

# Agenda Report

July 17, 2017

**TO:** Honorable Mayor and City Council  
**FROM:** Planning and Community Development Department  
**SUBJECT: APPEAL OF THE BOARD OF ZONING APPEALS DECISION  
ON TENTATIVE PARCEL MAP #073535 –  
349 EAST CALIFORNIA BOULEVARD**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt the Environmental Determination that the proposed 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, Class 3 §15303, New Construction or Conversion of Small Structures); and
2. Overturn the Board of Zoning Appeals decision and approve Tentative Parcel Map #073535.

## **EXECUTIVE SUMMARY:**

On April 5, 2017, the Board of Zoning Appeals (BZA) considered, at its regularly noticed hearing, an appeal of Tentative Parcel Map #073535. The request was to create three air parcels for residential condominium purposes on one land lot; a mapping action, in the RM-16 (Multi-Family Residential, 0-16 dwelling units per acre) zoning district.

At the conclusion of the public hearing, the BZA decided to adopt the environmental determination that the proposed project was exempt from environmental review. A motion was made to overturn the Hearing Officer's decision and disapprove the Tentative Parcel Map that resulted in a 3-0 vote by the three members present. As a result, action was taken to disapprove the Tentative Parcel Map.

On April 17, 2017, the applicant, Betsy Lee, submitted an appeal application to the City Council citing a disagreement with the decision of the BZA. The hearing before the City

Council is a de novo hearing where the Council has the authority to make an entirely different decision.

Staff recommends that the City Council overturn the BZA decision and approve Tentative Parcel Map #073535.

## **BACKGROUND:**

### Project Description

The applicant, Betsy Lee, submitted a Tentative Parcel Map application to create three air parcels for residential condominium purposes for an approved residential project.

The residential project involves the demolition of a one-story, single-family residence and an accessory structure currently existing on the property. The site would be developed with three residential units over one level of subterranean parking. Two of the units would have a two-story floor plan and one unit would have a three-story floor plan. The project received Final Design Review approval on April 26, 2016. The project as designed is compliant with the Zoning Code and the development of three residential units is allowed by right. The current application is for the creation of air parcels only; no changes to the previously approved residential project are proposed. An approved, and finalized, parcel map would allow the applicant to sell the units individually and create home ownership opportunities. If the Tentative Parcel Map is denied, the same project can be constructed; the units would be for rent rather than for sale.

### Hearing Officer Public Hearing

The application was originally presented to the Hearing Officer at a public hearing on November 16, 2016 (Attachment H). Staff's recommendation to the Hearing Officer was to approve Tentative Parcel Map #073535 since the proposed subdivision would comply with Chapter 16.20 (Tentative Maps) of the Pasadena Municipal Code and would result only in the creation of air parcels for condominium purposes.

At the hearing, three speakers expressed concerns regarding the proposed Tentative Parcel Map. The concerns raised at the public hearing were:

- Rental property would be preferable as it would be more affordable;
- Condominiums are not common along California Boulevard and adjacent streets; and
- The approved residential project is inconsistent with surrounding development.

At the conclusion of public testimony, the Hearing Officer approved the Tentative Parcel Map #073535. This decision was based on the findings and the conditions of approval in Attachment G (Decision Letter) to this report.

On November 28, 2016, Kelley Holmes, representing the Madison Heights Neighborhood Association, submitted an appeal application (Attachment F) to the BZA citing disagreements with the decision of the Hearing Officer.

#### Board of Zoning Appeals Public Hearing

On April 5, 2017, the BZA considered, at its regularly noticed hearing, an appeal of Tentative Parcel Map #073535 (Attachment E). Staff's recommendation to the BZA was to uphold the Hearing Officer's decision and to approve Tentative Parcel Map #073535.

At the hearing, two speakers, including the appellant, expressed concerns regarding the proposed Tentative Parcel Map. The concerns raised at the public hearing were:

- The approved residential project is inconsistent with surrounding development;
- The project would be out of character and not in scale with existing adjacent development, including the historical bungalows to the north; and
- The removal of trees.

