

Jomsky, Mark

From: Tornek, Terry
Sent: Thursday, August 13, 2009 5:16 PM
To: Jomsky, Mark
Cc: Bogaard, Bill
Subject: Call for Review

Mark -

I would like to call for review HDP#5249 at 897 Linda Vista Avenue. Thank you.

Terry Tornek

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CITY CLERK
CITY OF PASADENA

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PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

August 13, 2009

James V. Coane
30 N. Raymond Ave., Suite 611
Pasadena, CA 91103

**Re: Hillside Development Permit #5249
897 Linda Vista Avenue
PLN2009-00132**

Dear Mr. Coane:

On July 15, 2009, the Zoning Hearing Officer approved Hillside Development Permit #5249. With this approval, the 10-day appeal period began and was scheduled to end on July 27, 2009, and the effective date of the approval was to be July 28, 2009.

On the fifth day of the appeal period, July 20, 2009, a request for a call for review for this Hillside Development Permit was made by a member of the Planning Commission. This request stopped the appeal period and the effective date of the approval until the Planning Commission could consider the call for review request.

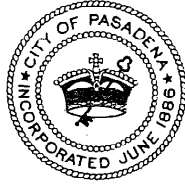
This call for review request was considered at the Planning Commission on August 12, 2009, and failed. With the failure of the call for review, the appeal period has to be completed and the effective date has changed. There are six days that remain in the appeal period, and the new effective date is **August 19, 2009**. The last day that someone can file an appeal or a member of the City Council can request a call for review is August 18, 2009.

If you have any questions please do not hesitate to contact David Sinclair at (626) 744-6766 or dsinclair@cityofpasadena.net.

Sincerely,

Denver Miller
Zoning Administrator

cc: Michael Beck, City Council, Planning Commission, City Clerk, Council Field Reps, David Sinclair, Richard Bruckner, Mark and Laura Scarsi



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

July 23, 2009

**Revised to correct the
effective date**

James V. Coane
30 Raymond Avenue, Ste. 611
Pasadena, CA 91103

**Subject: Hillside Development Permit #5249
897 Linda Vista Avenue
Council District #6**

PLN#2009-00132

Dear Mr. Coane:

Your application for a **Hillside Development Permit** at **897 Linda Vista Avenue** was considered by the **Hearing Officer** on **July 15, 2009**.

HILLSIDE DEVELOPMENT PERMIT: To demolish a 3,418 square foot one-story residence and construct a 4,326 square foot, two-story, single-family residence with a basement, and a 890 square foot, three-car garage. The proposed size of the residence (excluding the garage and basement) exceeds the Neighborhood Compatibility guideline of the Hillside Ordinance (3,719 square feet) by 576 square feet. No protected trees are proposed to be removed. A Hillside Development Permit is required for all new residences in the Hillside District overlay.

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 Hillside Development Permit be **approved** with conditions listed in Attachments B and the mitigated measures in Attachment C and in accordance with submitted plans stamped **July 15, 2009**.

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 Planning Manager 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.

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.

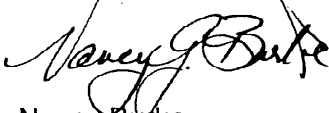
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (July 27, 2009)**. The effective date of this case will be **July 28, 2009**. Prior to such 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 \$3,644.76. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,822.38.

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.

An Initial Environmental Study recommending a Mitigated Negative Declaration was adopted for the project. Comments on the Initial Study and Mitigated Negative Declaration were received in writing from June 24, 2009 to July 15, 2009 and orally at the public hearing. The Notice of Determination shall be filed with the Los Angeles County Clerk within five (5) business days of project approval.

For further information regarding this case please contact **David Sinclair** at **(626) 744-6766**.

Sincerely,



Nancy Burke
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C

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
SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #5249

Hillside Development Permit: Construction of a new single-family house in the Hillside District.

