

Subject: Request for Call Up CUP #6224

Date: Sunday, January 11, 2015 at 2:27:11 PM Pacific Standard Time

From: McAustin, Margaret

To: Jomsky, Mark

CC: Morales, Margo, Bertoni, Vince, Reyes, David

Priority: High

Mark 1/11/15

Mark,

Please consider this email my request for City Council consideration to Call For Review the Hearing Officer Decision on CUP #6224, heard on January 7, 2015.

Please acknowledge receipt of this request.

Thank you,

Margaret McAustin

Pasadena City Council, District 2

CITY CLERK

15 JAN 12 11:58AM

01/26/2015

Item 11



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

January 12, 2015

Sam Youssefian
1431 Huntington Drive, Suite 201
South Pasadena, CA 91030

Re: **Conditional Use Permit #6224**
1571 East Walnut Street
Council District #2

PLN2014-00423

Dear Mr. Youssefian:

Your application for a **Conditional Use Permit at 1571 East Walnut Street** was considered by the **Hearing Officer on January 7, 2015**.

CONDITIONAL USE PERMIT: To allow the operation of a "Vehicle Services – Vehicle Equipment Repair" within the CG (Commercial General) zoning district. The proposal includes the demolition of two existing structures and construction of a new 4,975 square foot, one-story vehicle equipment repair building. A Conditional Use Permit is required for "Vehicle Services – Vehicle Equipment Repair" within the CG (Commercial General) zoning district.

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 the conditions in Attachment B and in accordance with submitted plans stamped **January 7, 2015**.

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 three years of the effective date of the approval. This approval is eligible for two one-year extensions. Each one year extension is required to be reviewed and approved by the Hearing Officer at a noticed public hearing. In order for a project to be eligible for a time extension, the applicant is required to submit the required fee and time extension application to the Permit Center prior to the expiration date of the land use entitlement. 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.

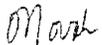
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (January 20, 2015)**. The effective date of this case will be **January 21, 2015**. Prior to 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 \$272.95. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$136.48.

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 (Title 14, Chapter 3, Section 15303, Class 3, New Construction or Conversion of Small Structures). Class 3 consists of construction and location of limited numbers of new, small facilities, or structures. In urbanized areas, the exemption applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary services and facilities are available and the surrounding area is not environmentally sensitive. The proposed project is to construct a 4,975 square foot vehicle equipment repair building. The site is located in an urbanized area, within a Commercial zoned property, that is served by all utilities.

For further information regarding this case please contact **Jason Killebrew** at **(626)744-7096**.

Sincerely,



Paul Novak
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 CONDITIONAL USE PERMIT #6224**

Approval of Conditional Use Permit: To allow the establishment and operation of a Vehicle Equipment Repair Land Use.

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* A Conditional Use Permit is required in the CG (Commercial General) zoning district to allow for the operation of a "Vehicle Equipment Repair". The purpose of the CG (Commercial General) zoning district is to provide opportunities to the full range of retail and service businesses deemed suitable for location in Pasadena. The Vehicle Equipment Repair will provide automobile services to the residents of the City and surrounding communities. The use will operate in accordance with the City's laws, ordinances, and with conditions of approval that will ensure the compatible coexistence of this use with the surrounding area.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* Section 17.40.070.A.2 sets limited hours of operation regulations for businesses located on a site that is within 150 feet of a residential zoning district. The subject site is located directly adjacent to an RM-16 zoning district to the north, therefore within 150 feet of a residential zone. In this case, the proposed use may operate between the hours of 7:00 a.m. and 10:00 p.m. by right. Furthermore, the project is proposing to construct a new six foot high concrete block wall along the entire northern property line to screen the parking lot from adjacent residential uses, in compliance with Section 17.46.210 of the City's Zoning Code. In addition to the block wall, a five foot wide landscape buffer will be provided around the perimeter of the subject site. These requirements are intended to mitigate any potential adverse impacts the use may generate on surrounding properties and uses. The project has incorporated these standards and will be conditioned to maintain these standards at all times the use is operating. Given the urbanized location and mix of commercial, retail, and service uses in the vicinity, the Vehicle Equipment Repair use, as conditioned, will not be detrimental or incompatible with the surrounding uses in the general vicinity.
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.* To permit the operation of a Vehicle Equipment Repair use on the subject site will meet at least one Objective of the General Plan. The proposal complies with Objective 10 (Diverse Economy) which promotes a diverse economic base that serves local residents by providing jobs along with generating city revenue. Specifically, the proposed Vehicle Equipment Repair is in conformance with Policy 10.3 of the General Plan which supports business expansion and growth. Furthermore, Section 17.24.030 of the Zoning Code ensures that the CG (Commercial General) zoning district and suitable uses are consistent with and implements the General Commercial land use designation of the General Plan.
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 proposed project will allow for the operation of Vehicle Equipment Repair, a use that is conditionally permitted within the CG zoning district. As the subject site is surrounded by a mix of uses predominately by commercial development, it is anticipated that there will be no detrimental effects to the public health, safety and welfare in large. The site is adjacent to residential

