

REGISTRATION FORM FOR PERSONS WHO WISH TO ADDRESS THE CITY COUNCIL DURING PUBLIC COMMENT

AGENDA POLICY: In order to appear on the City Council's printed agenda, this form must be submitted to the City Clerk's Office by 2:00 p.m. the Wednesday before the scheduled City Council meeting.

AGENDA ITEM NO. _____ FOR MEETING OF _____

NAME: George F. Regas PHONE NO. 626/793-0816

ADDRESS: 819 Las Palmas, Pasadena, CA 91105

IF SPEAKING FOR AN ORGANIZATION,

NAME OF ORGANIZATION Concerned Residents of El Circulo and Las Palmas

SPEAKER'S OFFICIAL CAPACITY (if applicable): Las Palmas Homeowner

BRIEF OUTLINE OF MAJOR ISSUES TO BE MADE REGARDING THIS SUBJECT:

Basic violations of the zoning ordinances by Tony Vassallo at 805
Las Palmas and request to the City Council to rectify this illegal
use of properties.

NOTICE TO SPEAKER: Please come to the podium and after receiving recognition from the Mayor, state your name and address for the record. When speaking, kindly address the Mayor and at all times face the Mayor and the City Council.

If the item on which you wish to speak is scheduled for a Public Hearing, your time to speak will be when the Mayor announces the public hearing open for public comments.

If you wish to speak on a matter listed on the Agenda, your time to speak is prior to the vote of the City Council.

Post-It® Fax Note	7671	Date <u>10/14</u>	# of pages <u>1</u>
To <u>George Regas</u>		From <u>Behida</u>	
Co./Dept.		Co.	
Phone #		Phone # <u>744-4311</u>	
Fax # <u>683-9485</u>		Fax #	

THE REGAS INSTITUTE

George F. Regas
Executive Director

October 13, 1999

William Bogaard
Mayor
311 Congress Place
Pasadena, California 91105-2909

Dear Bill:

I write to ask your engagement of a matter that has seriously affected the neighborhood where I live and which is the result of serious mistakes by the City of Pasadena. This matter is on the City Council agenda for October 18th and I would appreciate your reviewing this summary of the case for the neighborhood of Las Palmas and El Circulo.

In 1972, Tony Vassallo purchased a 14,060 square foot lot from Caltrans at El Circulo and Las Palmas, north of the route for the 134 bridge. This property contained only a 1918 stone garage, with a small apartment added in 1927. The purchased lot met the minimum size of 12,000 square feet. See Attachment One. During the 1970's, Mr. Vassallo expanded the garage, claiming it was already a "single family residence." He added a carport, a bathroom, and other additional improvements. This was allowed, presumably, because the total lot size was over 12,000 square feet.

In 1977, Mr. Vassallo asked to create a new parcel by cutting 2,000 square feet from his land and adding it to 10,000 square feet from land owned by his adjacent neighbor, John Daley. On this new parcel of 12,000 square feet, they constructed a new house for sale. As part of this transaction of line changes, they asked for a Certificate of Compliance under the Subdivision Map Act. Both Mr. Daley and Mr. Vassallo signed the request to create **three** new parcels where two had existed. See Attachment Two. Their application clearly stated:

"Size of each parcel after adjustment is made:

A = Portion of 4 + Portion of 5 = 12,008 (Vassallo parcel)

B = Portion of 5 + Portion of 6 = 12,004 (New parcel)

C = Portion of 6 + Portion of 7 = 22,038 (Daley parcel)

The Subdivision Map Act allows for automatic issuance of a Certificate without a hearing or notice to neighbors. Therefore, based on this request, the City prepared a legal description for these three new parcels which indicated the following:

215 N. Marengo Avenue, 2nd Floor, Pasadena, California 91101-1569
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- 1) Followed the lot lines granted in 1972 by Caltrans to Mr. Vassallo and reducing it by 2,000 square feet to 12,000 square feet.
- 2) Created a new parcel between Mr. Vassallo's and Mr. Daley's parcels of 12,000 square feet.
- 3) Reduced Mr. Daley's parcel by 10,000 square feet leaving 21,760 square feet.

This correct legal description for these three parcels remains in the City's files today.

However, a different legal description for the three parcels was attached when the Certificate was recorded. This different legal description was on the letterhead of Mr. Vassallo's engineer, Ramon Mendoza. It would appear that the descriptions were switched after the Certificate was signed by the Planning Director, but before it was recorded on November 17, 1977. The Mendoza descriptions contained misleading square footage figures for the Vassallo lot. It falsely shows the eastern parcel as having 12,000 square feet minimum.

Attachment Three shows the parcel described by Mendoza. A mystery fourth area of around 4,700 square feet which is part of Mr. Vassallo's 12,000 square foot lot was not described by Mendoza. The converted garage is located there.