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code. The proposed single-family residence meets the applicable development standards of the Zoning Code for development in the RS-4 zoning district and Hillside District overlay. These standards include gross floor area, lot coverage, height, and setbacks. No protected trees are proposed to be removed as part of this project.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district in that. The site will continue to be used for single-family residential purposes in an RS-4-HD zoning district. The new single-family residence will not impact views to and from the hillside area and the identity, image, and environmental quality of the City will be maintained, as intended by the Zoning Code.*
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 site will continue to be used for single-family residential purposes as intended by the RS-4-HD zoning district. Also, Objective 7 of the General Plan is to "Preserve the character and scale of Pasadena's established residential neighborhoods". Policy 7.1 discourages "mansionization" and policy 7.6 protects the special character of hillsides throughout the City limits. The size and design of the single-family residence is consistent with the established single-family neighborhood.*
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. The proposed single-family residence is surrounded by other single-family residences and its operation as such will be compatible with the neighboring properties. The height of the new single-family residence is below the maximum allowable height, gross floor area, and lot coverage. There will be no views blocked as a result of the construction. The existence of a single-family house in the single-family neighborhood will not be a negative impact on the surrounding neighborhood.*
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. All plans submitted for building and grading permits will be reviewed by the Building Division, Public Works Department, Water and Power Department and the Fire Department to ensure that the new residence does not create any hazard on- or off-site. Further, the proposed single-family residence will meet all of the applicable development standards of the Zoning Code for development in the RS-4 zoning district and Hillside District overlay.*
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. The proposed project meets the applicable development standards of the Zoning Code for development in the RS-4 zoning district and Hillside District overlay, specifically gross floor area, lot coverage, height, and setbacks. The house will be set back approximately 85 feet from the front property line and the one-story garage will be set back the minimum-required 25 feet from the front property line. The*

location of the house behind the existing vegetation and trees will not convey an overdeveloped appearance from the public right-of-way or neighboring properties. The new single-family residence will not block views, nor will they lead to significant grading of previously undisturbed portions of the site. No trees are proposed to be removed as part of this project.

7. *The design, location, and size of the proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots as described in Section 17.48.060D of this ordinance and in terms of aesthetics, character, scale, and view protection.* The City's Neighborhood Compatibility guideline includes a review of the size of the home when compared to the median home size within the surrounding neighborhood. The size of the proposed house (not including the attached garage) is 4,320 square feet, which exceeds the Neighborhood Compatibility maximum of 3,744 square feet by 576 square feet. However, using the guidelines for modification of the neighborhood and exceeding the Neighborhood Compatibility maximum size, staff has determined that the proposed Floor Area Ratio (14.4 percent) is consistent with the average Floor Area Ratio in the neighborhood (14.5 percent). Therefore staff finds the size of the house as proposed is compatible with the character and scale of existing homes in the neighborhood.
8. *The placement of the proposed house avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation in that.* The proposed single-family residence will be located in approximately the same location as the existing residence, which will result in less overall site disturbance than if it were located closer to the street, which, permitted by the Zoning Code, can be as close as 25 feet. No trees, and more importantly, no protected trees, are proposed to be removed. As part of the building permit review, the Building Division will review the grading and drainage plans to ensure that the drainage conditions after construction comply with the applicable regulations.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #5249

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

General

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, July 15, 2009", except as modified herein.
2. This approval allows the applicant to: 1) demolish the existing 3,418 square foot one-story residence; 2) construct a 4,320 square foot, two-story, single-family residence with a basement; and 3) construct a 890 square foot, three-car garage.
3. The applicant or successor in interest shall meet all of the mitigation measures of the Mitigated Negative Declaration, as outlined in Mitigation and Monitoring Reporting Program in Attachment C.
4. The applicant or successor in interest shall meet the applicable code requirements of all 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 **PLN2009-00132**, is subject to the City's Mitigation Monitoring and Reporting Program (MMRP) and is also subject to Final Zoning Inspection. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. The Mitigation Monitoring inspection will occur during the term of the project. The Final 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.

Planning Division

7. The applicant shall comply with all requirements of Chapter 17.22 and 17.29 that relate to residential development in the Hillside Overlay district, except as modified herein.
8. No grading permit shall be issued until the building permit for the new house is ready to be issued.
9. The applicant or successor in interest shall use darker tones, including earth tones, for the building walls and roofs on the house to blend in with the natural terrain. A color sample, or samples, shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.

