

Agenda Report

TO: CITY COUNCIL

DATE: SEPTEMBER 19, 2005

FROM: CITY MANAGER

SUBJECT: APPEAL OF CONDITIONAL USE PERMIT #4501 & TENTATIVE TRACT MAP #061201 – 500 MADELINE DRIVE.

RECOMMENDATION

It is recommended that the City Council:

1. Acknowledge that this action is categorically exempt from CEQA; and
2. Uphold the Zoning Hearing Officer's decision to disapprove Conditional Use Permit #4501 and Tentative Tract Map #061201 to allow the subdivision of a lot in the Hillside Overlay district into two separate lots, which will result in the creation of a flag lot.

BACKGROUND

The applicant is proposing to subdivide an existing property located within the Hillside Overlay district into two separate parcels. One of the parcels would be a flag lot. The site is located within the RS-4-HD (Single-family Residential, 0-4 units/acre – Hillside Overlay district) zoning district. The approvals that are necessary for this application are a Tentative Parcel Map for the subdivision of the land, a Conditional Use Permit for the creation of a flag lot, and a Hillside Development Permit for the subdivision of land within the Hillside Overlay district.

On August 17, 2005, the Zoning Hearing Officer disapproved Conditional Use Permit #4501 and Tentative Parcel Map #061201. The applicant appealed the Zoning Hearing Officer decision on August 25, 2005. The applicant appealed the decision on the basis that the Zoning Hearing Officer failed to take into account the unique configuration of the property. It is the applicant's contention that the proposed subdivision is not in violation of the spirit of the Flag Lot Ordinance.

ANALYSIS

The subdivision of a lot within this zoning district requires that the minimum development standards of the Zoning Code are met, which require a minimum area of 12,000 square feet and a minimum width of 75 feet for each lot. The creation of a flag lot also requires that additional findings are made for the Conditional Use Permit approval related to the proposal's compliance with the flag lot development standards of the Zoning Code.

The property is 51,173 square feet and is irregularly shaped (shaped like an upside down letter "L") with the pole portion of the "L" at the street frontage measuring 136 feet wide. A single-family residence is currently developed on the property. The proposed subdivision would result in Parcel #1 where the existing single-family residence would be retained on the main body of the lot (pole portion of "L"), and Parcel #2 where the newly created lot would be located to the side and rear of the main body of the lot (extension of "L"). A new single-family development is subsequently proposed to occur on the flag lot. Parcel #1 is proposed to be approximately 31,342 square feet. Parcel #2 is proposed to be approximately 19,797 square feet.

The proposed residential use of the new flag lot is consistent with the residential designation of the property, however, it is not consistent with other purposes of the Zoning Code. The proposed subdivision will result in the creation of a flag lot. Section 17.40.050 of the Zoning Code, Flag Lot Development Standards, states that when considering a flag lot, a conventional subdivision would first have to be possible, and that a flag lot shall only be allowed:

1. On property zoned RS, and only within the Hillside Overlay district;
2. Only if there is no reasonable alternative due to extreme topographic conditions or other physical conditions as determined by the decision maker; and
3. Only when extreme physical constraints and circumstances are inherent.

The property is currently 136 feet wide. A portion of this width will be occupied by a 31-foot wide reciprocal easement for ingress, egress, and utility purposes for the two properties. Parcel #2 will measure approximately 120 feet wide. A conventional subdivision of this site is not possible because 150 feet of width is necessary to achieve the required 75-foot minimum lot width for each lot. Furthermore, the site characteristics are not the determining factor in requiring the need for a flag lot at this location. To approve the proposed flag lot it must be found that the design of the flag lot complies with the flag lot development standards, it is the only practical subdivision design due to extreme topographic conditions or physical constraints of the property (natural drainage course, streams, protected trees, etc.), and that the lots created from the flag lot subdivision do not adversely impact nor deviate from the established neighborhood character.

The intent of the flag lot development standards is to prevent the proliferation of flag lots throughout the hillside areas of the City while still maintaining some flexibility to allow a flag lot when site constraints (i.e. topography, swales, drainage) make a flag lot configuration more appropriate than a conventional subdivision. The standards are also intended to preserve neighborhood character and to ensure compatibility of lot sizes and configurations within a neighborhood. The proposed subdivision and creation of a flag lot do not comply with the flag lot development standards and are not consistent with the purposes of the Zoning Code related to neighborhood compatibility and character.

