

**MINUTES
HEARING OFFICER
DECEMBER 5, 2018
PAUL NOVAK**

Public Meeting 6:00 P.M.
175 North Garfield Avenue
Permit Center Hearing Room, 1st Floor
Meeting Started: 6:00P.M.
Meeting Adjourned: 7:45P.M.

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

REGULAR CASES

A. V #11883: 645 Rockwood Drive – Council District # 6

Variance: To allow the construction of a swimming pool, a glass fence and a wrought-iron fence within the front yard. The site is developed with a single-family residence in the RS-2-HD (Single-Family Residential, 0-2 dwelling units per acre, Hillside Overlay District) zoning district. The project requires the following entitlements:

1. Variance to allow construction of an accessory structure (swimming pool) within the front yard, where an accessory structure is required to be located behind the rear wall plane of the primary structure;
2. Minor Variance to allow replacement of an existing six-foot chain link fence with a new five-foot wrought-iron fence, within the front yard where the maximum allowed height is four feet; and
3. Minor Variance to allow the construction of a glass fence with a height of 11'4" inches from existing grade, within the front yard 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, Class 3 (New Construction or Conversion of Small Structures); and
- 2) Approve the Variance and Minor Variances with conditions.

Case Manager: Carlos Chacon

HEARING OFFICER WAIVED STAFF PRESENTATION

APPROVED WITH CONDITIONS
APPEAL DATE: 12/17/2018
EFFECTIVE DATE: 12/18/2018
<u>SPEAKERS – No Speaker Cards</u>
APPLICANT: Kathleen Ferguson
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.

B. MV#11898: 721 – 725 Pasadena Avenue – Council District #6

Minor Variance: To allow a six-foot high fence and gate, as measured from existing grade, within the front yard of an existing Community Garden, where the maximum allowed height is four feet. The property is located within the RS-4-HH (Single-Family Residential, 0-4 dwellings per acre, Hospitality Home Overlay District) zoning district.

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303, Class 3 (New Construction or Conversion of Small Structures); and
- 2) Approve the Minor Variance with conditions.

Case Manager: Jennifer Driver

HEARING OFFICER WAIVED STAFF PRESENTATION

APPROVED WITH CONDITIONS
APPEAL DATE: 12/17/2018
EFFECTIVE DATE: 12/18/2018
<u>SPEAKERS – No Speaker Cards</u>
APPLICANT: Cathy Morrison – Pasadena Community Gardens
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.

C. CUP#6670: 971 N. Altadena Drive – Council District #4

Conditional Use Permit: To allow a 441 square-foot addition to an existing 1,438 square-foot administration building for Frostig School, a Private School land use. The site is located in the PS (Public and Semi-Public) zoning district. No other alterations to the existing school or subject site are proposed.

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15314, Class 14 (Minor Additions to Schools); and
- 2) Approve the Conditional Use Permit with conditions.

Case Manager: Jamie Peltier

HEARING OFFICER WAIVED THE STAFF PRESENTATION

APPROVED WITH CONDITIONS
APPEAL DATE:
EFFECTIVE DATE:
<u>SPEAKERS – No Speaker Cards</u>
APPLICANT: Jeff?
IN FAVOR:
IN OPPOSITION:
REBUTTAL:

**ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6670**

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

General

1. The site plan and floor plan submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Approved at Hearing, December 5, 2018" except as modified herein.
2. 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, unless otherwise specified in the conditions of approval. The Planning Director can grant a one-year extension of your approval.
3. The approval of this application authorizes a 441 square-foot addition, by enclosing an existing breezeway, to the existing 20,814 square-foot campus building for the

administrative offices, in accordance with the plans on file with the Current Planning Division.

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 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 Conditional Use Permit or a new 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 **PLN2018-00421**, 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 or its equivalent. Contact the Planning Case Manager, Jamie Peltier at (626) 744-7096 to schedule an inspection appointment time.

Public Works Department

9. ~~A In order to provide for an American with Disabilities Act (ADA) compliant curb ramp, the applicant shall reconstruct the curb ramp at the northwest corner of Altadena Drive and Dudley Street with ADA compliant curb ramp, per Caltrans Standard A88A and City Standard S-414. **MODIFIED BY THE HEARING OFFICER**~~
10. ~~Additional striping, signal work, and/or poles/utility relocations might be necessary. The curb ramp construction shall be completed prior to the issuance of Certificate of Occupancy. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process. **DELETED BY THE HEARING OFFICER**~~
11. ~~The applicant shall submit to the City for review any proposed designs that will comply with the ADA requirements. The applicant is responsible for the design, preparation of plans and specifications, and construction of the new curb ramps. Plans for the curb return improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to place a deposit with the Department of Public Works to cover the cost of plan checking. The amount of deposit will be based on the current City's General Fee Schedule. Note that the building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works - Engineering Division - at 175 North Garfield Avenue Window 6. The applicant shall submit the curb return improvement plans and the plan check deposit at least two (2) months prior to the issuance of any building or demolition permits. **DELETED BY THE HEARING OFFICER**~~
12. ~~Upon review of the curb ramp improvement plans, the applicant may need to dedicate to the City for street purposes the land necessary at the property line corner rounding (a maximum of 20-foot radius per S-423) to provide for the minimum clearance required by the Americans with Disabilities Act standards. If so, the applicant shall remove and reconstruct the sidewalk for the dedicated area, per Standard Plan No. S-421. The applicant shall be responsible for all the cost required to complete the dedication, if it is required. The dedication document and processing fee shall be submitted to this office prior to issuance of any permits. The dedication document shall be executed and recorded prior to the issuance of a Certificate of Occupancy. **DELETED BY THE HEARING OFFICER**~~

