

Agenda Report

TO: CITY COUNCIL

DATE: March 14, 2005

FROM: CITY MANAGER

SUBJECT: ADOPTION OF A RESOLUTION APPROVING A PLAN CHECK AND PERMIT FEE-WAIVER FOR STORM-RELATED REPAIRS STEMMING FROM THE JANUARY AND FEBRUARY 2005 RAINSTORMS

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving a plan check and permit fee-waiver for storm-related property damage repairs stemming from the January and February 2005 rainstorms at properties that the Building Official finds to be deficient.

BACKGROUND

In October 1987, the City approved a resolution approving plan-check fee waiver for chimney repairs stemming from an earthquake registering 6.1 on the Richter scale that occurred October 1, 1987. This resolution was successful with encouraging Pasadena homeowners to repair or replace their damaged chimneys, since earthquakes were found to impact chimneys more severely than other types of structures.

On January 24, 2005, the City Council adopted a resolution ratifying the City Manager's declaration of a local emergency on January 11, 2005, and reissued on January 18, 2005. On March 14, 2005, the City Council will consider adopting a resolution ratifying the City Manager's declaration of a local emergency on February 28, 2005, and reissued on March 7, 2005. During the months of January and February 2005, Pasadena homes, public facilities, and infrastructure sustained major damage from unprecedented rainstorms.

Several properties throughout the City have sustained major damage from mudslides and water to property slopes, retaining walls, sewer and drainpipes, and trees. The plan check and permit fee-waiver is intended to encourage homeowners to repair storm-related damage as soon as possible, in an effort to

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and trees. The plan check and permit fee-waiver is intended to encourage homeowners to repair storm-related damage as soon as possible, in an effort to restore stability to property. As proposed, the Building Official will be authorized to waive plan-check and permit fees for repairs at addresses with storm-related damage as defined and categorized in Attachment A. A list of homes currently identified by the Building Official is listed in Attachment B. The homeowner performing the work required for repair must still obtain any permits that are required. Attachment C is a list of fees for a homeowner with construction work valued at \$50,000. The SMIP tax (\$5) is a state fee related to seismic programs. It is the only non-City fee listed on Attachment C and, consequently, will not be waived. Additionally, the City cannot waive taxes, per the provisions of Proposition 218. Homeowners will still be required to pay the construction tax.

Many of the homes that sustained damage from the storms are located on private streets. Homeowners on private streets are responsible for maintenance of all storm drains, streets, sidewalks, trees, and slopes. Sometimes the owners work through an association that is established to access owners and take responsibility for maintenance and repairs.

As a part of staff's discussions with residents, it became clear that many were not aware that they were on private streets or understood the responsibilities the residents had for maintaining their private streets. Associations had not been active for sometime, and possibly did not exist, and maintenance work had not been completed.

A list of private streets/private driveways in the City of Pasadena is shown on Attachment D. All private streets that are created in subdivisions are currently subject to the requirements of Section 16.12.080, entitled "Streets – Private," of the Pasadena Municipal Code, enacted in 1967. This section requires that all private streets meet the design standards for public streets. Streets built prior to 1967 may or may not conform to City design standards for public streets. Streets that do not meet the City's design standards cannot be transferred to the City as public streets until they are improved to meet the City's design standards. Many private streets, including Linda Ridge and Rancheros Road, were constructed prior to 1960. Staff is currently reviewing the ordinance to identify additional requirements that will clearly state the responsibilities of new homeowners who purchase these properties on private streets.

In order to better inform property owners of the nature of private streets and their responsibilities, staff is going to take several steps to educate homeowners or potential homeowners about private streets including:

1. The City will prepare a brochure detailing the responsibilities of owners on private streets.

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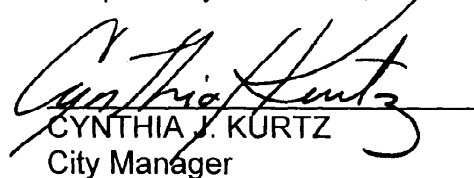
2. The inspection forms used when transfer of property is occurring will be revised to add a private street check-off box. When applicable or checked-off, the inspector will leave the brochure with the applicant or their representative.
3. Where possible, the City will post "Private Street" signs to identify existing private streets.
4. The City will provide information on private streets and responsibilities on its website with a contact phone number should residents have questions.

