

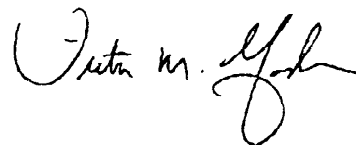
-----Original Message-----

From: Gordo, Victor
Sent: Wednesday, September 23, 2009 7:35 PM
To: De La Cuba, Vannia; Jomsky, Mark
Cc: Bruckner, Richard
Subject: Re: Request for call up review to be placed on agenda (CUP#4910)

Mark: Consistent with Vannia's e-mail below, please agendize CUP #4910 on the next City Council agenda for call up consideration. Thank you, Victor

----- Original Message -----

From: De La Cuba, Vannia
To: Jomsky, Mark
Cc: Bruckner, Richard; Gordo, Victor
Sent: Wed Sep 23 17:38:00 2009
Subject: Request for call up review to be placed on agenda (CUP#4910)



Hi Mark,

Victor asked that I share with you his desire that the CUP for 681 E. Washington Blvd., recently approved by the hearing officer, be placed on the next available agenda for consideration by the Council to be sent for review by the Board of Zoning Appeals.

Victor will submit an original request on his letterhead tomorrow.

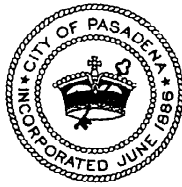
Many thanks.

Vannia

Vannia De La Cuba
Field Representative to Vice Mayor Victor M. Gordo
City of Pasadena - District 5
100 N. Garfield Ave., Suite 8228, Pasadena, CA 91109
Tel: (626) 744-4741 or (626) 831-8609
Fax: (626) 398-1836

10/05/2009

7.B.1.



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

September 21, 2009

Malathi Benjamin, PLC
260 S. Los Robles Ave., Ste. 306
Pasadena, CA 91101

Subject: Conditional Use Permit #4910
681 E. Washington Blvd. and 1370 N. El Molino Ave.
Council District 5

PLN#2007-00259

Dear Ms. Benjamin:

Your application for a **Conditional Use Permit at 681 E. Washington Blvd. and 1370 N. El Molino Ave.** was considered by the **Hearing Officer on September 16, 2009.**

CONDITIONAL USE PERMIT: 1) Conditional Use Permit: To establish a "Religious Facility" (church) at the site of a former church. The project includes a 51 square foot addition to the rear of the structure at 681 East Washington Boulevard and the use of the existing building at 1370 North El Molino Avenue as offices for the church. A Conditional Use Permit is required to establish a "Religious Facility".

2) Minor Conditional Use Permit: To allow a shared parking between the new church and the child-day care use. [A complete building permit was submitted to the City for the child daycare use prior to the change of zoning district from commercial to residential. The total required parking for the church and day-care uses is 15 spaces; fourteen parking spaces are proposed.

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 Conditional Use Permit be **approved** with conditions listed in Attachment B and in accordance with submitted plans stamped **September 16, 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 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 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.

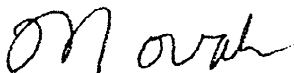
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (September 28, 2009)**. The effective date of this case will be **September 29, 2009**. Prior 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 \$3,120.70. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,560.35.

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.

The Hearing Officer adopted the environmental determination that the project is 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, §15303, New Construction or Conversion of Small Structures). This exemption consists of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structures and does not exceed 10,000 square feet in floor area.

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

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B

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 CONDITIONAL USE PERMIT #4910

1) Conditional Use Permit: To Establish a 'Religious Facility' (Church) Use.

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of the Zoning Code.* The proposed 'Religious Facility' is permitted with a Conditional Use Permit in the RM-32 zoning district. The project as proposed meets all applicable regulations of the Zoning Code. No General Plan Amendment, Specific Plan Amendment, or Zone Change is required to accommodate the proposed project. The Conditional Use Permit would permitted the establishment of a church in a building that was most recently used as a church and the conversion of a building formerly used auto repair to be used as administrative offices for the church. The project complies with all applicable development standards of the Zoning Code; no Variances are requested.
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 proposed project is consistent with the special purposes of Chapter 17.22, Residential Zoning Districts, by providing an appropriate site for a semi-public use that complements residential development and the physical improvement of a site that has been in a state of disrepair for several years. This site improvement will protect and enhance the character and integrity of the North Lake Specific Plan. For these reasons, the location of the proposed Religious Facility not only complies with the purposes of the Zoning Code and North Lake Specific Plan, but furthers the policies and goals of the City.
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.* The project is consistent with the Land Use Element Objective 13 – Provide adequate support for businesses and institutions that serve the needs of Pasadena's diverse resident and families, and Policy 13.1 – Support the needs of public, private, and voluntary organizations and associations that provide important services to Pasadena's diverse community. The project complies with these objectives and policies.
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 new church will provide a positive upgrade to the site. The conditions of approval identified in this report will ensure that any potential impacts on the surrounding residential neighborhood will be mitigated. There will be no substantial impacts on views, light, or air in the vicinity. The proposed church will add parking lot landscaping and trees and improve the overall appearance of the site. Therefore, the proposed religious facility will not have a significant impact on the surrounding residents.
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.* The re-establishment of a neighborhood church will be compatible with the residential uses in the neighborhood. There will be no substantial impacts on views, light, or air in the vicinity. There will be no substantial impacts on views, light, or air in the vicinity. The proposed church will add parking lot landscaping and trees and improve the overall appearance of the site. Therefore, the proposed religious facility will not have a significant impact on surrounding development.