At the conclusion of the public hearing, the BZA decided to adopt the environmental determination that the proposed project was exempt from environmental review. With a 3-0 vote, the BZA overturned the Hearing Officer's decision and disapproved the Tentative Parcel Map. The BZA decision letter is included as Attachment D to this report.

Specifically, the BZA found that the proposed map is not consistent with General Plan Land Use Policy 23.4 (Development Transitions) in that the project does not ensure a sensitive transition in building scale between buildings in multi-family residential areas and lower-scale buildings in adjoining residential areas. The Board also found that the proposed map is not consistent with General Plan Land Use Policy 8.1 (Identify and Protect Historic Resources). Specifically how the map relates to the bungalow court that is individually listed in the National Register of Historic Places that is located immediately north of the site.

On April 17, 2017, the applicant, Betsy Lee, submitted an appeal application (Attachment C) to the City Council citing a disagreement with the decision of the BZA.

#### **ANALYSIS:**

##### Character and Scale

The subject property is located on a portion of California Boulevard that is zoned RM-16. This zoning district is intended to allow multi-family development up to 16 units per acre with a maximum height of 32 feet. This portion of California Boulevard is characterized by a mix of single-family residential and multi-family residential buildings with several having two-story and three-story floor plans and varying building heights; the highest being a four-story structure.

The proposed project received Design Review approval on April 26, 2016. Through this process, the Design and Historic Preservation Section determined that the development is consistent with the applicable design guidelines and designed to be compatible with the surrounding context in terms of massing, height, setback, architectural style and materials. As a result, the project is consistent with the existing adjacent development.

The massing and siting are consistent with the design guidelines applicable to multi-family residential development. The site is a corner lot and the proposed building is appropriately sited at the street corner behind the required setbacks, in line with the setbacks of the adjacent properties. The building graduates in height from two to three stories of massing, with the three-story massing located toward the rear portion of the lot over only one of the units. The third story is also within the pitch of the mansard roof, with arched dormers providing the required light and ventilation to the habitable space within. This configuration minimizes the appearance of the third story. The proposed three-story maximum height is consistent with the surrounding multi-family zoned properties, which range from one to four stories in height, and complies with code.

The bungalow court located immediately north of the site, at 545 S. Euclid Ave., is individually listed in the National Register of Historic Places. The north elevation of the proposed development was modified through the design review process to provide a ten-foot setback from the rear property line and a reduction in the number of windows provided in order to be sensitive to historic property. In addition, it was determined that the proposed French Eclectic architectural style of the development would be compatible with the English Tudor architectural style of the adjacent bungalow courts.

Tentative Parcel Map: to create three air parcels for residential condominium purposes

The subject site is located within the RM-16 (Multi-Family Residential, 0-16 dwelling units per acre) zoning district. Multi-family residential development within this zoning district is subject to the development standards of the Zoning Code. In this case, based on a lot size of 8,260 square feet, a maximum number of three units are permitted on the site. The applicant is proposing three dwelling units for this project, which complies with the maximum density requirement of the Zoning Code.

Development projects in the RM-16 zoning district are subject to the City of Gardens development standards (e.g. main garden area, total garden area, building separation...etc.) of the Zoning Code. The project completed the Preliminary Plan Check process. During this review, staff determined that the project satisfied all the applicable development requirements. The project has also been reviewed by Design and Historic Preservation staff through the Design Review process. On April 26, 2016, Design and Historic Preservation staff found that the design of the project complies with the Citywide Design Principles in the General Plan Land Use Element and the architectural standards for multi-family housing, and approved the application. No deviations, concessions, or waivers were requested.

### Tenant Protection Ordinance

The site currently contains a single-family residence and a detached garage. The proposed development project would demolish the existing residence to allow the construction of three new residential air parcels in conjunction with new construction. Single-family residences are not subject to the Tenant Protection Ordinance requirements.

### Inclusionary Housing

Chapter 17.42 of the Zoning Code applies to projects with 10 or more new dwelling units. These standards and procedures are intended to encourage the development and availability of affordable housing by ensuring that the addition of affordable housing units to the City's housing stock is in proportion to the overall increase in new housing units. Because the proposed project entails the construction of only three units, it is not subject to the Inclusionary Housing Requirements.

