



**CITY OF SOUTH PASADENA  
PLANNING COMMISSION**

**AGENDA  
REGULAR MEETING  
TUESDAY, AUGUST 13, 2024 AT 6:30 P.M.**

**AMEDEE O. "DICK" RICHARDS JR. COUNCIL CHAMBERS  
1424 MISSION STREET, SOUTH PASADENA, CA 91030**

**South Pasadena Planning Commission Statement of Civility**

*As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.*

**NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY**

The South Pasadena Planning Commission Meeting will be conducted in-person from the Amedee O. "Dick" Richards, Jr. Council Chambers, located at 1424 Mission Street, South Pasadena, CA 91030.

The Meeting will be available:

- In Person – Council Chambers, 1424 Mission Street, South Pasadena
- Via Zoom: <https://us02web.zoom.us/j/83530439651> **Meeting ID: 8353 043 9651**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in the following methods below.

- Go to the Zoom website, <https://Zoom.us/join> and enter the Zoom meeting information; or
- Click on the following unique Zoom meeting link:  
<https://us02web.zoom.us/j/83530439651>

- CALL TO ORDER:** Chair Lisa Padilla
- ROLL CALL:** Chair Lisa Padilla  
Vice-Chair Amitabh Barthakur  
Commissioner Jason Claypool  
Commissioner Laura Dahl  
Commissioner Mark Gallatin
- COUNCIL LIAISON:** Mayor Pro Tem Jack Donovan

**APPROVAL OF AGENDA**  
Majority vote of the Commission to proceed with Commission business.

**DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS**  
Disclosure by Commissioners of site visits and ex-parte contact for items on the agenda.

**PUBLIC COMMENT GUIDELINES** (Public Comments are limited to 3 minutes)

The Planning Commission welcomes public input. If you would like to comment on an agenda item, members of the public may participate by one of the following options:

Option 1:  
Participate in-person at the Council Chambers, 1424 Mission Street, South Pasadena.

Option 2:  
Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak for up to 3 minutes per item.

Option 3:  
Email public comment(s) to [PlanningComments@southpasadenaca.gov](mailto:PlanningComments@southpasadenaca.gov). Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on, and
- 3) Submit by no later than 12:00 p.m., on the day of the Planning Commission meeting.

NOTE: Pursuant to State law, the Planning Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Planning Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

**PUBLIC COMMENT**

- 1. **Public Comment – General (Non-Agenda Items)**

**CONSENT CALENDAR ITEMS**

- 2. **Minutes from the Regular Meeting of May 14, 2024**
- 3. **Minutes from the Regular Meeting of June 11, 2024**

**PUBLIC HEARING**

- 4. **Project No. 2500-HDP/DRX/VAR/PM/TRP** – A request for a Hillside Development Permit (HDP) and Design Review Permit (DRX) to construct a new 3,214-square-foot, two-story, single-family dwelling; two Variances (VAR) for 1) a side yard setback reduction and 2) an attached garage in front of the main structure; a Parcel Merger (PM) application for a merger of two existing lots; and a Tree Removal Permit (TRP) for the removal of six (6) trees at 4931 Harriman Avenue (APNs: 5312-016-016 & 5312-016-017). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15303, Class 3 (New Construction or Conversion of Small Structures).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

- 1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures.
- 2. Approving Project No. 2500-HDP/DRX/VAR/PM/TRP, subject to the Conditions of Approval.
- 5. **Project No. CUP24-0003** – A request for a Conditional Use Permit (CUP) for a Type 41 (beer and wine) alcohol license at a bona fide eating place located at 917 Fremont Avenue (APN: 5315-008-040); In accordance with the California

Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities.
2. Approving Project No. CUP24-0003, subject to the Conditions of Approval.

**DISCUSSION**

**6. Potential Zoning Code Amendments**

Recommendation:

Receive staff’s presentation and provide initial feedback.

**ADMINISTRATION**

**7. Comments from City Council Liaison**

**8. Comments from Planning Commissioners**

**9. Comments from Staff**

**ADJOURNMENT**

10. **Adjourn to the Regular Planning Commission meeting scheduled for September 10, 2024.**

**PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS**

Planning Commission meeting agenda packets are available online at the City website: <https://www.southpasadenaca.gov/government/boards-commissions/planning-commission/test-planning-commission-agendas-minutes-copy>

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing [CityClerk@southpasadenaca.gov](mailto:CityClerk@southpasadenaca.gov) or calling the City Clerk's Division at (626) 403-7230.

