

**MINUTES
HEARING OFFICER
OCTOBER 3, 2018**

HEARING OFFICER

**Public Meeting 6:00 P.M.
175 North Garfield Avenue
Permit Center Hearing Room, 1st Floor
Meeting Started: 6:00 P.M.
Meeting Adjourned: 6:20 P.M.**

1. ROLL CALL AND READING OF PROCEDURES
2. PUBLIC HEARINGS

REGULAR CASES

A. MV #11892: 1157 Armada Drive – Council District #1

Minor Variance: To allow the construction of a 400 square-foot attached garage to an existing single-family residence with a reduced setback of four feet from the rear 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. A Minor Variance is required to encroach into a required setback.

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- 2) Approve the Minor Variance with conditions.

PRESENTATION BY: Kristen Johnston

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| APPROVED WITH CONDITIONS |
| APPEAL DATE: 10/15/2018 |
| EFFECTIVE DATE: 10/16/2018 |
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| <u>SPEAKERS</u> |
| APPLICANT: Joel Foresight |
| IN FAVOR: child speaking |
| IN OPPOSITION: |
| REBUTTAL: |

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination and Findings recommended by Staff and **approve** the application with the Conditions listed in Attachment B and the Site Plan in Attachment C.

TTM #82248: 388 South Los Robles Avenue

B. TTM #82248: 388 South Los Robles Avenue – Council District #6

Tentative Tract Map: To allow the creation of 16 air parcels on one land lot for residential condominium purposes. A new 16-unit residential project received Final Design Review approval on December 14, 2016. This application only concerns the creation of air parcels that will allow the sale of each dwelling unit. This application does not address the design or construction of the 16-unit project and does not include any proposed changes to the previous Design Review approval.

Staff Recommendation:

- 1) Find the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15332, Class 32 (Infill Development), which is in conjunction with the Concept Design Review approval on March 24, 2015. It has further been determined that there are no changed circumstances or new information as part of the proposed Tentative Tract Map application that necessitate further environmental review and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances; and
- 2) Approve the Tentative Tract Map with conditions.

PRESENTATION BY: Jamie Peltier

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| APPROVED WITH CONDITIONS |
| APPEAL DATE: 10/15/2018 |
| EFFECTIVE DATE: 10/16/2018 |
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| <u>SPEAKERS</u> |
| APPLICANT: Jason Liao |
| IN FAVOR: |
| IN OPPOSITION: |
| REBUTTAL: |

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination and Findings recommended by Staff and **approve** the application with the Conditions listed in Attachment B and the Site Plan in Attachment C.

CUP #6614: 461 North Altadena Drive

C. CUP #6614: 461 North Altadena Drive – Council District #4

- 1) Conditional Use Permit: To allow the conversion of existing service bay area to expand a convenience store at a Vehicle Service Station,
- 2) Conditional Use Permit: To allow the off-site sale of limited alcohol (beer and wine), and
- 3) Conditional Use Permit: To allow the extended hours of operation from 5:00 a.m. to 10:00 p.m. daily for the existing Service Station and newly expanded convenience store ancillary use.

Conditional Use Permits are required for the alteration of a Vehicle Service Station use, to allow off-site sale of limited alcohol, and to allow for extended hours of operation within the CL (Commercial Limited) zoning district.

Staff Recommendation:

- 1) Continue to a date uncertain

Case Manager: Kent Lin

CONTINUED TO A DATE UNCERTAIN

V #11890: 180 South San Rafael Avenue

D. V #11890: 180 South San Rafael Avenue – Council District #6

- 1) Variance: To allow construction of a 500 square-foot accessory structure (pool house) within the front yard of a flag lot developed with a single-family residence, where an accessory structure is required to be located behind the rear wall plane of the primary structure; and
- 2) Minor Variance: To allow replacement of an existing six-foot chain link fence with a new six-foot solid wood fence, along portions of the north and south side property lines within the front yard of a flag lot, where the maximum allowed height is four feet.

