



Received
July 17, 2006
8:38 pm.
City Clerk

PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

July 7, 2006

Hugo Suarez
120 W Bellevue Dr
Pasadena CA 91105

RE: Variance #14519
Project address: 351 Adena Street
Council District #5

Jane:
Please calendar
this item for call up
consideration.
Thank you,
Vista

Dear Mr. Suarez:

Your application for a **Variance at 351 Adena Street** was considered by the **Hearing Officer** on **July 5, 2006**.

VARIANCE: To allow surface parking in the front 60% of the site, exceed the required one-story height limit at the front setback line, and exceed the maximum allowable elevation for the Main Garden.

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 Variance be approved with conditions listed in Attachment A, B, C and D and in accordance with submitted plans stamped **July 5, 2006**.

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 two years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Zoning Administrator can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. 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

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pursued 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 (July 17, 2006)**. The effective date of this case will be **July 18, 2006**. Prior to such effective date, a member of the City Council or Planning Commission may stay the decision and request that it be called for review to the Board of Zoning Appeals. However, 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 \$1,587.38. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$793.69.

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. **You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed before you submit your building permit application.** A copy of this letter must be attached to all plans submitted for building permits.

An Initial Environmental Study recommending a Mitigated Negative Declaration has been prepared and posted. The comment period for the Initial Study is from January 25, 2006 through February 15, 2006. You may present comments to staff in writing or orally at the public hearing.

For further information regarding this case please contact **Ariel Socarras** at **(626) 744-7101**.

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C, Attachment D

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

**ATTACHMENT A
FINDINGS FOR VARIANCE #11519**

Variance – Location of Parking & Main Garden Elevation.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district in that there are special circumstances applicable to the physical characteristics of the lot. Specifically, the topography of the site slopes upward from the front property line to the rear with a grade differential of approximately 13 feet. Due to the rise in slope, the project is unable to meet the definition of a partially subterranean parking structure where the top deck of the structure may not be more than two feet above existing grade at the centerline of the street frontage. Additionally, compliance with the maximum Main Garden elevation of 2'-8" from the centerline of street frontage is also not achieved. Compliance with these standards is difficult due to the slope of the site unless extensive grading and excavation of the property occurs that will be more detrimental to the site and the surrounding area. The project still complies with the development standards near the front of the property, which presents a Main Garden that is visible from the street, and a parking garage that is not visible from the street, consistent with the intent of the City of Gardens Ordinance.*
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship in that strict application of the Code would preclude the development to occur without extensive grading and excavation of the site because of the slope of the property. Accordingly, the property would not be able to be developed in a fair and reasonable manner consistent with the rights granted to other property owners in the neighborhood.*
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare. Approval of the Variances would allow the design of the parking garage to be considered as a partially subterranean parking structure instead of surface parking. Also, the Main Garden elevation would be allowed to exceed 2'-8" above the existing grade at the centerline of the street frontage. If these Variances are not approved and strict application of the Zoning Code occurred, extensive grading and excavation of the site would be necessary, which would be more detrimental to the property and its surrounding area. The project, as proposed, complies with the intent of the City of Gardens development standards while also taking into account the special characteristics of the site's slope. The project follows the natural slope of the property and complies with the overall building height requirements without causing any excessive damage to the existing characteristics of the property.*
4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of the Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district. The Variances would allow for slight deviations from the Code due to the topography of the lot. The project complies with the intent of the City of Gardens Ordinance in that a Main Garden is provided that is visible from the street, and is common, usable open space/courtyard areas for the tenants of multi-family structures. Additionally, the parking area is not visible from the street and height of the structures towards the front of the property comply with the top deck height requirement of the partially subterranean parking garage to not give the development a "raised" or "lifted" presence at the street. The project will still comply with all other City of Gardens development standards, which will not constitute a special privilege. Subject to the conditions of approval, a maximum density of 16 units/acre is permitted on the site, which is consistent with the recent City Council approval to change the General Plan Land Use and*

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zoning designation of the property to MDR (Multi-family Residential, 0-16 units/acre) and RM-16 (Multi-family Residential, 0-16 units/acre), respectively.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the parking location and Main Garden elevation requirements has not been considered a factor at any time throughout the review of this application.