**ACCOMMODATIONS**



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

*I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.*

*Matt Chang*

8/8/2024

Date

\_\_\_\_\_  
Matt Chang, Planning Manager



**CITY OF SOUTH PASADENA  
Planning Commission  
Meeting Minutes  
Tuesday, May 14, 2024, 6:30 PM  
Amedee O. "Dick" Richards Jr. Council Chambers  
1424 Mission Street, South Pasadena, CA 91030**

**CALL TO ORDER:**

A Regular Meeting of the South Pasadena Planning Commission was called to order by Chair Padilla on Tuesday, May 14, 2024 at 6:30 p.m. The meeting was held at 1424 Mission Street, South Pasadena, California.

**ROLL CALL:**

**Present:** Chair: Lisa Padilla  
Vice-Chair: Amitabh Barthakur  
Commissioners: Jason Claypool, Laura Dahl, and Mark Gallatin

**City Staff**

**Present:** Stephanie Cao, Assistant City Attorney  
David Snow, Assistant City Attorney  
Matt Chang, Planning Manager  
Ben Jarvis, Interim Senior Planner  
Braulio Madrid, Associate Planner  
Lillian Estrada, Administrative Secretary

**APPROVAL OF AGENDA:**

**Decision:**

Chair Padilla moved, seconded by Commissioner Gallatin, to modify the Agenda, as recommended by Staff, regarding the Public Hearing portion of the Agenda for the Commission to hear Item 9 (Proposed Zoning Text and Downtown Specific Plan (DTSP) Amendments) prior to hearing Item 8 (Project No. CPU24-0002).

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

**DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:**

Commissioner Gallatin visited the site for Agenda Item 8, 1129 Fair Oaks Avenue.

**PUBLIC COMMENT:**

**1. Public Comment – General (Non-Agenda Items)**

None.

**PRESENTATION:**

**2. Commission Analysis Revisit - City Manager's Office**

Mary Haddad, Management Analyst, City Manager's Office, gave an update and provided a PowerPoint presentation on the Commission Analysis Project.

**CONSENT CALENDAR ITEMS:**

**3. Minutes from the Special Joint Meeting with Design Review Board of September 20, 2023**

**4. Minutes from the Regular Meeting of November 14, 2023**

**5. Minutes from the Regular Meeting of December 12, 2023**

**6. Minutes from the Regular Meeting of January 9, 2024**

**Decision:**

Vice-Chair Barthakur moved, seconded by Commissioner Dahl, to approve the minutes.

**Approved, 3-0. Commissioners Claypool and Gallatin abstained.**

**PUBLIC HEARING – CONTINUED ITEM:**

- 7. Project No. 2461-HDP/DRX/VAR**– A request for a Hillside Development Permit (HDP) and Design Review Permit (DRX) for a 234 square-foot first-story addition and a 605 square-foot second-story addition, to an existing 1,990 square-foot single-family dwelling located at 2089 Hanscom Drive (APN: 5308-0220-010). The project includes a raised deck, a one-car garage, and a carport. The request also includes a Variance (VAR) for a fence, located within the front yard setback, exceeding three (3) feet in height. In accordance with the California

Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

Recommendation:

Staff recommends that the Planning Commission continue this item to a future meeting date to be determined.

Decision:

Chair Padilla moved, seconded by Commissioner Gallatin, to continue Project No. 2461-HDP/DRX/VAR to a future meeting date to be determined.

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

**PUBLIC HEARING:**

**9. Proposed Zoning Text and Downtown Specific Plan (DTSP) Amendments –**

The Planning Commission will consider proposed amendments to the South Pasadena Municipal Code, Zoning Code and the DTSP to implement the programs in the City's 2021-2029 (6<sup>th</sup> Cycle) Housing Element. Pursuant to Government Code Section 65759, the amendments are not subject to California Environmental Quality Act (CEQA) review beyond the Environmental Assessment (EA) previously completed for, and adopted in conjunction with, the City's adoption of the Housing Element on May 30, 2023.

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution recommending the following to the City Council:

1. Adopt a Resolution to amend certain text portions of the Downtown Specific Plan to implement the 2021-2029 Housing Element including revisions to incorporate a twenty dwelling unit per acre minimum density for Housing Element inventory sites, clarify that 100% residential projects are permitted in the Downtown Specific Plan area, require certain mixed use projects to include a minimum of fifty percent residential square footage, and provide additional incentives for projects that include at least twenty percent of the



- residential units reserved for lower income households including exemption from public art requirements.
2. Approve a Resolution to make the required findings in Government Code Section 65583.2(g).
  3. Adopt an Ordinance to approve Zoning Text Amendments to implement the 2021-2029 Housing Element including revisions to establish a minimum density of twenty dwelling units per acre for sites on the Housing Element inventory (Housing Element Table VI-50), including those in the RM (Residential Medium) zone, provide additional incentives for projects that include at least twenty percent of the residential units reserved for lower income households, and clarifying that employee housing is allowed within existing single-family residences located at the Residential Medium (RM) and the Residential High (RH) zones.

