

TO: JANE RODRIGUEZ, CITY CLERK

FROM: CHRIS HOLDEN

RE: REQUEST FOR CALLUP ON CUP # 4880

DATE: August 10, 2007

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CITY CLERK
CITY OF PASADENA

I am notifying your office of my intention to call-up the decision made on August 9, 2007 in a public meeting on CUP # 4880: 1089 North Raymond Avenue – Council District 3. Please proceed as required.

Thank you.



Councilman Chris Holden



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

August 10, 2007

Samir Guirguis
281 N. Altadena Drive
Pasadena CA 91107

**RE: Conditional Use Permit #4880
1089 North Raymond Avenue
Council District #3**

Dear Mr. Guirguis:

Your application for a **Conditional Use Permit** at **1089 North Raymond Avenue** was considered by the **Hearing Officer** on **August 9, 2007**.

CONDITIONAL USE PERMIT: To maintain an existing Religious Facilities church use (First Episcopal African Methodist Zion Church) and allow the addition of 560 square feet to an existing accessory structure. The addition and remodeled accessory structure will provide Transition Housing services for church members.

Minor Variance: To reduce the interior side yard setback for the addition from the required 15 feet to six feet (matching existing six foot setback).

Certificate of Exception (lot line adjustment): To remove the interior lot line and consolidate two lots into one lot.

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 Conditional Use Permit be **approved** with conditions listed in Attachments B and C and in accordance with submitted plans stamped **August 9, 2007**.

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

Conditional Use Permit #4880

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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 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.

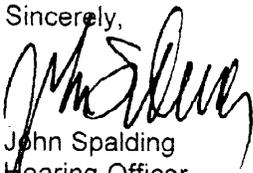
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (August 20, 2007)**. The effective date of this case will be **August 21, 2007**. Prior to such 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 \$3,014.76. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,507.38.

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 decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the plans submitted for building permits.

This project has been determined to be 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). This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The existing use will remain unchanged.

For further information regarding this case please contact **Kent Lin** at **(626) 744-6817**.

Sincerely,



John Spalding
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C

Conditional Use Permit #4880

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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 CONDITIONAL USE PERMIT #4880

Conditional Use Permit: To maintain an existing Religious Facilities use, and to allow the addition of 560 square feet to an existing accessory structure to establish a Transition Housing use.

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of the Zoning Code in that the project is situated on RM-32 (Residential, Multi-Family 0-32 units per acre) Section 17.26.030 of the Zoning Code requires a Conditional Use Permit for any expansion of a Religious Facilities land use. The existing church was established in 1984 and did not have a valid Conditional Use Permit. The approval of this Conditional Use Permit will allow the subject site to continue as an existing Religious Facilities use (First Episcopal African Methodist Zion Church) and allow the addition to an existing accessory structure. The project is in compliance with the Zoning Code subject to the approval of a Minor Variance to reduce the interior side-yard setback.*
2. *The location of the proposed uses complies with the special purposes of this Zoning Code and purposes of the applicable zoning district in that the project is situated in the RM-32 zone (Residential, Multi-Family 0-32 units per acre). Table 2-2 of the Zoning Code allows the expansion of a Religious Facilities use in the RM-32 zone through the approval of a Conditional Use Permit. The existing Religious Facilities church use was established in 1984 before Conditional Use Permits were required. This application will legalize the use and eliminate the non-conforming status. The approval of this Conditional Use Permit will allow the subject site to continue as an existing Religious Facilities use (First Episcopal African Methodist Zion Church) and allow the addition to an existing accessory structure. The proposed Transition Housing is a permitted use in the RM-32 zone.*
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan in that the project is consistent with the Land Use Element Objective 13 – Provide adequate support for businesses and institutions that serve the needs of Pasadena’s diverse resident and families, and Policy 13.1 – Support the needs of public, private, and voluntary organizations and associations that provide important services to Pasadena’s diverse community. Further, it is consistent with Policy 13.2 – Promote a committed community in which the public, private, and voluntary organizations and associations that provide important services to Pasadena’s diverse community. The project is in compliance with these objectives and policies.*
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use in that the addition will provide Transition Housing at an existing Religious Facilities church use. The establishment of an ancillary Transition Housing land use at the existing primary Religious Facilities use shall comply with Conditions of Approval identified in this report. The Conditions of Approval identified in this report will ensure that any potential impact to the neighborhood will be mitigated.*
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the Transition Housing will occupy the existing accessory structure that will be expanded by 560 square feet. The new Transition Housing land use is classified as an ancillary use to the primary Religious Facilities church use. The expanded accessory structure will not have any aesthetic impact to the surrounding residential neighborhood. Expansion to the existing*