13. ~~The existing street lighting fronting the subject site is substandard. In order to improve pedestrian and traffic safety, the applicant shall replace/renovate the existing street lighting, on or near the frontage of the subject property, with LED lights, per the City requirements and current standards as follow:~~
 - a. ~~Three (3) existing street lights on Dudley Street~~
 - b. ~~One (1) existing street light on Altadena Drive~~
 - c. ~~Street lighting upgrade shall be completed prior to the issuance of a Certificate of Occupancy.~~ **DELETED BY THE HEARING OFFICER**
14. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process.
15. 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.
16. Any existing street tree(s) proposed to be removed are subject to the approval of the Urban Forestry Advisory Committee (UFAC).
17. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.
18. The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.
19. The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.
20. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan (PMC Ch. 8.52 – City Trees and Tree Protection Ordinance), prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A non-refundable flat fee, per the current General Fee Schedule, will be required for staff time to review the Tree Protection Ordinance compliance.
21. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts

inserted into the ground at the edge of the dripline and shall be a minimum of 4' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.

22. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.
23. Prior to issuance of any permit, a sundry deposit in the amount of the applicant's total liabilities based on the aforementioned approved tree assessment report shall be submitted to the City. The sundry deposit is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.
24. The applicant is responsible for the design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to place a deposit with the department to cover the cost of plan checking and construction inspection of the improvements. The amount of deposit will be determined when the plans are submitted and will be based upon the estimated cost to the department for the work. Note that building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Independent plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue. The applicant is encouraged to submit these plans as early as possible to avoid delays in the issuance of Certificates of Occupancy.
25. 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.
26. 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.
27. 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: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>.
28. 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. A Public Works permit is required for all construction and occupancies in the public right-of-way. If construction vehicles and equipment are parked off-site in the public

right of way, the permit fee for street and sidewalk occupancy will be based on the area and duration corresponding to the current City's General Fee Schedule. For more information, please contact Yannie Wu at 626-744-3762.

29. In addition to the above conditions, the requirements of the following ordinances may apply to the proposed project:

Sewer Facility Charge - Chapter 4.53 of the PMC

30. The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.

Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)

31. 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

32. 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.

Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

33. The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/public-works/street-maintenance-waste-management/recycling-resources/construction-and-demolition-debris-recyclers/> 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.
 - c. 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.

Building Department

34. Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code. The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.
35. Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area.
36. Photocopy to plans and complete the BEST MANAGEMENT PRACTICE page 1(form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at <https://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>
37. Show an exit plan that labels and clearly shows compliance with all required egress features such as, but not limited to, common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc.
38. Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and firewalls, along with their fire-resistive ratings.
39. Primary accessible path of travel shall include a primary entrance to the building or facility; toilet and bathing facilities serving the area; drinking fountains serving the area; public telephones serving the area, and signs.
40. Provide compliance with accessibility per CBC 11B.
41. Show accessible route within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; public transportation stops to the accessible building or facility entrances. Where more than one route is provide, all routes must be accessible. Accessible route shall be the most practical direct route feasible and may incorporate pedestrian ramps, curbs ramps, etc...
42. Show maneuvering clearance at swing doors, gates, sliding doors, folding doors and doorways without doors.
43. Photocopy to plans and complete the 2016 California Green Building Standards Code with City Of Pasadena Amendments Forms. These forms are being provided attach and can be found at:
<https://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>
44. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, and grading plans as required. No deferred submittal.
45. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

MODIFIED CONDITION – ATTACHMENT B

9. A In order to provide for an American with Disabilities Act (ADA) compliant curb ramp, the applicant shall reconstruct the curb ramp at the northwest corner of Altadena Drive and Dudley Street with ADA compliant curb ramp, per Caltrans Standard A88A and City Standard S-414, unless otherwise waived by the Public Works Department.

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination and Findings recommended by Staff and **approve** the application with the modified condition #9, the deleted conditions listed in Attachment B and the Site Plan in Attachment C.

D. MCUP #6692: 1070 North Lake Avenue – Council District #2

Minor Conditional Use Permit: The applicant, CNS La Villa Lake, LLC, has submitted a Minor Conditional Use Permit application 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-confirming use.

Staff Recommendation:

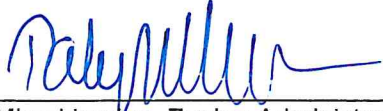
- 1) The Hearing Officer will be asked to consider whether this project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1 (Existing Facilities), and whether 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 of an existing use.; and
- 2) Approve the Minor Conditional Use Permit with conditions.

Case Manager: Kristen Johnston

APPROVED WITH CONDITIONS
APPEAL DATE: 12/17/2018
EFFECTIVE DATE: 12/18/2018
<u>SPEAKERS</u>
APPLICANT: Scott Jenkins, John Nunn
IN FAVOR: Ken Wright, Jana Mercial
IN OPPOSITION: Ari Chaet, Brian Reese, James O’Keeffe, Don Martinez, Will Gifford, Mike Alvarez, La Ronda Bowen, Scott Fruin, Dr. George Palil, Julianna Delgado, David Delgado (no speaker card, but he spoke), Felicia Williams, Doreen Bell, E. Mack, John Flanagan, Peggy Renner
REBUTTAL: Scott Jenkins

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.

3. ADJOURNMENT



Talyn Mirzakhani, Zoning Administrator



Carrie Banks, Recording Secretary