**Staff Presentation:**

Interim Senior Planner Jarvis gave a PowerPoint presentation.

**Questions for Staff:**

The Commissioners inquired about several issues, including the definition of Employee Housing; a minimum density bonus; a request for an update to the corrections to Housing Element Table VI-51; housing on church properties; any progress to design and development standards which may be considered constraints on development (per the HCD letter of February 2024); the building height ballot initiative; and ministerial approval of inclusionary housing applications.

Assistant City Attorney Snow and Interim Senior Planner Jarvis addressed the Commissioner's questions and concerns, and discussed the amendments to be adopted by the City that would make the Housing Element eligible for certification.

**Public Comments:**

Josh Albrektson, resident, provided comments.

**Commissioner Discussion:**

The Commissioners discussed the editing changes needed to satisfy HCD's comments and the recommended amendments to the Zoning Code and the Specific Plan supportive of the intentions that the City is committed to in the Housing Element. The Commissioners recommended that the Resolution move on to City Council based on the presentation and the information included in the Agenda Packet.

**Decision:**

Commissioner Dahl moved, seconded by Chair Padilla, to approve Resolution 24-05 as attached in the Staff Report.

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

8. **Project No. CUP24-0002** – A request for a Conditional Use Permit (CUP) for the off-sale of beer, wine, and distilled spirits (Type 21 ABC license) for a proposed supermarket (Trader Joe’s) located at 1129 Fair Oaks Avenue (APN: 5315-004-084). In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15301, Class 1 (Existing Facilities).

**Recommendation:**

Staff recommends that the Planning Commission adopt a Resolution taking the following actions:

1. Finding the project exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301 (Class 1).
2. Approve Project No. CUP24-0002, subject to the recommended Conditions of Approval.

**Staff Presentation:**

Associate Planner Madrid provided a PowerPoint presentation.

**Questions for Staff:**

The Commissioners inquired about the hours of operation, the square footage numbers; the ABC license; the delivery hours; the tenant for the vacant space in the proposed property; over-concentration of the license in the census area; the free-standing monument sign used by the previous tenant; and the loading dock.

**Applicant’s Presentation:**

Annie Cheung Massart, Regional Vice-President of Trader Joe’s, spoke on behalf of the Applicant and answered questions from the Commissioners, including a discussion of delivery times and questions about the site plan.

**Public Comments:**

None.

**Commissioner Discussion:**

The Commissioners engaged in a robust discussion about Condition of Approval P-9 related to hours of deliveries and operations. The Commissioners were supportive of the Staff recommended delivery hours.

**Decision:**

Chair Padilla moved, seconded by Commissioner Dahl, to adopt a Resolution to find this project exempt under CEQA Guidelines Section 15301, Class 1, Existing Facilities, and approve Project No. CUP24-0002, Conditional Use Permit, for the off-sale sale of beer, wine and distilled spirits (Type 21 ABC license) for a proposed supermarket (Trader Joe's) located at 1129 Fair Oaks Avenue (APN: 5315-004-084), subject to the Conditions of Approval attached, with a modification to Condition P-9, as follows:

P-9. All deliveries shall occur only during the hours of 6:00 am to 10:00 pm, daily. These hours for deliveries may be reduced by the Planning Commission in response to *verified* complaints of noise or other disturbance to the adjacent properties, *as determined by the Director of Community Development.*

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

**10. Proposed Zoning Text Amendment** – The Planning Commission will consider a proposed amendment to the South Pasadena Municipal Code Chapter 36 (Zoning Code) related to temporary signs and signs on public property. In accordance with the California Environmental Quality Act (CEQA), this project is exempt from environmental review under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

**Recommendation:**

Staff recommends that the Planning Commission adopt a Resolution recommending the following to the City Council:

1. Adopt a Resolution amending Chapter 36 (Zoning Code) of the South Pasadena Municipal Code related to temporary signs and signs on public property.
2. Finding the project exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

**Staff Presentation:**

Assistant City Attorney Cao presented the proposed Zoning Text Amendment regarding the City's sign regulations.

**Questions for Staff:**

The Commissioners inquired about signs that are political, but not tied to an election; how long a sign could stay up; the definition of a temporary sign, in general; how the proposed ordinance would control all temporary signs in an election period; removal of a sign with consent from a sign owner or a property owner; and notification requirements to the owner of a sign displayed for longer than the allowable period.