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and
- 2) Approve the Variance and Minor Variance with conditions.

PRESENTATION BY: Kristen Johnston

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| APPROVED WITH CONDITIONS |
| APPEAL DATE: 10/15/2018 |
| EFFECTIVE DATE: 10/16/2018 |
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| <u>SPEAKERS</u> |
| APPLICANT: |
| IN FAVOR: |
| IN OPPOSITION: |
| REBUTTAL: |

ATTACHMENT B
CONDITIONS OF APPROVAL FOR VARIANCE #11890

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, October 3, 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 Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of this application authorizes the construction of a 500 square-foot, accessory structure (pool house), and six-foot solid wood fencing along the north and south side property lines, within the front yard of a 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 **PLN2018-00293** 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 Kristen Johnston, Current Planning Section, at (626) 744-6709 to schedule an inspection appointment time.

Planning Division

7. In compliance with Section 17.50.250(B)(2) of the Pasadena Zoning Code, the applicant shall provide a copy of the recorded accessory structure covenant to the Planning Department prior to the issuance of building permits.
8. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts), 17.29 (Hillside Overlay District), and 17.50 (Standards for Specific Land Uses) that relate to residential development, specifically accessory structures, in RS-1-HD (Single-Family Residential, Hillside Overlay District) zoning district.
9. 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).
10. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
11. 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.

12. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Fire Department

13. This project is located in an Extreme Fire Severity Zone and is required to comply with 2016 CFC; 2016 CRC Section R337, 2016 CBC Chapter 7A, Urban- International Wildland-Urban Interface Code (IWUIC) requirements.
14. Automatic Fire Sprinkler: A complete automatic fire sprinkler system designed and installed in compliance with NFPA 13D is required throughout the entire structures per the requirement CFC 2016 Section 503 and PMC Section 14.28.020.12. Plans shall be submitted to the Permit Center for Fire Department's review within 30 working days of the issuance of the Building Permit.

Public Works Department

15. ~~The proposed 6-foot tall mechanized entry gate shall have a minimum of 20 feet setback from the property line along the San Rafael Avenue frontage.~~ **DELETED BY THE HEARING OFFICER**
16. 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.
17. 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 \$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 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.
18. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the

public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

19. 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/

20. 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. Refer to <https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.
- Stormwater Management and Discharge Control Ordinance – Chapter 8.70 of the PMC
This project is subject to the requirements of the City's Storm Water and Urban Runoff Control Regulation Ordinance which implements the requirements of the Regional Water Quality Control Board's Standard Urban Storm Water Mitigation Plan (SUSMP). Prior to the issuance of any demolition, grading or construction permits for this project, the

developer shall submit a detailed plan indicating the method of SUSMP compliance. Information on the SUSMP requirements can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/planning/permit-center/apply-for-permit/> .

The resolution of the City Council of the City of Pasadena approving the amended stormwater and urban runoff pollution control regulations and repealing resolution No. 8151, can be found at the following link:

http://ww2.cityofpasadena.net/councilagendas/2015%20Agendas/Aug_17_15/AR%2019%20RESOLUTION%20APPROVING%20AMENDED%20STORMWATER%20&%20URBAN%20RUNOFF%20POLLUTION.pdf

- 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.

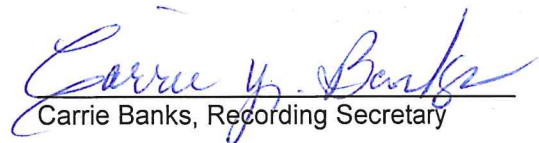
A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance 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.

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination and Findings recommended by Staff and **approve** the application with the deleted condition #15 listed in Attachment B and the Site Plan in Attachment C.

3. ADJOURNMENT



Talyn Mirzakhani, Zoning Administrator



Carrie Banks, Recording Secretary