

Agenda Report

TO: City Council

DATE: September 13, 1999

FROM: City Manager

SUBJECT: Appeal of Tentative Parcel Map #25377 at 3315 Calvert Road

CITY MANAGER RECOMMENDATION:

It is recommended that the City Council **deny** Tentative Parcel Map No. 25377 with the findings included as Attachment "A" of the report.

BACKGROUND:

The applicant has requested a tentative parcel map to allow a lot split on a vacant 37,474 square foot irregular shaped parcel with frontage on a private street accessed from Sierra Madre Villa Avenue in eastern Pasadena. The applicant submitted a topographic map, grading and drainage plans, and architectural drawings showing conceptual drawings of future construction on the subdivided lots. The Subdivision Committee reviewed this application on August 11, 1999 and staff's recommendation was for denial of the application. The Subdivision Committee adopted staff's recommended findings and denied Tentative Parcel Map No 25377. The applicant has appeal this decision.

At the Subdivision Committee hearing, there were several speakers in opposition to this application. All of the abutting property owners were concerned about possible drainage problems, loss of mature native trees, and a potentially adverse aesthetic impact resulting from future construction on the site. There was one speaker in favor of the application.

Future construction on the two lots would require grading and retaining walls up to eight feet high to accommodate a 20-foot driveway and the foundation of the future homes (which are proposed to be built over sloping terrain with a caisson foundation system). Currently the site drains onto adjoining downslope lots and onto an unimproved easement that was planned to provide access and drainage onto New York Drive. This access and drainage easement was created as part of a deed-split subdivision in the late 1950's but was never built.

ANALYSIS:

The subject site is zoned RS-4 which has a minimum lot area of 12,000 square feet and a 75 feet minimum lot width. The site has extreme slopes (in excess of 60 percent slope) with limited buildable areas and has dense vegetation including 25 mature oak trees (California Live Oaks, and Engelmann Oaks). Despite the severe slope of the site, the site is not zoned as hillside overlay. Thus many of the hillside requirements can't be imposed on the subdivision and the standards that are being applied to this subdivision are those of the nonhillside area (RS-4). The proposal would create two irregular shaped flag lots with 19,765 square feet (Parcel 1) and 17,982 square feet (Parcel 2). A private easement with a 20-foot wide driveway will provide access to the two lots from Calvert Road. The proposed building pads show a potential for two-story homes to be built with attached two-car garages. These homes would have be up to 42 feet high and have a top plate height of 32 feet.

In reviewing parcel and tract maps, the City uses the findings contained within the Subdivision Map Act of the State of California to approve or deny an application. All of the following findings must be made in order for a subdivision map to be approved:

1. The proposed subdivision is consistent with the objective, polices, general land use and programs specified in the amended General Plan;
2. The design and improvements of the proposed subdivision will be in character with the existing developments in the area;
3. The site is physically suitable for the type and proposed density of the development;
4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat;
5. The design of the subdivision or type of improvements will not cause serious public health problems;
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access or use of property within the proposed subdivision;
7. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities.

While some of the above findings can be made, it is staff's opinion that several of the findings can not be made in the affirmative. The findings that cannot be made in the affirmative are findings numbers two, three, and four.

Finding Number Two

This finding requires the City to determine that the design and improvements of the proposed subdivision will be in character with existing development in the area. Staff could not make this finding because the proposed tentative map will create a 19,765 square foot parcel which has no buildable pad area and future construction on the lot requires a structure with a vertical height that would exceed the allowable 23-foot top plate height and 32-foot building height limitations of the RS-4 zoning district. The surrounding homes in the vicinity are in compliance with the height

limitations of the Zoning Code and are not built over significantly sloping terrain, as proposed in this subdivision. The proposed house to be constructed will be completely different in character from the other houses located on Calvert Road. The new house will be 31 percent taller than allowed for the zoning district, whereas most of the houses along Calvert Road are one-story in height and do not exceed the height limit.

Finding Number Three

A finding has to be made that the site is physically suitable for the type and proposed density of the development. Staff could not make this finding because the majority of the site consists of extreme slopes and dense natural vegetation including mature native trees. The proposed subdivision will create a lot (Parcel 1) that would have limited opportunities for development due to extreme slopes on the lot and any attempt to build a residence on Parcel 1 would require exceptions to the City's Zoning Code regulations. In order for the proposed house to be constructed, it would require variances to the top plate height and the total overall height requirements of the Zoning Code. The plans submitted show a top plate height of approximately 32 feet and a building height of approximately 42 feet. The RS-4 district allows a top plate height of 23 feet and a building height of 32 feet maximum. Thus the top plate height would deviate by 39 percent from the requirement while the total height of the project would exceed the height limit by 31 percent.

Finding Number Four

The last finding that staff could not make deals with whether the design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Staff could not make this finding because future development of Parcel 1 would remove seven mature native oak trees, including Engelmann and California Live Oak varieties. Englemann Oaks are considered the most endangered of California's native oak population. They are know to live only in western San Diego County and along the San Gabriel Mountains between Pasadena and San Dimas (see Attachment D). Development of Parcel 1 would aggravate drainage patterns for the downslope portion of the site and would adversely affect surrounding properties since Parcel 1 would have no drainage improvements onto New York Drive.

CONCLUSION:

The applicant's appeal application focuses on the issue whether or not houses can be built. However, the real issue is whether or not the property should be subdivided. For the reasons stated above staff could not make the findings necessary under the Subdivision Map Act to approve the subdivision. Staff, therefore, recommends denial of Tentative Parcel Map No. 25377.

ENVIRONMENTAL ANALYSIS: Denial of this application is statutorily exempt from environmental review pursuant to Section 15270 of the guidelines to the California Environmental Quality Act. This exemption is applicable "to projects which a public agency rejects or disapproves."

TENTATIVE PARCEL MAP #25377
CITY COUNCIL - SEPTEMBER 13, 1999
PAGE 4

WORKLOAD IMPACT: There should be no significant workload impact with denial of this project. If the subdivision was approved the Public Works and Transportation Department would review the final map and the City Council would approved the final map. The Planning and Permitting Department would process any future variances for the development of houses on the new parcels.

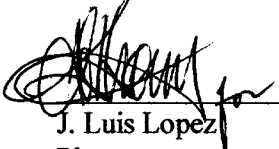
FISCAL IMPACT: There is no known fiscal impact with denial of this project. If approved the cost for processing the final map would be approximately \$1,500. The cost for applying for a variance application would be approximately \$2,200.

Respectfully Submitted,



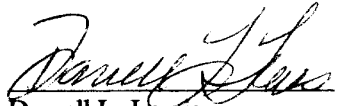
CYNTHIA J. KURTZ
City Manager

Prepared by:



J. Luis Lopez
Planner

Approved by:



Darrell L. Lewis
Director of Planning and Permitting

- Attachment A: Recommended Findings and Conditions for Tentative Tract Map #25377
- Attachment B: Decision Letter of the Subdivision Committee
- Attachment C: Appeal Application
- Attachment D: "Saving Our Oaks" Sunset Magazine, October, 1990
- Attachment E: Letters