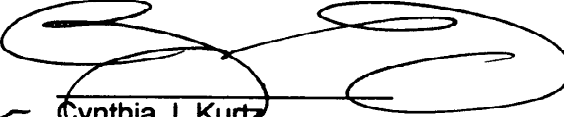
ENVIRONMENTAL DETERMINATION

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 15 §15315, Minor Land Divisions).

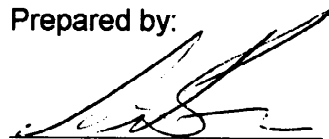
FISCAL IMPACT

There will be no fiscal impact associated with the disapproval of this application. If the project is approved, fiscal impacts will be related to the staff time necessary to process and review plans submitted for building permits. Compensation for staff time will be recovered through building permit fees.

Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:

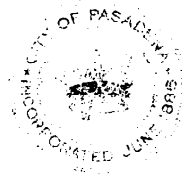

Ariel Socarras
Planner

Approved by:


Richard J. Bruckner, Director
Planning and Development Department

Attachments:

- A. Site Plan
- B. Decision Letter and Findings of Fact



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

August 29, 2005

REVISED

Emad Ashamalla, P.E.
102 N. Glendale Avenue, Ste. M
Glendale, CA 91206

**RE: Conditional Use Permit #4501/Tentative Parcel Map #061201
500 Madeline Drive
Council District #6**

Dear Mr. Ashamalla:

Your application for a **Conditional Use Permit/Tentative Parcel Map** at **500 Madeline Drive** was considered by the **Zoning Hearing Officer** on **August 17, 2005**.

CONDITIONAL USE PERMIT: To allow the subdivision to result in the creation of a flag lot.

TENTATIVE PARCEL MAP: To allow the subdivision of one lot into two lots.

HILLSIDE DEVELOPMENT PERMIT: To allow a subdivision in the Hillside Overlay zoning district. The property is currently developed with a single-family residence. The applicant is proposing to create a flag lot to allow the construction of a new single-family residence on the newly created property.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Zoning Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Zoning Hearing Officer that the Conditional Use Permit, the Tentative Tract Map, and the Hillside Development Permit be **disapproved** in accordance with submitted plans stamped **August 17, 2005**.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Zoning Hearing Officer has the right to appeal this decision within **ten days (August 29, 2005)**. The effective date of this case will be **August 30, 2005**. 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. However, if the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day

Conditional Use Permit #4501 / Tentative Parcel Map #061201

Page 2

when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$1,992.43. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$996.22.

You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed. Appeal applications must be filed with the office of the City Clerk, 117 E. Colorado Boulevard, 6th Floor.

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 15 §15315, Minor Land Divisions).

For further information regarding this case please contact **Ariel Socarras** at **(626) 744- 7101**.

Sincerely,

A handwritten signature in black ink that reads "Paul Novak for". The signature is written in a cursive, flowing style.

Paul Novak
Zoning Hearing Officer

Enclosures: Attachment A

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 #4501 / TENTATIVE PARCEL MAP #061201

Conditional Use Permit – Creation of a flag lot

1. *The design of the proposed flag lot subdivision does not comply with the flag lot development standards identified in Section 17.40.060 of the Zoning Code. The development standards state that to allow a flag lot subdivision a conventional subdivision would first have to be possible, and the creation of the flag lot shall be necessary due to extreme physical constraints and circumstances inherent in the property. The subject site is 136 feet wide. A conventional subdivision of this site is not possible because 150 feet of lot width is necessary to comply with the 75-foot minimum lot width requirement for each newly created lot in the RS-4 district.*

Tentative Tract Map – Subdivide one land lot into two land lots

2. *The proposed map is not consistent with applicable general and specific plans as specified in Section 65450 in that the proposed creation of a flag lot does not meet the minimum development standards as outlined in Section 17.40.060 of the Zoning Code regulating the development of flag lots, which allows flag lots on lots that can first be subdivided in a conventional manner, but where the physical nature or characteristic of the property makes the creation of the flag lot necessary and more practical. In this case, the existing lot width is not wide enough to accommodate a conventional subdivision, and the site characteristics are not the determining factor in requiring the need for a flag lot at this location.*