church building is not proposed. The addition will be constructed in accordance with applicable Building and Safety Code standards. As conditioned in this report, no rent or fees of any kind are charged for the services offered. A full time staff shall be on-site to manage the daily operation of Transition Housing and address any concerns and issues that may arise. The Transition Housing will provide support services such as employment and housing counseling.

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection in that the Transition Housing use will occupy the existing accessory structure that will be expanded by 560 square feet. The accessory structure where the Transition Housing will occur is a two story 2,775 square foot accessory structure with a 560 square foot addition and will not have any aesthetic impact to the surrounding residential neighborhood. The Religious Facilities church use has been operating at the site since 1984 and the only proposed change is the Transition Housing service.*

Minor Variance – To deviate from the interior side yard setback requirement.

7. *There are exceptional and extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district in that the 560 square foot addition will match the existing nonconforming interior side-yard setback of six feet. The addition will occur between the accessory structure and the primary church structure. Due to the location of the existing structures and parking lot, the addition can only occur as proposed resulting in the deviation of the interior side-yard setback. It would be an extraordinary circumstance to require that the addition meet the current development standards because extensive alteration to the structure would be required.*
8. *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 due to the limited buildable area of the site along with the configuration of the floor plan of the existing structure, there are no feasible locations on-site to expand. The existing multi-family accessory structure was built in 1963 and the circular church structure was constructed in 1984. Due to the location of the existing structures and the parking lot, there is limited buildable area on-site. Staff does find unusual circumstances exist and a hardship to the property owner will result in this case.*
9. *Granting the application will not be detrimental or injurious to property and improvements in the vicinity of the project site, nor to the public health, safety, and welfare because the addition will match the existing nonconforming interior side-yard setback of the existing accessory structure. The adjacent multi-family structure immediately to the north of the addition has a 10 foot side yard setback for a total of 16 feet separation between the two structures. By allowing the addition to the accessory structure, the Minor Variance application will not be detrimental to adjacent property nor would it result in any health or safety impacts since it is matching a non-conforming setback to a structure that was constructed in 1963, and will not encroach any further than the existing structure.*
10. *Granting the application is consistent with the General Plan and the purposes of Title 17 and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district in that the project is consistent with the General Plan because it has designated this area for Medium-High Density Residential (MHDR) use. The addition will allow the establishment of a new Transition Housing use to be ancillary to the primary Religious Facilities church use, which is consistent with the General Plan.*

11. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the variance in that the cost to the applicant of complying with the city's development standards has not been considered a factor at any time throughout the review of this application.*

Certificate of Exception (lot line adjustment) – To remove the interior lot line and consolidate the existing two lots into one lot.

12. *The parcel resulting from the lot line adjustment (consolidation) will conform to local zoning and building ordinances in that the resulting lots will comply with the applicable development standards of the RM-32 zoning district. The consolidation of two lots into one lot will meet the minimum lot size and lot width for parcels in the RM-32 zoning district. The elimination of the interior lot line and the consolidation of the two lots into one lot will not result in any Variance requests or non-conformities.*

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4880

The applicant or successor in interest shall meet the following conditions:

