

## Jomsky, Mark

---

**From:** McAustin, Margaret  
**Sent:** Sunday, July 28, 2013 11:05 AM  
**To:** Jomsky, Mark  
**Cc:** Beck, Michael; Bertoni, Vince; Sinclair, David; Morales, Margo  
**Subject:** Request for Call UP MCUP #6003 1528 Whitefield Rd.

Mark,

Please consider this email my formal request for a Call Up for further review of MCUP #6300 affecting 1528 Whitefield Rd.

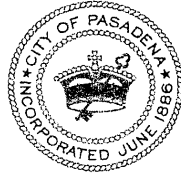
Thank you,

Margaret

A handwritten signature in black ink that reads "Margaret". The signature is written in a cursive style with a large, looping initial "M".

**08/05/2013**

**Item 6**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
July 22, 2013  
PLANNING DIVISION

Bedros Darkjian  
527 Tancanyon Road  
Duarte, CA 91010

**Subject: Minor Conditional Use Permit #6003**  
**1528 Whitefield Road**  
**Council District #2**

**PLN2012-00532**

Dear Mr. Darkjian:

Your application for a **Minor Conditional Use Permit** at **1528 Whitefield Road** was considered by the **Hearing Officer** on **July 17, 2013**.

- 1) **Minor Conditional Use Permit: To allow the expansion of a legal non-conforming use (three units on a single-family zoned property) through the construction of three additions, totaling 150 square feet, to a duplex at the rear of the property. A Minor Conditional Use Permit is required in order to alter or enlarge a legally established, but currently non-conforming use.**
- 2) **Minor Variance: To allow the rear additions to encroach into the minimum required rear yard setback of 25 feet. The additions would be located as close as 15'-5" and 24'-5" from the rear property line.**

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 **Minor Conditional Use Permit** be **approved** with the conditions in Attachment B and in accordance with submitted plans stamped **July 17, 2013**.

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 Director 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 pursued to completion 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.

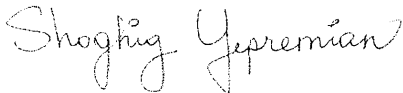
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (July 29, 2013)**. The effective date of this case will be **July 30, 2013**. Prior to such effective date, a member of the City Council or Planning Commission may request that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. 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 \$2,438.15. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,219.08.

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. 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, Class 1 §15301, (Existing Facilities). This exemption applies to additions, expansions, or alterations to existing structures where there is negligible or no expansion of the use. The use will remain as three residential units.

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

Sincerely,



Shoghig Yepremian  
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C (site map)

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

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6003**

Minor Conditional Use Permit – Expansion of a Non-Conforming Use.

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code in that the additions and alterations to the nonconforming use are permitted through the approval of a Minor Conditional Use Permit application as indicated in Section 17.71.080.E. of the Zoning Code. Other than rear yard setback, the project complies with all other applicable development standards of the RS-6 zoning district. Per Section 17.46.020.J of the Zoning Code, as the total size of the additions does not exceed 150 square feet, the project is not required to provide covered parking for the units.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district. The purpose of the applicable zoning district is to allow for moderate alterations. The RS-6 zoning district allows one unit on a lot; the subject property contains three legally established units, which will not change as a result of the proposed additions.*
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. An objective of City's General Plan advocates preserving the character, scale, and quality of established residential neighborhoods. In this case, the subject property is presently developed with a single-family residence and a legally constructed duplex and will remain as such. The proposed additions will complement the existing architectural style of the duplex.*
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 proposal will expand two of the three legally established units existing on the property. The use of the property will remain residential which is compatible with other residential uses in the vicinity, and therefore the use would not be detrimental to the health safety, or general welfare of the persons residing or working in the neighborhood. All new construction proposed will adhere to all requirements as they relate to the Zoning Code and building and safety codes.*
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. Approval of the application will not intensify the use of the land as no new units are proposed. All proposed additions will be required to meet all safety and building codes which will be reviewed through the plan check process.*
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 proposal does not convey an overdeveloped appearance in this area. The proposed additions will preserve the character and scale of the residential structure while enhancing the quality of the neighborhood. The additions will be located at the front and rear of the duplex at the rear of the site. The additions are relatively minor in size at 150 square feet total and will not be easily visible from the public right of way, thereby not increasing the apparent bulk and mass of the existing structure as seen by the public. The front addition, which will be visible from the public right-of-way will*

“square off” the northeast corner of the duplex and will require the review and approval of a Certificate of Appropriateness, by Design and Historic Preservation Division staff, as the duplex is a contributing structure to the North Pasadena Heights Landmark District.

Minor Variance: To Encroach Into the Minimum Required Rear Yard Setback.

