

Mark,
Please consider this my request for a call up to the Board of Zoning Appeals of MCUP #6692.
Thank you,
Margaret



Councilmember Margaret McAustin
City of Pasadena, District 2
mmcaustin@cityofpasadena.net

12/17/2018

Item 20



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

December 7, 2018

R. Scott Jenkins, Esq.
C/o CNS La Villa Lake, LLC
4425 Atlantic Avenue, Suite B20
Long Beach, CA 90807

Subject: Minor Conditional Use Permit #6692
1070 North Lake Avenue
Council District #2

PLN2018-00147

Dear Mr. Jenkins:

Your application for a **Minor Conditional Use Permit** at 1070 North Lake Avenue was considered by the Hearing Officer on December 5, 2018.

MINOR CONDITIONAL USE PERMIT: To allow for the alteration of a nonconforming use. Variance #8191, approved on August 7, 1970, permitted a deviation from use of property requirements (development of multi-family residential on a single-family residential zoned parcel) and exception to applicable parking requirements to facilitate construction of a three-story, 114-unit FHA senior housing apartment building on a C-1 zoned property, with the building and parking extending 30-feet into the R-1 zoned property, and 72 parking spaces on the R-1 zone. The applicant is requesting to eliminate the age-restriction for tenants, making the units available to non-seniors. The site is located within the CO-SP-1a and RS-6-LD-1 (Commercial Office District, North Lake Specific Plan, sub-district 1a and Single-Family Residential, Bungalow Heaven Landmark District) zoning district. A Minor Conditional Use Permit is required for alteration of a non-conforming use to remove the age-restriction.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter. Based upon these findings, it was decided by the Hearing Officer that the **Minor Conditional Use Permit** be **approved** with the conditions in Attachment B and in accordance with submitted plans stamped **December 5, 2018**.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval. This approval is eligible for two one-year extensions. Each one year extension is required to be reviewed and approved by the Hearing Officer at a noticed public hearing. In order for a project to be eligible for a time extension, the applicant is required to submit the required fee and time extension application to the Permit Center prior to the expiration date of the land use

entitlement. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued to completion prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.


You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (December 17, 2018)**. The effective date of this case will be **December 18, 2018**. Prior to such effective date, a member of the City Council or Planning Commission may request that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$1,217.98. The Appeal fee for non-profit community-based organizations is \$608.99.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval) shall be incorporated into the plans submitted for building permits.

The project is 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 the operation, leasing, and minor alterations of existing private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; the modification of tenant age requirements is considered a negligible expansion/minor alteration of an existing use.

For further information regarding this case please contact **Kristen Johnston** at **(626) 744-6709**.

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C (site plan)

xc: City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6692

Minor Conditional Use Permit

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* An alteration to a nonconforming use is permitted with the approval of a Minor Conditional Use Permit. Variance #8191, approved on August 7, 1970, permitted a deviation from use of property requirements (development of multi-family residential on a single-family residential zoned parcel) and exception to applicable parking requirements to facilitate construction of a three-story, 114-unit FHA senior housing apartment building on a C-1 zoned property, with the building and parking extending 30-feet into the R-1 zoned property, and 72 parking spaces on the R-1 zone. Nonconforming uses include uses that do not conform to the land use regulations for the district in which they are located and were established prior to July 1, 1985, under a use of property variance. As such, given that the site was established prior to 1985 through a use of property variance and pursuant to Section 17.71.080.E (Alterations and/or Additions to Nonconforming Uses and Structures) of the Zoning Code, a nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained. The alteration of this previously-established use to lift the age-restriction from 50 percent of units is in compliance with applicable regulations, as established in Variance #8191.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is located within the CO-SP-1a and RS-6-LD-1 (Commercial Office District, North Lake Specific Plan, sub-district 1a and Single-Family Residential, Bungalow Heaven Landmark District) zoning district. As previously described, the subject site is improved with a three-story, 114-unit, age-restricted apartment building with 71 parking spaces approved under Variance #8191. No physical changes are proposed to the structure on site. The alteration of a nonconforming land use is permitted with the approval of a Minor Conditional Use Permit, within the CO-SP-1a and RS-6-LD-1 (Commercial Office District, North Lake Specific Plan, sub-district 1a and Single-Family Residential, Bungalow Heaven Landmark District) zoning district. With an occupancy mix of 50 percent senior tenants and 50 percent non-age-restricted tenants, and with the conditions of approval, the subject site will comply with the special purposes of the zoning code.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* Multi-family Residential land uses including senior citizen housing developments are consistent with the General Plan Land Use Element – Goal 2, Land Use Diversity, specifically Policy 2.1 Housing Choices. The alteration of a nonconforming use, as recommended, will continue to provide opportunities for a full range of housing types including senior housing needs. In addition, the project is consistent with the purpose of the North Lake Specific Plan, which promotes residential character. The proposed project would maintain the existing residential character while providing a range of housing types.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The subject site has been operating as a Multi-Family Residential land use, specifically for senior tenants since the 1970's, as approved under Variance #8191. The alteration to the nonconforming use, as recommended, will allow the site to continue operation of a Multi-Family Residential land use in a manner that would not be detrimental to the surrounding neighborhood, given that the

recommended tenant mix (50 percent senior and 50 percent non-age-restricted tenants), as conditioned would not further impact the current parking demand. Furthermore, the applicant is subject to compliance with all of the conditions of approval provided in Attachment B of this report.