### **TREE PROTECTION ORDINANCE:**

According to the tree inventory submitted by the applicant, there are a total of 12 trees on the subject property. Five of the trees are protected under the City's Tree Protection Ordinance. Through the Design Review process, the applicant requested the removal of two protected Victorian Box trees. On April 26, 2016, the proposed project received Final Design Review approval that included removal of the two protected Victorian Box trees. The tree removals were approved with a condition that replacement trees be planted in accordance with the City's adopted tree replacement matrix with eight 15-gallon, four 24-inch box or two 36-inch box specimen tree species.

### **GENERAL PLAN CONSISTENCY:**

The proposed density of the Tentative Parcel Map is within the maximum density allowed for the Medium Density Residential land use designation of the General Plan. The project is consistent with the size and character of other residential lots in the vicinity of the site. The Tentative Parcel Map also achieves the following General Plan Objectives and Policies: Policy 21.4 (New Residential Development), Policy 23.1 (Character and Design), Policy 23.2 (Parking Areas and Garages), and Policy 23.4 (Building Transitions). The project supports these policies by expanding the type, and increasing the inventory of housing units available for Pasadena families. The project will enhance the neighborhood character and quality through implementation of the "City of Gardens" development standards that emphasize the coherence, embellishment, and visibility of courts and gardens; and providing parking in a subterranean structure. In addition, the subject site is zoned RM-16 (Multi-Family Residential, 0-16 units per acre) and serves as a transition zone between the RS-6 (Single-Family Residential, 0-6 lots per acre) zoned neighborhood located south of California Boulevard and the RM-32 (Multi-Family Residential, 0-32 units per acre) zone located immediately north of California Boulevard. The development would be consistent with the General Plan's

policy to provide a transition in building scale between buildings in lower-scale buildings in adjoining residential areas and multi-family residential areas that have the ability to provide higher density multi-family complexes.

**ENVIRONMENTAL REVIEW:**

It was determined that the project is Categorical Exempt from CEQA (Section 15303, Class 3, New Construction or Conversion of Small Structures) on April 26, 2016 as part of the approval of Consolidated Design Review. It has further been determined that there are no changed circumstances or new information as part of the proposed Tentative Parcel Map application that necessitate further environmental review.

**CONCLUSION:**

The Tentative Parcel Map would create three air parcels on one land lot for residential condominium purposes. The project as proposed is fully code compliant and can be constructed without a parcel map. The Tentative Parcel Map is the only discretionary application and would allow the units to be for sale, rather than for rent. The proposal is consistent with the land use policies of the General Plan, and is also in compliance with the “City of Gardens” development standards for multi-family projects as established in the Zoning Code. Therefore, staff recommends that the City Council overturn the Board of Zoning Appeals decision and approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

**FISCAL IMPACT:**

There is no fiscal impact for this project. Any cost associated with the Tentative Parcel Map will be borne by the applicant.

Respectfully submitted,

  
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DAVID M. REYES  
Director of Planning and Community  
Development

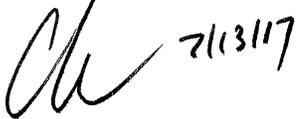
Prepared by:

Reviewed by:

  
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Luis Rocha  
Senior Planner

  
\_\_\_\_\_  
Kelvin Parker  
Principal Planner

Approved by:

 7/13/17

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STEVE MERMELL  
City Manager

Attachments:

- Attachment A – Specific Findings
- Attachment B – Conditions of Approval
- Attachment C – Appeal Application of Board of Zoning Appeals' decision received April 17, 2017
- Attachment D – Board of Zoning Appeals Decision Letter dated April 11, 2017
- Attachment E – Board of Zoning Appeals Staff Report dated April 5, 2017 (Without Attachments)
- Attachment F – Appeal Application of Hearing Officer's decision dated November 28, 2016
- Attachment G – Hearing Officer Decision Letter dated November 21, 2016
- Attachment H – Hearing Officer Staff Report dated November 16, 2016 (Without Attachments)
- Attachment I – Tentative Parcel Map (Plan)