7. *There are exceptional or extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district.* The duplex is located at the rear of the property and although zoning code-compliant additions could be constructed at the front of the residence, it is the front of the residence that is significant for the historic nature of the structure. By significantly altering the front of the duplex, which is what would be necessary to construct zoning code-compliant additions, the structure would no longer be a contributing structure to the North Pasadena Heights Landmark District. While a small addition is proposed to “square off” the northeast corner of the duplex, the only remaining location for the other additions is at the rear, which will encroach into the rear yard setback.
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.* The duplex is located at the rear of the property and although zoning code-compliant additions could be constructed at the front of the residence, it is the front of the residence that is significant for the historic nature of the structure. By significantly altering the front of the duplex, which is what would be necessary to construct zoning code-compliant additions, the structure would no longer be a contributing structure to the North Pasadena Heights Landmark District. While a small addition is proposed to “square off” the northeast corner of the duplex, the only remaining location for the other additions is at the rear, which will encroach into the rear yard setback.
9. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.* The additions will constitute minor alterations of the existing duplex units by allowing for the interiors to be re-configured, allowing for a more efficient use of the space. The duplex is currently nine feet from the rear property line at its closest point. The additions will not bring the duplex closer to the rear property line, and will actually be further than that. As part of the review of the building permit submittal, the additions will be reviewed for compliance with the applicable building and fire codes.
10. *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 this 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.* An objective of City’s General Plan advocates preserving the character, scale, and quality of established residential neighborhoods. In this case, the subject property is presently developed with a single-family residence and a legally constructed duplex and will remain as such. The proposed additions will complement the existing architectural style of the duplex. As the site is located within the North Pasadena Heights Landmark District any construction that would be visible from the public right-of-way will be subject to design review to ensure design consistency and compatibility
11. *Cost to the applicant of strict compliance with the corner yard requirement is not the primary reason for the granting of the variance.* Cost to the applicant has not been considered a factor at any time throughout the review of this application.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6003**

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

General

1. The site plan, roof plan, and elevations submitted for building permits shall substantially conform to plans submitted with this application and stamped "Received at Hearing, July 17, 2013 except as modified herein.
2. This approval allows the construction of three additions, totaling 150 square foot addition to the duplex located in the rear of the property.
3. The western (bedroom) addition shall be located no closer than 15'-5" from the rear property line. The eastern (kitchen) addition shall match the existing rear wall, but be located no closer than 24'-5" feet from the rear property line.
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 PLN2012-00532, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact David Sinclair, Current Planning Section, at 626-744-6766 to schedule an inspection appointment time.

Planning Division

7. The applicant shall comply with Section 17.22.050 of the Zoning Code, which relates to development in the RS-6 zoning district.
8. The exterior treatments (siding, windows, roof, etc.) of the new additions shall match the existing exterior, subject to review and approval of a Certificate of Appropriateness.

Design and Historic Preservation Department:

9. Certificate of Appropriateness is required for any alterations that can be seen from the public right-of-way.

Public Works Department

10. A closed circuit television (CCTV) inspection of all house sewers 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

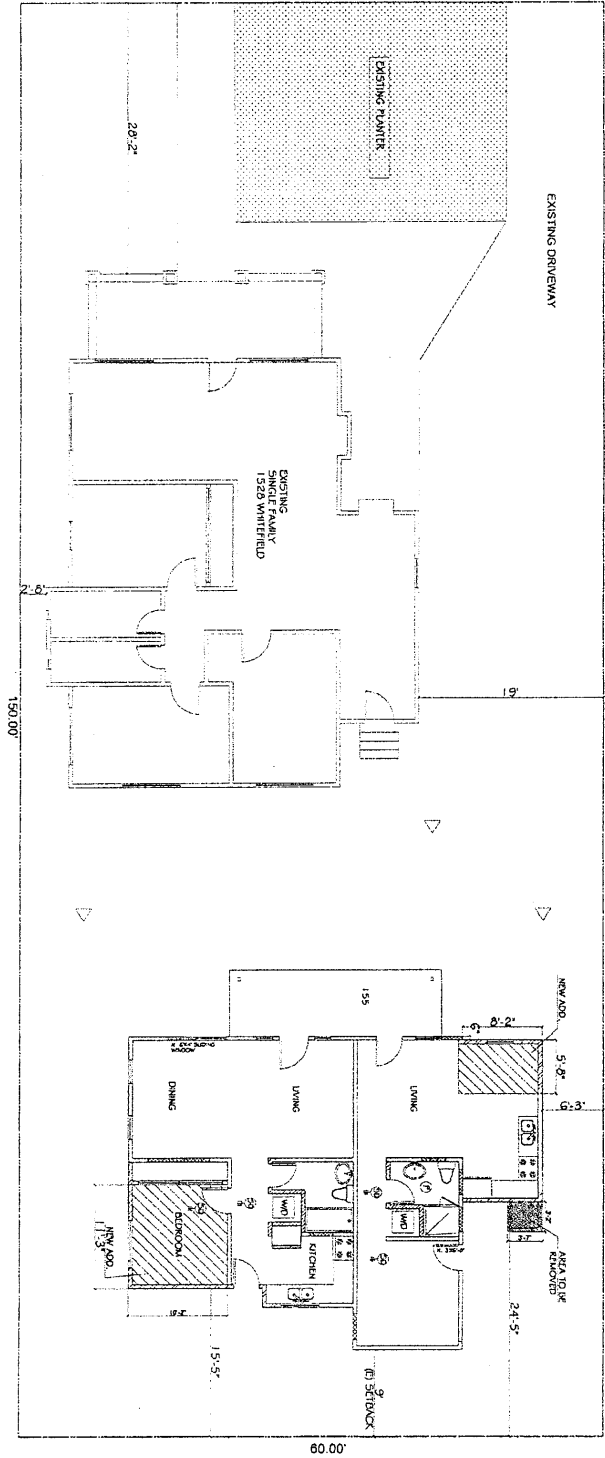
required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