In 1977, Mendoza ignored the parcel description in the 1972 Caltrans deed when Mr. Vassallo purchased the property. He used, instead, a 1927 deed with lines joining a piece of Lot 4 to Lot 5. The Mendoza description did not comply with the minimum lot size of 12,000 square feet but he stated that they did. No map was used in the Certificate. The Lot 5 fragment described by Mendoza was only around 7,300 square feet and not the "12,008" square feet as stated. Zoning always required 12,000 square feet. The mystery fragment is around 4,700 square feet and is not mentioned by Mendoza or in any such certificate — even though it was clearly part of the application to create the new parcel.

In 1990, Mr. Vassallo, seeking to take advantage of these mistakes in the Certificate of Compliance, asked Denver Miller, the Zoning Administrator, if he could build a house on the 7,300 fragment (Lot 5) of his parcel. Mr. Miller denied this request and told him that his two lot fragments were "considered tied together." They had always been under joint ownership.

In 1992, the City modified the Hillside Zoning ordinance to prevent any new structure from extending above the elevation of "the edge of the Arroyo." This is the eastern curb of Linda Vista Avenue.

In 1995, the City adopted an ordinance which stated that "*legally created*" substandard lots no longer would be required to obtain any lot size variance.

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In 1995, Denver Miller, based on advice from Deputy City Attorney Ann Higginbotham, said the two lot fragments were not tied together and Lot 5 could be developed separately. She assumed, falsely, they had been purchased by Tony Vassallo separately.

In 1996, Tony Vassallo applied for a number of variances for a new house on the 7,300 square foot Lot 5 fragment — set backs, height, and square footage. No variance was sought for the lot area, even though the zoning required a 12,000 square foot lot size. Nor did he seek a variance to extend upward past the "edge of the Arroyo." Over the objections of his neighbors, the variances were granted in 1997. In July 1999, he started construction of a new house on the Lot 5 fragment.

The neighbors believe the situation undermines zoning in Pasadena. Ancient lot lines exist throughout Pasadena. In theory, these could justify chopping up lots to build large houses on fragments without variances. This 7,300 square foot lot fragment was not "legally created." It resulted from either a gross error or deceit. Mr. Vassallo is building on a parcel that conflicts with his own 1977 application. He converted the garage into a "single family residence" without any variance for set backs by using the larger 14,000 square foot size as justification. He is now building a second house on the same land, reduced by 2,000 square feet. And we believe the height of the new house exceeds both the 1997 variance limit and the "edge of the Arroyo Seco" height limitation.

The City of Pasadena has police power to take a variety of enforcement actions against both the converted garage and new house now being built.

What we are asking the City to do:

1. Issue a corrected certificate of compliance. We have prepared for City consideration a CORRECTED CERTIFICATE OF COMPLIANCE that matches the Vassallo/Daley 1977 request. The mystery area is eliminated and included in the Vassallo parcel. This would grant what they asked for in 1977: three lots, all greater than 12,000 square feet. It would mean that the converted garage would be a guest house to the larger house now under construction, and they could not be sold or leased separately. The guest house would be required to conform to the zoning codes.
2. Record a substandard building notice as to the garage conversion. Pasadena Municipal Code section 17.108.010 states that "Any permit, license, certificate, or approval, granted in conflict with any provision of this title is void." The 1974 and 1977 permits and declarations by Vassallo were false when he stated that it was a pre-existing single family residence. No variances were obtained for the garage conversion, either as to its expanded use, or its location on the north and east lot lines with no set backs from the public street or the adjacent property.

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The driveway serving the converted garage extends over the Lot 5 fragment because when it was permitted both fragments were represented as a single lot.

3. Issue a notice of violation to Vassallo on the garage conversion. Pasadena Municipal Code section 17.64.150.C. provides a NOTICE OF VIOLATION as a recordable document to issue by the City.
4. Issue a STOP WORK ORDER on the current construction. We believe the current construction was permitted based on the prior errors or deceit. We believe also that the current construction exceeds in height either the 1997 variance or the "top edge of the Arroyo Seco" in the Hillside Ordinance.
5. Initiate a revocation hearing regarding the 1997 variances and/or the 1977 certificate. Pasadena Municipal Code section 17.108.060 allows the City to hold a hearing to revoke prior actions based on any ONE of the following:
 1. The permit was issued based on erroneous or misleading information or misrepresentation; OR
 2. The terms or conditions of approval of the permit have been violated or other laws or regulations have been violated, OR
 3. The exercise of rights granted by the permit have been discontinued for a continuous period of one year; OR
 4. The entitlement or permit has been exercised in a manner that constitutes a nuisance.

There are great complexities to this case. However, to any one with fairness and justice as priorities, it should be clear that Mr. Vassallo has circumvented the City's zoning laws to his own financial gain, the impoverishment of the neighborhood, and the diminishment of the City's zoning integrity.

I am grateful for your consideration.

Very truly yours,



George F. Regas

GFR:ds
Enclosures