5. *The use, as described and conditional approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The subject site has historically operated as a Multi-Family Residential land use and will continue to operate as such. The proposed alteration to a nonconforming use, as recommended, is not expected to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City given that the subject site will be required to comply the conditions of approval provided in Attachment B.

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The existing Multi-Family Residential land use occupies a 73,000 square-foot, three-story apartment building, developed in the 1970's for senior citizen housing and is consistent with surrounding land uses. The granting of this Minor Conditional Use Permit as recommended, will allow the alteration of a nonconforming use by allowing a tenant mix with 50 percent senior tenants and 50 percent non-age-restricted tenants. The continuation of the Multi-Family Residential land use, as conditioned will comply with all of the required development standards applicable to the zoning district.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6692

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

General

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Approved at Hearing, December 5, 2018", except as modified herein.
2. In accordance with Section 17.64.040 (Time Limits and Extension) of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Hearing Officer may grant a one-year extension of your approval.
3. The approval of this application authorizes an alteration to a nonconforming use, permitting a tenant mix of 50 percent (57 units) senior tenants and 50 percent (57 units) non-age-restricted tenants. Per the Zoning Code, a senior is defined as a person age 55 or over.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Minor Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Minor Conditional Use Permit or a new Minor Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **PLN2018-00147**, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy. In addition, the project requires Condition Mitigation Monitoring. Contact the Planning Case Manager, Kristen Johnston at (626) 744-6709 to schedule an inspection appointment time.

Planning Division

9. The reconfiguration of the parking lot and restriping of parking spaces shall accommodate 75 parking spaces as demonstrated on the approved site plan dated "Approved at Hearing, December 5, 2018" and shall comply with all of the development standards provided in Chapter 17.46 – Parking and Loading, of the Zoning Code and shall be submitted for review and approval by the Zoning Administrator.
10. The access gates provided off Mentor Avenue shall be clearly marked to provide limited access. The south gate shall be clearly marked to limit access to emergency vehicles only, and shall be reviewed and approved by the Pasadena Fire Department. The north gate shall be clearly marked to provide limited ingress and egress for residents only.

11. The subject site shall be required to comply with Section 17.46.080.B – Tandem Parking of the Zoning Code, as outlined below:
 - a. Both of the tandem parking spaces shall be assigned to the same dwelling unit.
 - b. The maximum number of tandem parking spaces shall not exceed 30 percent of the total off-street parking spaces provided.
 - c. Two parking spaces in tandem shall have a combined minimum dimension of nine feet in width by 34 feet in length.
12. Tandem parking spaces shall not be utilized for marked guest parking spaces.
13. Applicant shall lease units in such manner that tenant vehicles do not exceed a total of sixty-seven (67). Each tenant vehicle shall be assigned a space. Applicant shall submit a rent roll documenting the tenant mix and vehicle assignments per unit to the Zoning Administrator annually for monitoring.
14. Eight (8) of the seventy-five (75) parking spaces shall be clearly marked for guest parking only, and shall comply with the minimum parking dimension standards provided in Chapter 17.46.110 – Parking Space Dimensions of the Zoning Code.
15. On-site assigned tenant parking spaces shall not be utilized for guest parking.
16. The subject site shall provide a class one bicycle facility to accommodate nine bicycle spaces, in compliance with Section 17.46.320 – Bicycle Parking Standards of the Zoning Code.
17. Within three months of this approval, the applicant shall submit a parking management plan to the Zoning Administrator for review and approval. The parking management plan shall include, but shall not be limited to: 1) provide the City with an updated rent roll with assigned parking for vehicles associated with each unit; 2) provide method of identifying tenant vehicles (i.e. parking placards or stickers); 3) implement restrictions for guest parking spaces (i.e. overnight guest placards with time limitations); 4) provide rules and guidelines for on-site parking to tenants; 5) disciplinary actions for parking offenses.
18. Pursuant to Section 17.46.290 – Trip Reduction Requirements for Residential and Nonresidential Projects, the applicant shall submit a TDM Program Plan as required by Chapter 10.64 of the Municipal Code (Transportation Management Program) for review and approval by the Department of Transportation and Zoning Administrator.

Department of Transportation

19. The subject site, located at 1070 North Lake Avenue, will not be issued any permanent, on-street, overnight parking permits to residents of the La Villa Lake Apartments.

ATTACHMENT C
SITE PLAN