Hillside Development Permit – Subdivision in the Hillside Overlay District

3. *The location of the proposed use does not comply with the special purposes of this Zoning Code and the purposes of the applicable zoning district in that the purpose and intent of the Zoning Code regulations is to promote orderly development consistent with the traditional scale and character of the community to preserve existing neighborhood character and to ensure compatibility of lot sizes and configurations within a neighborhood. This proposal does not achieve these goals in that the standards for creating a flag lot are not met, and would intensify the use of a site in a single-family residential neighborhood inconsistent with the established standards of the Zoning Code.*

Bogaard, Bill

From: Bogaard, Bill
Sent: Wednesday, January 25, 2006 8:22 AM
To: City_Council
Subject: FW: Upcoming Property Subdivision Hearing, February 6, 2006

City Council,
This e-mail is being forwarded to you at the request of Drs. Rashad and Eva Wasef.
Betty Ho, Deputy to the mayor.

From: Evuta@aol.com [mailto:Evuta@aol.com]
Sent: Wednesday, January 18, 2006 12:01 AM
To: Bogaard, Bill
Subject: Upcoming Property Subdivision Hearing, February 6, 2006

January 17, 2006

The Honorable Bill Bogaard
100 N. Garfield Avenue, Room 237
Pasadena, CA 91109

Dear Mayor Bogaard,

I would like to address an issue regarding an upcoming property subdivision hearing on February 6, 2006.

When the Craven estate was subdivided (in the late 1940s/early 1950s), two separate lots—one with no street access--constituted what is currently 500 Madeline Drive. As a contingency of its sale, the buyers put a condition that the two lots are sold together as one.

In 1990, we requested subdividing the property, and our request was granted by the City. One of our neighbors appealed the decision, demanding that we come up with a complete water drainage plan for the unbuilt lot, prior to executing the subdivision. Since we did not, at the time, have a clear plan for our project, we let it fall through and did not pursue it any further.

During the course of the last year, we revisited the project, and through communications between our appointed engineer and the City, he was reassured by at least three different City planners that the project is feasible and viable. Because of several requests for additional maps and surveys, condition of use permits, etc., over \$10,000 has been spent on the project thus far.

It was very late in the process that one of the City officials noted the footnote that addresses the issue of the necessity of conventional divisibility of the lot before granting dividing of what will be a flag lot. We will fall a mere 14 feet short of the 150 foot minimum required to allow for conventional subdivision. Our existing lot is a flag shaped lot as it is; we are simply requesting to provide access to the portion without street access.

Several houses on flag lots (and several on lots much smaller than the would-be lots after subdivision) are in our immediate neighborhood, and several possess less street frontage than our property. Therefore, the proposed subdivision would still be in keeping with the character and style of our neighborhood.

We would like to bring this matter to your attention, the honorable Mr. Bogaard, and to the respectable Pasadena City Council members, hoping to have a favorable outcome in the upcoming hearing on February 6, 2006.

Sincerely,

Drs. Rashad and Eva Wasef
500 Madeline Drive
Pasadena, CA 91105

2/1/2006

626-799-6741

cc: Councilmember Vice Mayor Steve Madison
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streater
Councilmember Sid Tyler

Bogaard, Bill

From: bicyclethf@aol.com
Sent: Wednesday, September 14, 2005 12:00 PM
To: Bogaard, Bill
Cc: mariana@artcenter.edu; smadison@cityofpasadena.net.
Subject: 500 Madeline Drive

Dear Mayor Bogaard,

Hello and hoping you had a great summer.

Mariana and I took the children to Argentina, and last week meet with her father Ambassador Molteni in New York.

I'm writing today to bring to your attention our protest of yet another subdivision request on our block.

The property subdivision request from 500 Madeline Drive was already turned down several times but apparently they are seeking an override.

Our little corner of South West Pasadena is one again under a subdivision challenge and we do not want it to succeed.

I respectfully ask that this letter be forwarded to Jane Rodriguez for distribution.

I thank you for your assistance in keeping our neighborhood safe from undesirable subdivisions.

Respectfully,
Tony Amatullo