Variance – One-Story Element at Front Setback.

6. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district* in that an existing structure on the site is of historic significance, and has been determined to be a contributor to the Garfield Heights Landmark District. The City's Design & Historic Preservation section has determined that the structure should be preserved. Strict application of the Zoning Code would preclude the relocation of the two-story house to the front setback line because the majority of existing structures on the blockface are one-story at the front setback. The existence of a significant contributing structure on the property is a unique circumstance not applicable to other properties in the zoning district.
7. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship* in that strict application of the Code would preclude the relocation of the two-story house to the front setback line because the majority of existing structures on the blockface are one-story at the front setback. The structure has been determined to be a contributor to the Garfield Heights Landmark District. The Variance is necessary to allow the rehabilitation and relocation of a historically significant structure to the front of the property where it becomes more visible from the street.
8. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.* Approval of the Variance would allow the relocation and rehabilitation of an existing two-story single-family residence that is considered a significant contributing structure in the Garfield Heights Landmark District. The relocation of the structure to the front setback will provide better visibility of the structure and will not be detrimental or injurious to the subject site or the surrounding area.
9. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of the Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The Variance would allow the relocation and rehabilitation of an existing two-story single-family residence that is considered a significant contributing structure in the Garfield Heights Landmark District. The project will still comply with all other City of Gardens development standards, which will not constitute a special privilege. Subject to the conditions of approval, a maximum density of 16 units/acre is permitted on the site, which is consistent with the recent City Council approval to change the General Plan Land Use and zoning designation of the property to MDR (Multi-family Residential, 0-16 units/acre) and RM-16 (Multi-family Residential, 0-16 units/acre), respectively.

Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance. The cost to the applicant of complying with the one-story height requirement at the front setback has not been considered a factor at any time throughout the review of this application.

**ATTACHMENT B
CONDITIONS OF APPROVAL FOR #**

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 stamped, "Received at Hearing July 5, 2006", identified as option one (1) except as modified herein.
2. The applicant shall comply with all development standards of the Zoning Code applicable to Chapter 17.22 (City of Gardens Development Standards), except as modified herein.
3. The applicant shall obtain approval from the Design and Historic Preservation Section through the Design Review process.
4. The applicant shall incorporate the conditions of approval into the construction plans when the plans are submitted for plan check.
5. The applicant or successor in interest shall meet all of the mitigation measures of the Mitigated Negative Declaration.
6. Relocation of the building on the lot shall maintain a front yard setback that is consistent with other historic houses on the block.
7. Rehabilitation work shall be consistent with the Secretary of the Interior's Standards.
8. Surrounding new construction shall be designed so that it is compatible with the historic building so that the impact of the project is minimal and the significance of the property is not affected, as determined through Design Review.
9. The applicant shall submit a report by a certified arborist that provides protective measures for the protection of the Coast Live Oak located in the middle of the east property line of the site. The protective measures should spell out how the tree will be protected during the construction phase of the project. This report shall be reviewed and approved by the Zoning Administrator. The measures shall be incorporated into the grading and site plan for the proposed project prior to issuance of a Building Permit.
10. An arborist report shall be submitted detailing how the proposed masonry fencing along the east property line near the Coast Live Oak will affect the tree's health. The arborist report shall include alternatives that are more conducive to the survival of the tree, including protective measures for the installation of the foundation for any proposed fencing.
11. Prior to issuance of any grubbing or grading permit or approval, the tree protecting fencing shall be installed and inspected.
12. The applicant shall place at least three waterproof placards on the tree protection fencing for each protected tree. The placards shall state that the fencing shall not be removed without authorization from the City.
13. Relocation assistance shall be provided to all residents of the site in accordance with Chapter 9.75 of the Pasadena Municipal Code.