FISCAL IMPACT

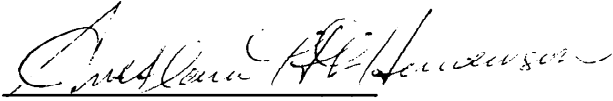
The impact of the fee waiver is expected to be approximately \$130,000 for 66 properties that have been identified by the Building Official. This is based on an estimate that the average home repair due to storm-related damage is valued at approximately \$50,000.

Revenue from fees covers the cost of staff and equipment used to perform the various reviews and inspections. These reviews and inspections will still be performed and other revenue sources will be used to cover the direct costs. At this time it is not anticipated that a budget amendment will be required.

Respectfully submitted,

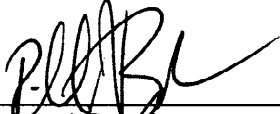

CYNTHIA J. KURTZ
City Manager

Prepared by:



Svetlana H. Henderson
Acting Asst. to the City Manager

Approved by:



Richard Bruckner
Director, Department of Planning and Development

Attachments

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
AUTHORIZING THE WAIVER OF PLAN-CHECK AND PERMIT FEES
FOR RESIDENTIAL PROPERTY DAMAGE FROM THE JANUARY AND
FEBRUARY 2005 RAINSTORMS

WHEREAS, the January and February 2005 rainstorms created extensive damage within the City of Pasadena; and

WHEREAS, the City of Pasadena City Council, on January 24, 2005, recognized the severity of the damage by ratifying the City Manager's declaration of a local emergency issued on January 11, 2005 and reissued on January 18, 2005; and

WHEREAS, the City Manager declared a local emergency on February 28, 2005 and reissued said declaration on March 7, 2005;

WHEREAS, the cost of repairing the damage to terrain caused by the rainstorms presents an unforeseen and unreasonable financial burden on property owners; and

WHEREAS, the City wishes to encourage repair of rainstorm-related damage.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena, that the General Fee Resolution in the Fiscal Year 2005 Operating Budget, adopted on June 28, 2004, is hereby supplemented and amended to read as follows as it pertains to fees for plan check and permits:

1. Fees for plan check and permits shall be waived for rainstorm-related repairs under the following circumstances:
 - A. The above fees shall be waived only for work done to repair damaged property resulting from the January or February 2005 rainstorms.
 - B. Prior to the commencement of any work, the damage must be verified through inspection by the Planning and Development Department Building Division and documented on a form provided

by the Director of Planning and Development, and all required permit(s) must be obtained.

- C. The rainstorm repair may be done under a permit that includes additional work, but only the portion of fees attributed to the rainstorm repair will be waived.
 - D. The fee waiver is available only for work done to residential dwellings.
 - E. The fee shall be waived by the Building Official on a written finding that all provisions of this Resolution have been met.
2. This Resolution shall take effect immediately upon its adoption and will be effective for plans submitted on or before September 30, 2005, but not for plans submitted thereafter.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2005, by the following vote:

AYES:

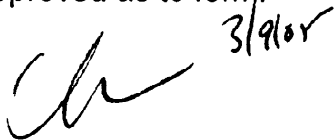
NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, CITY CLERK

Approved as to form:

 3/9/05

Nicholas G. Rodriguez
Assistant City Attorney

2005 STORM DAMAGE REPORT

Number	Street	Type	Storm Related Damage Reported
353	Anita	SFR	Mudslide Slope Failure / Retaining Wall collapsed/Tree Damage
305	Anita	SFR	Mudslide in house (Evacuated)
1175	Arroyo	SFR	Mudslide Slope Failure / Retaining Wall collapsed
362	Bellevue West	3 Condos	Tree Damage/Windows/Roof
1401	Brixton	SFR	Mudslide/rear of property
1436	Brixton	SFR	Unstable slope/rear of property
1438	Brixton	SFR	Mudslide against house
940	Burleigh (Marianna)	SFR	Slope Failure Mudslide onto Street
160	California Ter (195 Grand)	SFR	Mudslide/Water Damage
360	Cherry - Rear 405 Sequoia	SFR	Mudslide/Retaining Wall in Rear Yard
232	Claremont St Duplex West	Duplex	Wall/Driveway Collapsed
924	Crestview Dr (Riviera/Sierra Madre)	SFR	Mudslide/Retain Wall Rear of Address
1679	Crofton Way	SFR	Slope Failure/Mudslide into Dwelling
421	Elmwood	SFR	Storm Damage Water in Dwelling
1184	Glen Ave	SFR	Mudslide Retaining Wall
1416	Glen Ave	SFR	Mudslide from neighbors hillside pushed down fence which pushed down the fence at 1416 Glen Ave
390	Glen Holly	SFR	Mudslide - Water Damage in Houser/Retaining Wall Collapsed
920	Glen Oaks	SFR	Mudslide from hillside, slope failure, driveway full of mud
981	Glen Oaks	SFR	Slope failure under deck
998	Glen Oaks	SFR	Slope failure, deck collapsed, unstable soil
1150	Glen Oaks Blvd	SFR	Mudslide/Slope Failure
1565	Glen Oaks Blvd	SFR	Mudslide/Slope Failure/Driveways & Access Street Issues
1605	Glen Oaks Blvd	SFR	Mudslide/Slope Failure/Driveways & Access Street Issues
195	Grand Ave South	SFR	Slope Failure
1155	Rexford	SFR	Mudslide/20' of High Retaining Wall Collapsed
1375	Inverness Dr	SFR	Mudslide -Slope Failure/drainage pipe/caused access problems
1377	Inverness Dr	SFR	Mudslide -Slope Failure/drainage pipe/caused access problems
1690	Kaweah Dr	SFR	Mudslide - Slope Failure
1734	Kaweah Dr	SFR	Mudslide - Slope Failure
1715	La Cresta	SFR	Mudslide/Retaining Wall/Tree Damage
765	Laguna Rd	SFR	Tree Damage

2005 STORM DAMAGE REPORT

Number	Street	Type	Storm Related Damage Reported
1201	Linda Ridge Ln	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
1220	Linda Ridge Rd	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
1241	Linda Ridge Rd	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
1310	Linda Ridge Rd	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
1350	Linda Ridge Rd	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
1370	Linda Ridge Rd	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
651	Linda Vista Ave	SFR	Mudslide/Slope Failure /Sewer & Drain Pipe Damage
1811	Linda Vista Ave	SFR	Mudslide - Drainage Pipes/Hillside Gone
672	Magnolia Ave	SFR	Tree Damage
1344	Marianna (Across the street from Burleigh)		Slope Failure/Mudslide onto Street - No property damage
400	Mooresque	SFR	Mudslide/Retaining Wall/Pool Slope Slippage
3269	New York Dr	SFR	Slope Failure
299	Patrician Way	SFR	Mudslide - Driveway Collapsed
303	Patrician Way	SFR	Mudslide - Retaining Wall/Pool Rear Yard Hillside
	Rancheros Pl	SFR	Storm Damage Street Only
	Rancheros Rd	SFR	Storm Damage Street Only
922	Riviera Dr (Crestview/Sierra Madre)	SFR	Mudslide/Retain Wall Rear of Address
1460	Rose Villa St	SFR	Tree Damage
160	San Rafael South	SFR	Mudslide
1020	San Rafael Ter	SFR	Mudslide
155	Sequoia	SFR	2-story deck collapse/slope failure/unstable soil
340	Sequoia	SFR	Mudslide/slope failure undermining driveway
405	Sequoia - Cherry	SFR	Mudslide from Cherry/
1025	Sierra Madre (Crestview/Riviera)	SFR	Mudslide/Retain Wall Rear of Address
1415	Sunset (Glen Ave)	SFR	Mudslide into fence and fence knocked down neighbors fence at 1416 Glen Ave
420	Tamarac	SFR	Storm Damage Water in Dwelling
635	Westbridge Pl (195 Grand)	SFR	Mudslide

BID FEE ESTIMATOR

Valuation is based on \$50,000 in damage

Building Permit Fee Service:

Processing Fee:	\$23.00
Building:	\$769.00
Zoning:	\$115.42
Design & Historic Preservation:	\$31.84
Fire Department:	\$193.67