11. The applicant shall repair or replace the damaged sidewalk fronting the subject property prior to the issuance of Certificate of Occupancy.
12. 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 \$1,000 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. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
13. 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 and on-going monitoring during construction. 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 California Manual of Uniform Traffic Control Devices (MUTCD) current edition. 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.
14. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted, 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.
15. In addition to the above conditions, the requirements of the following ordinances may apply to the proposed project:
  - a) Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)  
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 in accordance with Section 12.04.031, 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.

# ATTACHMENT C SITE PLAN

WHITEFIELD RD

(N) SITE PLAN  
SCALE: 3/16" = 1'-0"



A-1

**SINGLE FAMILY REMODELING**  
FOR: MR. GARO MARMARIAN  
1528 WHITEFIELD RD.  
PASADENA, CA 91104

SITE PLAN

**DARKJIAN ASSOCIATES**  
2411 FOOTHILL BLV.  
PASADENA, CA 91107  
TEL: (626) 405-0556



## Jomsky, Mark

---

**From:** Michael Logan <mmlogan2@hotmail.com>  
**Sent:** Tuesday, July 30, 2013 7:14 PM  
**To:** Jomsky, Mark  
**Subject:** Board of Zoning Appeals review for 1528 Whitefield

To the Pasadena City Council,

I am requesting that you grant a call up for review at the Board of Zoning Appeals regarding application for remodeling at 1528 Whitefield St. I believe the scope of the project is not allowed in and detrimental to our North Pasadena Heights Historical District. Thank you for your consideration.

Sincerely,  
Michael Logan  
1691 Loma Vista St.

## **Jomsky, Mark**

---

**From:** Stephen Acker <StephenAcker@AckerandWhipple.com>  
**Sent:** Wednesday, July 31, 2013 9:09 AM  
**To:** Jomsky, Mark  
**Subject:** 1528 Whitefield - North Pasadena Heights historic neighborhood

Mr. Jomsky, I live in the 1600 block of Mountain St. in North Pasadena Heights and support calling up the decision approving minor conditional use permit at 1528 Whitefield. It sets a bad precedent as it is inconsistent with the objectives of the historic district and unnecessarily increases density incompatibly with the street and neighborhood. Stephen Acker, 1653 E. Mountain St.

## **Jomsky, Mark**

---

**From:** Eli Underwood <eli.underwood@gmail.com>  
**Sent:** Wednesday, July 31, 2013 10:11 AM  
**To:** McAustin, Margaret; Jomsky, Mark  
**Subject:** Re: MCUP #6003 1528 Whitefield Rd.

I support councilmember McAustin's call up of the above matter to the Board of Zoning Appeals.

Sincerely,

Eli

## **Jomsky, Mark**

---

**From:** Pad4uni@aol.com  
**Sent:** Wednesday, July 31, 2013 12:43 PM  
**To:** Jomsky, Mark  
**Cc:** Morales, Margo; McAustin, Margaret  
**Subject:** Re; Property at 1528 Whitefield St.

We support Margaret Mc Austin's request to consider sending the recent zoning change at 1528 Whitefield St. to the "Board of zoning appeals" for further review, at the August 5. City Council Meeting. Thank You! Chuck & Rosemary Hayne

## **Jomsky, Mark**

---

**From:** James Lomako <jlomako@gmail.com>  
**Sent:** Wednesday, July 31, 2013 12:44 PM  
**To:** Jomsky, Mark  
**Cc:** McAustin, Margaret; Morales, Margo  
**Subject:** 1528 Whitefield Rd. MCUP #6003

Dear City Council Members:

Please support the call for review of MCUP 6003, 1528 Whitefield Rd. I live four doors away at 1500 Whitefield Rd. and am concerned that the project is inappropriate for a number of reasons. Please help to insure that the concerns of neighbors like myself and other residents of the North Pasadena Heights Landmark District are heard and considered by the fellow Pasadena residents you have appointed to the Planning Commission who sit on the Board of Zoning Appeals.

Thank You,  
Jim Lomako