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14. Projects for 10 units or more shall submit an Inclusionary Housing application/plan for review and approval from the City's Housing & Development Division prior to submittal of final plans for Plan Check.
15. All runoff shall be directed to the street in a drainage device approved by the Public Works Department. No runoff, either sheet or directed, shall flow onto adjacent properties.
16. A trash enclosure shall be provided in accordance with the requirements of Section 17.40.120 (Refuse Storage Facilities) of the Zoning Code. The location of such enclosure shall be approved by the Zoning Administrator and the Public Works Department.
17. The applicant or successor in interest shall meet the applicable Code requirements of all other City Departments.
18. The proposed project, **PLN2005-00308**, is subject to the City's Mitigation Monitoring Program and is also subject to Final City of Gardens Zoning inspection. Mitigation Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval and the Mitigation Monitoring and Reporting Program. The Mitigation Monitoring inspection will occur during the term of the project. The Final City of Gardens Zoning Inspection will occur at the completion of the project. Required monitoring fees for inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee. 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 activity number provided above. Failure to pay the required monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.
19. No Certificate of Occupancy shall be issued for the new units prior to issuance of a Certificate of Occupancy for the existing unit.
20. The applicant shall provide a minimum of three (3) on site guest parking spaces, and additional spaces if practical, to the satisfaction of the Zoning Administrator.
21. The residential density of any development on the site shall not exceed sixteen units per acre.

ATTACHMENT C

MEMORANDUM - CITY OF PASADENA
Department Of Public Works

DATE: December 16, 2005

TO: Denver Miller, Zoning Administrator
Planning and Development Department

FROM: City Engineer
Department of Public Works

RE: Variance No. 11519
351 Adena Street

The Department of Public Works has reviewed the application for Variance No. 11519 at 351 Adena Street. The applicant is proposing to develop 18 residential units on the property. The project entails the relocation and rehabilitation of a historically significant residence on the property and the construction of 17 new townhomes. The Variance requests are to locate surface parking in the front 60 percent of the site, to exceed the required one-story height limit at the front setback line, and to exceed the maximum allowable elevation for the main garden. The approval of the Variance should be based upon satisfying all of the following conditions:

1. Excavation in the street for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.
2. 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. Sawcutting shall be done along the flow line. Existing street trees shall be protected using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514). In addition, the applicant shall trim and/or remove all vegetation that are encroaching into the public right-of-way.
3. The applicant shall construct a new drive approach a minimum of 12 feet in width and in accordance with Standard Drawing No. S-403. The existing gutter shall be cut as near the flow line and the paving shall not be disturbed.
4. 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.
5. If drainage patterns are altered, the applicant shall provide an approved method of controlling storm water runoff. Approval shall be made by the Planning and Development Department and the Department of Public Works prior to issuance of a grading or building permit for this site.

Variance #11519

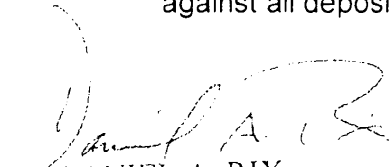
6. If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. This drain shall discharge to the street at an approved angle in a cast iron curb drain or an approved curb outlet.
7. This project is subject to the 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.
8. The existing street lighting system on Adena Street consists of utilitarian lights (mounted on wood power poles) and therefore, does not meet present design standards. In order to improve pedestrian and traffic safety, the applicant shall install a maximum of one (1) new street light on or near the frontage of the property, including conduits, conductors, electrical service (if necessary), pull boxes, and miscellaneous appurtenant work. The type and hardware shall conform to current policies approved by the City Council, and the location shall be as approved by the Department of Public Works.
9. Unless otherwise arranged, the applicant is responsible for design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by an engineer registered in the State of California. Upon submission of improvement plans to the Department of Public Works, 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.
10. Sewage from the subject development will flow to the sewer mains in Parke Street, Villa Street, and Garfield Avenue that have been identified to have sewer capacity deficiencies. These deficient sewer mains total 636 feet in length. In order to mitigate the sewer capacity deficiency, the applicant shall pay the City \$21,493 as the development's share of correcting the sewer capacity deficiencies. Said payment may be used by the City to correct the above mentioned deficiency, or, at the City's sole discretion, may be used to correct other sewer system deficiencies.
11. The proposed development shall be connected to the public sewer by a method approved by the Department of Public Works. The sewer connection shall be six-inch diameter vitrified clay or cast iron pipe with a minimum slope of two percent.
12. The applicant shall submit the following plan and form which can be obtained from the Recycling Coordinator, (626) 744-4721, of the Department of Public Works for approval prior to the request for a building permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the grading permit. A list of Construction and Demolition Recyclers can be obtained from the Recycling Coordinator.
 - b. Monthly reports must be submitted throughout the duration of the project.
 - c. 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. This deposit is fully