uses and zoning districts to the north. The project has been conditioned to provide landscape and buffering measures such as a 51-foot setback from the building to the rear property line that abuts the RM-16 zoning district. These measures are intended to mitigate any potential impacts that the proposed use could have to persons residing in the neighborhood. In addition, the project is subject to the City's Condition Monitoring Program. Noncompliance with any of the conditions of approval or any of the provisions of the Zoning Code may result in the revocation of the Conditional Use Permit. Therefore, the operation of a Vehicle Equipment Repair, as conditioned, will not detrimentally affect the surrounding area.

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 proposed Vehicle Equipment Repair use will occupy a newly constructed 4,975 square foot commercial building. The project meets all the development standards including but not limited to building height, floor area, and setbacks of the CG zoning district (condition #9). The project complies with the off-street parking requirements of the Zoning Code, providing 20 off-street parking spaces for the 4,975 square foot building (condition #10). The project will be conditioned to comply with the Noise Ordinance regulations of Chapter 9.36 of Pasadena Municipal Code (condition #12). Through conditions of approval, measures have been taken to address the potential for concerns regarding the operation of the proposed use. As such, the proposed use as described and conditionally approved would not be injurious to property and improvements in the area.

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 project involves the construction of a new 4,975 square foot commercial building to accommodate a Vehicle Equipment Repair use. The new building is located five feet from the front property line along Walnut Street and approximately 51 feet from the rear property line that abuts the RM-16 Zoning District. Although the Zoning Code allows buildings to be constructed up to 45 feet high within the CG zoning district, the proposed building will have a maximum height of 26 feet. The new building is in scale with the buildings along this segment of Walnut Street and meets all the development standards of the CG zoning district. The project will be required to obtain all necessary approvals prior to construction and conditioned, will be in harmony with the surrounding uses.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6224

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

General

1. The site plan, and floor plan submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Received at Hearing, January 7, 2015" except as modified herein.
2. 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 three 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.
3. The approval of this application authorizes the operation of a Vehicle Equipment Repair use within a new 4,975 square foot commercial building located at 1571 East Walnut Street in accordance with the plans on file with the Planning Division.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. 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. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **PLN2014-00423**, is subject to the City's Condition Monitoring Program and Final Zoning inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. In addition, the project requires Condition Monitoring. Contact the Planning Case Manager, Jason Killebrew at (626) 744-7096 to schedule an inspection appointment time and set up monitoring fees.

Planning Division

9. The 4,975 square foot commercial building shall have a maximum height of 26'-0" and provide a five feet setback from the front property line. The building shall not project within the encroachment plane, as described in Section 17.40.160.D.2, when measured from the rear property line. The building shall be developed in accordance with all the applicable development standards of the Zoning Code and the plans on file with the Planning Division.