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans submitted and stamped "Received at Hearing, August 9, 2007", except as modified herein.
2. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing before the Hearing Officer. 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.
3. This Conditional Use Permit allows for the expansion of an existing Religious Facilities church use by 560 square feet to the existing accessory structure.
4. The 560 square foot addition to the existing accessory structure is permitted to match the existing interior side-yard setback of six feet from the side property line.
5. This application allows the existing primary Religious Facilities church use to operate an ancillary Transition Housing use within the accessory structure.
6. The Transition Housing facility shall provide housing at no cost for individuals in immediate need of housing in which residents stay longer than overnight.
7. The accessory structure used for Transition Housing shall designate 250 square feet to provide employment and housing counseling support services.
8. A full time staff shall be available on-site during all hours of operation to address concerns, issues, and problems associated with the Transition Housing use that may arise.
9. The applicant or successor in interest shall be responsible for recording with the Los Angeles County Recorder a certificate of compliance that has been approved by the Zoning Administrator and a grant deed containing legal descriptions matching the legal descriptions contained in the certificate of compliance.
10. Modification to the approved plans may require the review and approval of a new or modified Conditional Use Permit application.
11. No mechanical equipment, with the exception of solar collectors, shall be permitted on any roof unless fully enclosed in an enclosure designed to be architecturally compatible with the primary structure. Any above ground mechanical equipment shall be screened from public view and shall be placed no closer than five (5) feet from all property lines.
12. All new lighting shall be properly shielded to avoid glare and spill of light to surrounding properties.
13. The applicable code requirements of the Zoning Code and of all other City Departments shall be met at all times.
14. The Transitional Housing facility shall accommodate no more than 4 persons at any one time and persons residing at this facility will stay no more than 5 days.

15. Prior to the issuance of a building permit, the applicant must obtain approval from the Design and Historic Preservation Section through design review and/or plan check process unless waived by Design and Historic Preservation staff.
16. A copy of the "Decision Letter" along with the "Conditions of Approval" shall be incorporated into the construction plans for Zoning Plan Check review and approval.
17. The applicant's project, **PLN2007-00161**, shall meet the conditions of approval and mitigation measures subject to monitoring by the City Condition Monitoring Coordinator. Under the Monitoring Program, your project will be inspected by Code Compliance Staff to determine compliance with the conditions of approval. Required monitoring fees for setup and inspections shall be paid on or after the effective date of this permit but prior to the issuance of any building permits for tenant improvements. 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 fee prior to initiating the application may result in revocation proceedings of this entitlement.

ATTACHMENT C

MEMORANDUM - CITY OF PASADENA Department Of Public Works

DATE: May 21, 2007

TO: Denver Miller, Zoning Administrator
Planning and Development Department

FROM: City Engineer
Department of Public Works

RE: Conditional Use Permit No. 4880
1089 North Raymond Avenue

The Department of Public Works has reviewed the application for Conditional Use Permit No. 4880 at 1089 North Raymond Avenue. The applicant is proposing to convert two existing residential units into one unit and add 560 square feet of new kitchen area to the accessory structure of the primary religious facilities use. The approval of this Conditional Use Permit 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. 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 \$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 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. A processing fee will be charged against the deposit.
3. 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 Departments of Public Works and Transportation for review and approval. The template for the Construction Staging and Traffic Management Plan may be obtained from the Department of Public Works webpage at: <http://www.cityofpasadena.net/publicworks/Engineering/default.asp>. A flat fee, based on the General Fee Schedule, is required 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 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

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 two departments for review and approval.

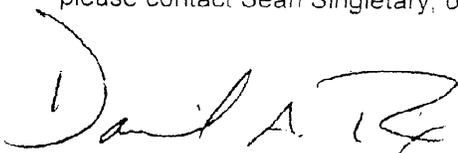
4. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

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

- o 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 approval of the Urban Forestry Advisory Committee.
- o Stormwater Management and Discharge Control Ordinance – Chapter 8.70 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 applicant 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:
<http://www.cityofpasadena.net/permitcenter/plansubreq/susmp.asp>.
- o 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://www.cityofpasadena.net/permitcenter/plansubreq/cndord.asp> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a building permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the 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 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.

If you have questions regarding the above conditions and requirements of the ordinances, please contact Sean Singletary, of this office, at (626) 744-4273.



DANIEL A. RIX
City Engineer