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 surrounding area is developed with a variety of land uses including single-family and multi-family development as well as commercial development further to the east of the site along East Washington Boulevard. The project scale is consistent with the character of the surrounding uses. The proposed church will enhance the surrounding properties.

2) Minor Conditional Use Permit: Shared Parking.

7. *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.* The sharing of required parking between two uses that share the same physical parking is allowed with a Minor Conditional Use Permit. With the recommended conditions, the sharing of parking spaces will be compatible with the surrounding area. All applicable portions of the Zoning Code will be met by this proposal.
8. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The sharing of physical parking spaces is allowed, through a Minor Conditional Use Permit, in an attempt to not construct more parking spaces than what are necessary. In this case, the minimum parking requirements for each use will be met, with church having one excess parking space and the day care having 12. It is acknowledged that some of the 12 excess parking spaces will be used by for church administration during the week. However, 12 parking spaces are expected to be more than sufficient.
9. *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.* The sharing of physical parking spaces is allowed, through a Minor Conditional Use Permit, in an attempt to not construct more parking spaces than what are necessary. In this case, the minimum parking requirements for each use will be met, with church having one excess parking space and the day care having 12. It is acknowledged that some of the 12 excess parking spaces will be used by for church administration during the week. However, 12 parking spaces are expected to be more than sufficient.
10. *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 in that the proposal provides uses that are allowed within the Zoning District.* The peak parking demand for the child day care will be during the weekdays, while the greatest demand for church parking will be on the weekend. The site will provide 14 parking spaces while only two are required by the Zoning Code for the day care and 13 are required for the church. During the operation of the each activity additional parking will be available. As recommended in the conditions of approval a review of the parking situation will be required to ensure that the shared parking arrangement is adequate to meet the demands of each use.
11. *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.* The peak parking demand for the child day care will be during the weekdays, while the greatest demand for church parking will be on the weekend. The site will provide 14 parking spaces while only two are required by the Zoning Code for the day care and 13 are required for the church. During the operation of the each activity additional parking will be available. As recommended in the conditions of approval a review of the parking situation will be required

to ensure that the shared parking arrangement is adequate to meet the demands of each use.

12. *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 shared parking arrangement between two uses whose peak parking demands differ between weekdays and the weekend will not impact the aesthetic values, character, scale, and or view.
13. *The spaces to be provided would be available as long as the uses requiring the spaces lawfully exist.* The City's ability to control the continued occupancy of child day care and church uses through building permits and business licenses, businesses relying on use of the shared spaces, will assure the continued availability of such spaces.
14. *The quality and efficiency of the parking utilization would equal or exceed the level that is otherwise required.* The proposed plans comply with the applicable development standards for parking lot layout, striping, and landscaping. All parking spaces will be available at all times for both uses. The shared spaces will not be designated or differentiated in any way.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4910

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, September 16, 2009", except as modified herein.
2. This approval is for the following entitlements:
 - a) Conditional Use Permit to establish a 'Religious Facilities' use; and
 - b) Minor Conditional Use Permit for shared parking between the religious facility and the child day-care.
3. The Hearing Officer shall conduct a public hearing nine months from the issuance of the Certificate of Occupancy for the Child Day Care or Religious Facility, whichever is later, to ensure the effectiveness of shared parking arrangement.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing before the Hearing Officer. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number **PLN2007-00259**, is subject to the City's Condition Monitoring Program and is also subject to Final Zoning inspection. Condition Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. The Condition 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

8. Landscaping and irrigation shall be installed in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. Said plan shall include drought-resistant plant materials and low-volume irrigation where practicable. The plan shall be prepared by a licensed landscape architect and shall

meet the requirements of Chapter 17.44. All landscaping shall be installed prior to issuance of a Certificate of Occupancy.