Sub Total: \$1,159.93**Permits, Taxes, and Impact Fees:**

Processing Fee:	\$23.00
Building:	\$796.00
Record Management (3%):	\$59.37
Construction Tax*:	\$960.00
SMIP Tax*:	\$5.00
New Commercial Impact Fee:	\$0
New Residential Impact Fee:	\$0
Pasadena Unified School District:	\$0

Sub Total: \$878.37**OVERALL FEES: \$2,038.30**

PRIVATE STREETS

(Note: Some streets listed as "vacated" have been physically removed)

STREET	FROM	TO
Allen Ct.	Allen	E. End
Arboleda Dr.	California	S. End
Arroyo Blvd. (vacated)	Ventura	N.C.L.
Ashley Dr.	W. End	Washington
Barrows Ct. (vacated)	Hudson	Lake
Bennett Dr.	Rancheros Rd.	S. End
Buttercreek Dr.	Crowne	Ashley
Calvert Rd.	W. End	Sierra Madre Villa
Chester Ave. (vacated)	300' s/o Del Mar	Del Mar
Chester Ave.	Del Mar	S. End
Club House Dr.	Burleigh	N. End
Congress St. (vacated)	Pasadena	Fairmount
Congress St.	Fairmount	Fair Oaks
Constance St. (vacated)	Wilson	Michigan
Cottage Pl.	Marengo	E. End
Crowne Dr.	Buttercreek	S. End
Crystal Ln.	Marengo	E. End
Drexel Pl. (vacated)	California	S. End
Evanston Pl. (vacated)	Arroyo Pkwy.	Marengo
Fairmount Ave.	Congress	Bellefontaine
Fay Pl.	Washington	S. End
Fern Dr.	San Rafael	Linda Vista
Forestry Camp Rd.	Oak Grove Dr.	East Entrance to JPL
Francisca St. (vacated)	Bonnie	Sierra Bonita
Gertrude Ct. (vacated)	Pasadena	E. End
Hartwood Point Pt.	Trevan	W. End
Havendale Dr.	Waverly	Bellevue

PRIVATE STREETS

(Note: Some streets listed as "vacated" have been physically removed.)

(Continued)

STREET	FROM	TO
Heatherside Rd.	Linda Vista	W. End
Heritage Dr.	Crowne	Rocton
Heritage Dr.	Rocton	Washington
Hillcrest Pl.	Hillcrest	E. End
Holliston Ave.	Del Mar	San Pasqual
Holly Vista Dr.	W. End	Linda Vista
Howard St.	Raymond	Marengo
Hudson Ave.	Villa	Maple
Huntington Cir.	Wentworth	Oak Knoll
La Cumbre Dr.	San Rafael	W. End
Linda Ridge Pl.	N. End	Linda Ridge Rd.
Linda Ridge Rd.	W. End	Linda Vista
Linda Vista Way	Linda Vista	S. End
Los Altos Dr.	N. End	Fern
Lura St.	Wilson	Michigan
Marguenta Lane	Marengo	E. End
Mayview Ln.	Pasadena	E. End
Mesita Rd	Calvert	Sierra Madre Villa
Michigan Ave.	Del Mar	Lura
Michigan Ave. (vacated)	Lura	San Pasqual
Mountain Pl.	Mountain	S. End
Oak Knoll Gardens Dr.	El Molino	E. End
Oak Knoll Ter.	Ridgeway	S. End
Orange Grove Circ.	Orange Grove	S. End
Orange Grove Pl.	Orange Grove	Cypress
Palm View Pl.	El Molino	Madison
Parkview Ave.	Afton	S. End
Parnell Way	Montana	N.C.L.

PRIVATE STREETS

(Note: Some streets listed as "vacated" have been physically removed.)

(Continued)

STREET	FROM	TO
Paso Alto Dr.	W. End	Glen Oaks
Pepper Dr. (vacated)	Lincoln	E. End
Rancheros Pl.	Rancheros Rd.	S. End
Rancheros Rd.	W. End	Linda Vista
Reiter Dr.	Allen	E. End
Richland Pl.	Westgate	S. End
Rocton Dr.	Heritage	Ashley
San Pasqual St. (vacated)	Wilson	Holliston
San Pasqual St.	Holliston	Hill
Sierra Bonita Ave (vacated)	Colorado	Francisca
Villa St.	W. End	Cypress
Westmoreland Pl.	Arroyo Terrace	Rosemont