10. The project shall comply with the 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. The approval of a Tree Removal Application shall be obtained prior to the issuance of building permits if any protected trees, as specified in the Tree Ordinance, are removed.
11. A final landscape and irrigation plan, in compliance with Section 17.44 (Landscaping) of the Zoning Code, identifying all remaining and proposed vegetation and trees shall be submitted along with plans for building permit. The plan shall include a mix of plant size and materials. Plant materials shall emphasize drought-tolerant and/or native species.
12. A construction parking and staging plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The construction parking and staging plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
13. 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
14. All new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements of the Building Division.
15. All landscape and walkway lighting shall be directed downwards to minimize glare from the property.
16. The depth of the 'light wells' for the basement shall not exceed six feet as measured from finished grade.
17. For projects subject to a building permit, all construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 AM and after 3:00 PM. Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 AM and after 3:00 PM.

Fire Department

18. Structures Shall Comply with 2007 California Codes, 2000 UWIC and PMC.
19. These requirements are based on the 2007 title 24 and are subject to change based on when the building and fire plans are submitted for review and permits.

- a. Minimum Fire Flow/Fire Hydrants: The structure shall have the minimum fire flow (GPM) required by Appendix-B and the quantity and spacing of fire hydrants as required by Appendix-C of Title 24, Part 9, California Fire Code.
- b. A current fire flow report (not older than 6-months), performed by the Pasadena Water Department, shall be provided to the Fire Department before applying for building permits to construct or add to any structures.
- c. The minimum fire flow shall be 1500gpm @ 20psi serving the project.
- d. Provide Automatic Fire Sprinklers per NFPA 13D for Single Family Residence and per NFPA 13 (Ordinary Hazard Group I Occupancy) for the Garage.
- e. A separate permit is required to be obtained for the Fire Sprinkler System.
- f. Sprinkler drawings shall be submitted within 30 days of the issuance of building permit.
- g. Provide approved hardwired smoke alarm(s), with battery backup, in each sleeping room, area(s) serving a sleeping area and at the top of stairways. All smoke alarms are to be photoelectric or a smoke alarm that is listed as photoelectric/ionization. All (New & Existing) smoke alarms are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal (CSFM) Listed. All smoke alarms are to be manufactured by the same company and compatible with each other. Smoke alarms shall not be installed within 3-feet of return or supply air registers or 3-feet of bathroom openings.

Public Works Department

20. Excavations in the street for utility connections will require that the street be restored between extreme excavations and in rectangular sections per Standard Plan S-416.
21. The proposed drive approach shall be constructed 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.
22. 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.
23. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection tape submitted to the Department of Public Works for 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.

24. 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 Permitting Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
25. If the existing street lighting system along the project frontages is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including conduits, conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works.
26. 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: <http://www.cityofpasadena.net/publicworks/Engineering/default.asp>. A deposit, 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 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.
27. 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 \$5,000 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. The deposit may be used for any charges resulting from damage to street trees. A processing fee will be charged against the deposit.
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.
29. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- a. Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.031, 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 sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$5,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.035, entitled "Inspection required for Permit Clearance" of the PMC.
- b. 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.
- c. Stormwater Management and Discharge Control Ordinance – Chapter 8.70 of the PMC
This project may be 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 webpage at <http://www.cityofpasadena.net/permitcenter/plansubreq/susmp.asp>.
- d. Construction and Demolition Waste Ordinance – Chapter 8.62 of the PMC
The applicant shall submit the form which can be obtained from the Permit Center's webpage at <http://www.cityofpasadena.net/permitcenter/plansubreq/cndord.asp> to the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit. Monthly reports must be submitted throughout the duration of the project. A 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.

**ATTACHMENT C
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX
HILLSIDE DEVELOPMENT PERMIT #5249**

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
Impact – Cultural Resources				
<p><u>Mitigation Measure CR1:</u> If archaeological resources are encountered during project construction, all construction activities in the vicinity of the find shall halt until an archeologist certified by the Society of Professional Archeologists examines the site, identifies the archaeological significance of the find, and recommends a course of action. Construction shall not resume until the site archaeologist states in writing that the proposed construction activities will not significantly damage archaeological resources.</p>	Duration of project.	Building Division		
<p><u>Mitigation Measure CR2:</u> If paleontological resources are encountered during project construction, all construction activities in the vicinity of the find shall halt until a paleontologist meeting the satisfaction of the Natural History Museum of Los Angeles County identifies the paleontological significance of the find, and recommends a course of action. Construction shall not resume until the site paleontologist states in writing that the proposed construction activities will not significantly damage paleontological resources.</p>	Duration of project.	Building Division		