9. The applicant shall provide for new street trees to be located in compliance with the requirements of the Department of Public Works. The number and size of trees shall be determined by the Director of Public Works.
10. All new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements of the Building Division.
11. Screening of mechanical equipment shall be provided in accordance with Section 17.40.150 (Screening) of the Zoning Code.
12. A minimum of 14 on-site parking spaces shall be provided in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. All parking areas shall conform to the requirements of Chapter 17.44 (Parking and Loading) of the Pasadena Zoning Code.
13. The project will result in a net increase in water usage. Therefore, the project must comply with the Water Shortage Procedures and the City's goal to implement the State's 20 Percent Reduction by 2020 Program. Prior to issuance of building permits for the project, the applicant must submit a water-conservation plan for review and approval by the Planning Division. This plan is also subject to review and approval by the City's Water and Power Department and the Building Division before the issuance of a building permit. The plan must demonstrate the ability to limit water consumption to 80 percent of its originally anticipated amount. The project's irrigation and plumbing plans are also required to comply with the approved water-conservation plan.
14. An exterior lighting plan including specifications of the proposed fixtures shall be submitted to the Zoning Administrator prior to the issuance of any building permits. No light sources (i.e. bulb) shall be visible from any location off the site. The lighting shall comply with the standards of Section 17.40.080 (Outdoor Lighting) of the Zoning Code.

Public Works Department

15. The East Side Storm Drain traverses the property. An easement exists along the storm drain. This easement shall be shown on all maps and plans of the site. No permanent structures shall be constructed within the easement area. Any storm drain manholes on-site shall be adjusted to grade and must be fully accessible.
16. Excavation in the streets for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.
17. New drive approaches shall have a minimum of 12 feet in width for one-way entry/exit, or a minimum of 24 feet for a two-way entry/exit, and a maximum of 26 feet width and in accordance with Standard Drawing No. S-403. Drive approaches shall have a minimum seven feet clear distance from the trunk existing street trees.

18. The applicant shall plant and maintain, for a period of three years, a maximum of two (2) officially designated street trees per the City approved master street tree plan on the subject frontage and install and permanently maintain an irrigation system for the trees. Locations will be finalized in the field by the Department of Public Works. Trees must meet the City's tree stock standards, be inspected by the City, and be planted according to the details provided by the Parks and Natural Resources Division. The trees shall be approved by the Forestry Supervisor prior to the issuance of a Certificate of Occupancy. Plans for the irrigation system shall be prepared by a landscape architect registered in the State of California and submitted to the Department for review and approval.
19. 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 any 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 and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
20. 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 Work Area Traffic Control Handbook (WATCH). If the public right-of-way occupation requires a diagram that is not a part of the WATCH manual, 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.
21. 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.
22. 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 12.04.035, 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 12.04.031, 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.

Department of Transportation

23. As a condition to alleviate the project's contribution to neighborhood traffic for this area, the applicant shall fund the installation of two bus stop information panels for the eastbound Washington/El Molino and westbound Washington/El Molino bus stops to promote transit ridership. This fund shall be collected by the Department of Transportation prior to the issuance of a building permit. Amount: \$1,400
24. The site plan provided by the applicant designates the existing driveway on Washington Boulevard to be an entrance only driveway to the project site. DOT recommends that the driveway be limited right-in only operation. To further discourage illegal eastbound left-turn traffic movement through the painted median along Washington Boulevard into this site, the applicant shall install a "no-left turn" sign, R3-2, to be located out of the public right-of-way and at the project address side of this driveway.
25. If the available parking supply does not satisfy the parking demand for this use, the applicant should consider reconfiguring the lot to provide additional spaces and provide tandem parking with a parking attendant. Also, church sponsored vanpool service and/or identifying an off-site lot with a shared-parking arrangement should be considered.
26. Existing on-street parking conditions fronting this project shall be maintained.

Added at Hearing Officer Meeting

27. The Child Day Care Center shall not exceed enrollment of 29 children. Any proposed increase in enrollment in the future would require the submittal of Modification application to the subject Conditional Use Permit.
28. To ensure that the parking spaces can adequately be shared between the Religious Facility and the Child Day Care Center, the hours of operation for the Child Day Care Center shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. This does not preclude the care of children of the church congregation during church services on Sundays.
29. No residential uses (except as allowed for Religious Facilities in the Zoning Code) shall be permitted on the site.
30. There shall be no pedestrian ingress to the site from North El Molino Avenue.
31. There shall be no pedestrian egress from the site to North El Molino Avenue, except in case of emergency.
32. The vehicular gate across the driveway gate along El Molino shall be closed when property is not in use.