Variance #11519

refundable upon compliance with Chapter 8.62 of the Pasadena Municipal Code. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

13. The applicant shall advertise the availability of salvage materials. A listing can be made at no charge in the CALMAX Quarterly Catalog at www.ciwmb.ca.gov/CALMAX or through LACOMAX at www.dpw.co.la.ca.us/epd/lacomax or through preservation groups or web or newspaper advertising.
14. The project shall be subject to the use of deconstruction techniques. A deconstruction manual is available free of charge by downloading it from www.ciwmb.ca.gov/publications or by requesting a copy from the Recycling Coordinator, (626) 744-4721. of the Department of Public Works.
15. 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 \$10,000 deposit with the Department of Public Works. 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 abutting street improvements that are damaged, including striping, slurry seal/ resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for any charges as a result of damage to street trees. A processing fee will be charged against the deposit.
16. 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.



DANIEL A. RIX
City Engineer

DAR jo

ATTACHMENT D

**MEMORANDUM - CITY OF PASADENA
DEPARTMENT OF TRANSPORTATION**

DATE: January 19, 2006

TO: Denver Miller, Zoning Administrator
Planning and Development Department

FROM: Transportation Administrator
Department of Transportation


RE: Variance No. 11519
351-361 Adena Street

The Department of Transportation has reviewed the application for Variance No. 11519 at 351-361 Adena Street to allow the demolition of three duplexes (six units), relocation and refurbishment of one historic single-family residence, and construction of 17 condominium units with 40 semi-subterranean parking spaces. A traffic assessment (dated January 19, 2006) has been prepared and approved in accordance with the City's established guidelines. The approval of this conditional use permit should be based upon satisfying all of the following conditions:

1. Fund signal improvements at the intersection of Mountain Street and Los Robles Avenue, including detection and pedestrian push-buttons to improve pedestrian safety (**not to exceed \$10,000**). Funding shall be received prior to the issuance of a building permit.
2. The project shall participate in the Citywide Traffic Performance Monitoring Network project. This project is included in the City's Capital Improvement Program and is intended to address the community's particular concerns on traffic attributed by new developments (**not to exceed \$5,000.**) Funding shall be received prior to the issuance of a building permit.
3. A circulation plan for the parking area must be reviewed and approved by the Department of Transportation. The plan shall be drawn to a 1"=20' or 1"=40' scale. The plan shall include proposed configuration, including degrees of angled parking spaces, to ensure that vehicles can safely enter and exit the parking area.
4. The driveway width and entrance to the parking area shall comply with the Zoning Code. However, the project shall provide a minimum 18-foot wide driveway ramp within the structure to ensure that vehicles can safely pass one another without backing onto the street. This measure will also result in sufficient turning radius at the bottom of the ramp.

5. Any gate to the parking area must be set back 20 feet from the property line and shown on the circulation plan.
6. The location(s) of bicycle parking shall be shown on the plans and approved by the Department of Transportation prior to the issuance of a building permit.
7. To minimize future on-street parking impacts, the City will not issue overnight parking permits to the future residents of this project. It is the developer's responsibility to disclose this restriction to future residents.
8. In accordance with the Pasadena Municipal Code, the applicant is required to store all construction materials and conduct all construction activities on the site unless otherwise authorized by the Department of Public Works.

Should the applicant need to use the public right-of-way for staging and/or storage during construction, an occupancy permit shall be obtained from the Department of Public Works prior to the start of construction. In order to obtain an occupancy permit, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works and Department of Transportation for review and approval. A deposit of \$600, subject to refund or additional billing, shall be submitted to the Department of Transportation for plan review. This plan shall show the impact of the various construction stages on the public right-of-way, 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 of Public Works for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be conducted in accordance with the 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 shall be submitted as part of the Construction Staging and Traffic Management Plan to the two departments for review and approval.



BAHMAN JANKA
Transportation Administrator
ECS:jmh