

Jomsky, Mark

From: Reyes, David
Sent: Monday, April 19, 2021 2:43 PM
To: Madison, Steve
Cc: Mermell, Steve; Suzuki, Takako; Paige, Jennifer; Jomsky, Mark
Subject: RE: Call for Review: V#11908 (PLN2019-00311) at 1388 W. Colorado Boulevard

Received.

David

From: Madison, Steve <smadison@cityofpasadena.net>
Sent: Monday, April 19, 2021 2:21 PM
To: Reyes, David <davidreyes@cityofpasadena.net>
Cc: Mermell, Steve <smermell@cityofpasadena.net>; Suzuki, Takako <tsuzuki@cityofpasadena.net>; Paige, Jennifer <jpaige@cityofpasadena.net>
Subject: Call for Review: V#11908 (PLN2019-00311) at 1388 W. Colorado Boulevard
Importance: High

This is a call for review to the Board of Zoning Appeals of the project listed at 1388 W. Colorado Boulevard.

04/26/2021
Item 17



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

April 9, 2021

Frank Martinez
750 E. Green Street, Suite 308
Pasadena, CA 91101

**RE: Variance #11908
1388 W. Colorado Boulevard
Council District #6**

PLN2019-00311

Dear Mr. Martinez:

Your application for a **Variance** at **1388 West Colorado Boulevard** was considered by the Hearing Officer on **April 7, 2021**.

VARIANCE: To facilitate the development of a proposed 675 square-foot, single-story medical office building, the applicant requests the following due to easements that traverse the property:

- 1) Variance: To allow no on-site parking, where six spaces are required for the site;**
- 2) Minor Variance: To adjust the required five-foot fixed front setback (Colorado Boulevard) and allow a 64'-9" setback; and**
- 3) Minor Variance: To adjust the required five-foot fixed corner setback (Melrose Avenue) and allow a 17'-4" setback.**

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 **Variance** be **disapproved** with the findings in Attachment A.

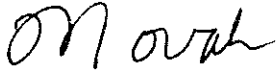
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (April 19, 2021)**. The effective date of this case will be **April 20, 2021**. Prior to such 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 \$2,386.51. The Appeal fee for non-profit community-based organizations is \$1,193.26.

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)(5); Administrative Code, Title 14, Chapter 3, §15270(a), Projects Which are Disapproved. This

Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

For further information regarding this case please contact **Jason Van Patten** at **(626) 744-6760** or jvanpatten@cityofpasadena.net.

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A

xc: City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Fire Department, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11908

Variance – Adjustment to the Parking Requirements

2. *Granting the application is not necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.* There is no demonstrated hardship involved with the variance application. The landowner enjoys a substantial existing property right, in the form of an existing tenant (the chiropractic office) as well as a lease from an on-site wireless telecommunications facility. The title report documents that three public utility easements crossing the property were established decades ago, and would, therefore be known to the applicant before purchasing the property; in this regard, there is no credibility to the claim that these easements now somehow constitute a “hardship.”

3. *Granting the application would be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.* Granting the variance would allow for the existing use on the property to nearly double in size, without providing any on-site parking (in fact, remarkably, to remove the four existing on-site parking spaces). Significant correspondence from neighboring business-owners and residents documents that there is a shortage of parking in the vicinity of the subject site. In the immediate vicinity of the subject property, there are three successful, established restaurant/catering uses (Little Flower, The Kitchen, and Stoney Point); a popular, active park across the street, with no on-site parking for visitors; other retail/office buildings; and several existing vacancies, which may be leased in the future, thereby creating additional parking demands. All of these uses create demands for the limited number of surface parking spaces and limited number of on-street parking spaces. The only available parking for the staff and patients on the subject property would be the parking that is already over-utilized by these existing uses; in that regard, granting the application would be detrimental or injurious to property or improvements in the vicinity of the subject site. Significant correspondence also demonstrated that the Colorado/Melrose intersection (which the subject property abuts) is a challenging, busy intersection, one that is subject to motorists traveling at high speeds (particularly along Colorado), right and left turn movements, on-street parking movements, and heavy pedestrian/crosswalk activity. It is without question that nearly doubling the capacity of the existing use on the subject property, adjacent to this challenging intersection, would be detrimental to the public health, safety, and general welfare of motorists and pedestrians.

4. *Granting the application is not in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any specific plan and the purpose of the Zoning Code, and would constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The Zoning Code's on-site parking requirements are intended to ensure that any new development provides adequate parking that is on-site and available to owners, residents, staff, or customers of the proposed use, thereby minimizing off-site parking impacts on neighboring landowners. The existing business on the subject property has four parking spaces; were the application to be granted, the existing business would nearly double in size, and provide zero parking spaces, thereby adversely impacting the limited surface parking and on-street parking currently utilized by neighboring businesses and residents. Granting the application would, therefore, create a special privilege for the applicant, at the expense of neighboring business-owners and

residents, a notion that is entirely contrary to the goals, policies, and objectives of the General Pan and the purpose of the Zoning Code.



COVID-19 SAFETY GUIDANCE FOR CONSTRUCTION SITES

APRIL 1, 2020

The following guidelines are based on Interim CDC's Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications.

Construction industry employers shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing; symptom checking; hygiene; decontamination procedures, and training. An exposure control plan and the following practices must be followed to prevent any onsite worker from contracting COVID-19, as many people with COVID-19 are asymptomatic and can potentially spread disease. Failure to comply with this guidance shall be deemed as creating unsafe conditions and may result in withheld inspections or shutting down the construction site until corrected.

City staff will verify compliance with these guidelines during regular scheduled inspections for projects under construction as well as during investigations associated with complaints that may be submitted to the Pasadena Citizens Service Center at 626-744-7311 or at <http://ww5.cityofpasadena.net/citizen-service-center/>.

1. Practice social distancing by maintaining a minimum 6-foot distance from others. No gatherings of 10+ people. Workers on break or lunch break should not gather in groups and should maintain 6-foot distance.
2. Preclude gatherings of any size, and any time two or more people must meet, ensure minimum 6-foot separation. Meetings should be conducted online or via conference call when possible.
3. Provide personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed. Do not share personal protective equipment.
4. The owner/contractor shall designate a site specific COVID-19 Supervisor to enforce this guidance. A designated COVID-19 Supervisor shall be present on the construction site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.
5. Identify "choke points" and "high-risk areas" where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so social distancing is maintained.
6. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
7. Stagger the trades as necessary to reduce density and maintain minimum 6-foot separation social distancing. Limit the number of people to the minimum possible. Restrict non-essential visitors.
8. Discourage workers from using other worker's phones, desks, offices, work tools and equipment. If necessary, clean and disinfect them before and after use, and hand shaking.
9. Post, in areas visible to all workers, required hygienic practices including not touching face with unwashed hands or gloves; washing hands often with soap and water for at least 20 seconds; use of hand sanitizer with at least 60% alcohol, cleaning AND disinfecting frequently touched objects and surfaces, such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the CDC.
10. Place wash stations or hand sanitizers in multiple locations to encourage hand hygiene, identify location of trash receptacles for proper disposal.
11. Require anyone on the project to stay home if they are sick, except to get medical care.
12. Have employees inform their supervisor if they have a sick family member at home with COVID-19.
13. Maintain a daily attendance log of all workers and visitors.