10. The subject site shall provide a minimum of 20 off-street parking spaces for the 4,975 square foot commercial building, in compliance with Chapter 17.46 of the Zoning Code and in accordance with the plans on file with the Planning Division.
11. All exterior mechanical equipment, except solar collectors, shall be screened or located out of view from public rights-of-way to the satisfaction of the Zoning Administrator. Equipment to be screened includes but is not limited to: air conditioning and refrigeration equipment, duct work, heating, plumbing lines, and satellite receiving antennas.
12. The applicant shall be required to comply with the Noise Ordinance regulations of Chapter 9.36 of Pasadena Municipal Code.
13. The hours of operations shall be limited from 7:00 a.m. to 10:00 p.m., seven days a week.
14. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within the building structure.
15. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti on the site shall be removed within 48 hours.
16. The plans submitted for plan check shall comply with the City of Pasadena Refuse Storage regulations of Section 17.40.120 of the Zoning Code. The Refuse Storage shall be maintained at all times.
17. The project shall provide a six foot masonry or concrete wall along the entire rear property line or any portions of the property that are adjacent to a residential zoning district.
18. The subject site shall provide a five foot landscape perimeter in accordance with the plans on file with the Planning Division.
19. The parking lot shall comply with the parking lot landscaping requirement of Section 17.46.230
20. The applicant shall submit a covenant to the Building Official for review and approval to hold the three parcels as one lot.

Fire Department

21. The new building shall be protected with automatic fire sprinkler system per NFPA 13. The project shall comply with the requirements of the California Building and Fire Codes.

Department of Public Works

22. The submitted plans shall show the property lines of all three parcels proposed to be developed: AIN 5737-007-004, 5737-007-005 and 5737-007-055.
23. The proposed development shall connect to the public sewer with a new six-inch diameter house sewer laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer "means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer." The section of house sewer within the public right-of-way - from the property line to

the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.

24. If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. The drain shall discharge to the street in a curb outlet approved by the Department of Public Works.
25. 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.
26. 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.
27. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, without cutting the asphalt pavement along the subject frontage prior to the issuance of a Certificate of Occupancy. Sawcutting shall be done per the requirements of Public Works inspector. Existing street trees shall be protected using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514).
28. If the existing street lighting system along the project frontage is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including conduit(s), conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works.
29. The applicant shall plant and maintain, for a period of three (3) years, a maximum of three (3) officially designated street trees per the City approved master street tree plan (*Pistacia chinensis*, chinese pistache) on the Walnut Street frontage, and install and maintain an irrigation system for the trees. Locations will be finalized in the field by the Department of Public Works. Plans for the irrigation system shall be submitted to the Department for review and approval.
 - 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 (PNR) Division. PNR can be reached at (626) 744-3846. The trees shall be approved by the Forestry Supervisor prior to the issuance of a Certificate of Occupancy. All new trees shall be maintained by either an existing or a new irrigation system constructed by the applicant.
 - The applicant shall also submit a tree establishment deposit to guarantee the new trees for a minimum of 90 calendar days. The maintenance within the establishment period shall consist of watering the new trees; the removal of weeds; the adjustment to grade of any trees that settle; and any other operations needed to assure normal tree growth. The applicant shall replace any trees which, for any reason, die or are damaged under its care. The 90-day tree establishment period shall commence on the day that the

Certificate of Occupancy is issued. Said deposit may be included as part of the construction guarantee if applicable, and is subject to partial refund or additional billing.

30. 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 \$5,000 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.
31. 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.ci.pasadena.ca.us/PublicWorks/Engineering_Division/. 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 Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. 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. No construction staging, material storage, or trailer in the public right-of-way.
32. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.
 - In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.
 - The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: http://cityofpasadena.net/PublicWorks/Engineering_Division/

33. 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. A Public Works permit is required for all construction and occupancies in the public right-of-way. If construction vehicles and equipment are parked off-site in the public right of way, the permit fee for street and sidewalk occupancy will be based on the area and duration corresponding to the current City's General Fee Schedule. For more information, please contact Yannie Wu at 626-744-3762.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sewer Facility Charge - Chapter 4.53 of the PMC
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
- 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.
- 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.
- Stormwater Management and Discharge Control Ordinance – Chapter 8.70 of the PMC
This project is subject to the requirements of the City's Storm Water and Urban Runoff Control Regulation Ordinance which implements the requirements of the Regional Water Quality Control Board's Standard Urban Storm Water Mitigation Plan (SUSMP). Prior to the issuance of any demolition, grading or construction permits for this project, the developer shall submit a detailed plan indicating the method of SUSMP compliance. Information on the SUSMP requirements can be obtained from the Permit Center's webpage at: http://cityofpasadena.net/PermitCenter/Plans_Submittal_Checklists/
- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at <http://cityofpasadena.net/PublicWorks/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
- b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