Assistant Attorney Cao explained that the ordinance was drafted in response to signs being placed on private property and City parkways and other City rights-of-way without permission from the property owners or City and is very specific - for any federal, state or local government election.

**Public Comments:**

None.

**Commissioner Discussion:**

The Commissioners had a robust discussion, including, but not limited to, how the ordinance would apply to a multi-tenant building; and if there is a limit to the number of signs on a property.

The Commissioners expressed support for the proposed ordinance and thought it permitted reasonable exercise of constitutionally protected, free speech, while at the same time, addresses some of the aesthetic implications of a proliferation of temporary signs which could be quite detrimental to a City's streetscape.

Assistant Attorney Cao remarked that during an election period each parcel may only display one temporary sign per office or measure to be submitted to the voters at the election.

**Decision:**

Commissioner Gallatin moved, seconded by Commissioner Claypool, to adopt a Resolution recommending the City Council adopt an ordinance amending Chapter 36, Zoning Code, of the South Pasadena Municipal Code to update sign regulations and approve a CEQA exemption determination.

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

**DISCUSSION**

**11. 2024 Annual Commission Report**

**Recommendation:**

Discuss and approve 2024 Annual Commission Report.

**Staff Presentation:**

Planning Manager Chang spoke about the upcoming Commissioner Congress scheduled on June 20, 2024, which will celebrate the accomplishments of the Commission, and identify the Work Plan for the next fiscal year. Staff requested any feedback or corrections.

The Commissioners discussed the suggested Work Plan items, a strategy for items to consider for future work plans, and voiced support for the draft objectives and development standards.

**ADMINISTRATION**

**12. Comments from City Council Liaison:**

Mayor Pro Tem Donovan provided an overview of the most recent City Council meeting, including the purchase of two (2) buses, making the fleet completely electric. There was also a discussion about the Library – a multi-year project with the ultimate goal of building a new library.

**13. Comments from Planning Commissioners:**

Commissioner Gallatin shared that he spent a part of last week virtually attending the American Planning Association National Conference, which sessions were interesting and informative.

Chair Padilla remarked that she, too, virtually attended the American Planning Association Conference and agreed that there were very good sessions this year.

**14. Comments from Staff:**

Planning Manager Chang announced that the Commissioners Congress is scheduled for June 20<sup>th</sup>. Regular Commission meetings are scheduled through the summer. He invited the Commissioners to please provide Staff with any dates they will be unavailable to attend to ensure there is a quorum for each meeting.

**ADJOURNMENT:**

**6. Adjournment to the Regular Planning Commission meeting scheduled on June 11, 2024 at 6:30 pm:**

There being no further matters, Chair Padilla adjourned the meeting at 8:43 p.m.

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Lisa Padilla, Chair



**CITY OF SOUTH PASADENA  
Planning Commission  
Meeting Minutes  
Tuesday, June 11, 2024, 6:30 PM  
Amedee O. "Dick" Richards Jr. Council Chambers  
1424 Mission Street, South Pasadena, CA 91030**

**CALL TO ORDER:**

A Regular Meeting of the South Pasadena Planning Commission was called to order by Chair Padilla on Tuesday, June 11, 2024 at 6:30 p.m. The meeting was held at 1424 Mission Street, South Pasadena, California.

**ROLL CALL:**

**Present:** Chair: Lisa Padilla  
Vice-Chair: Amitabh Barthakur  
Commissioners: Jason Claypool, Laura Dahl, and Mark Gallatin

**Council Liaison:** Mayor Pro Tem Jack Donovan

**City Staff**

**Present:** Stephanie Cao, Assistant City Attorney  
Matt Chang, Planning Manager  
Braulio Madrid, Associate Planner  
Lillian Estrada, Administrative Secretary

**APPROVAL OF AGENDA:**

Approved, 5-0.

**DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS:**

Commissioners Claypool, Dahl, and Gallatin visited the site listed on Item 4, Project No. PLR24-0003 at 849-899 El Centro Street.

**PUBLIC COMMENT:**

- 1. Public Comment – General (Non-Agenda Items)**  
None.

**CONSENT CALENDAR ITEM:**

**2. Minutes from the Regular Meeting of April 9, 2024**

Approved, 5-0.

**PUBLIC HEARING – CONTINUED ITEM:**

- 3. Project No. 2571 – DRX/HDP/VAR/TRP** – A request for Design Review and Hillside Development Permits to construct a new 3,010 square-foot single-family dwelling with an attached 495 square-foot garage at a vacant property located on Peterson Avenue (APN: 5308-031-042). The project site is located within the Southwest Monterey Hills area. The project includes two Variance requests: 1) building height exceeds the maximum height of 24 feet, and 2) downhill building walls requirements and a Tree Removal Permit for the proposed removal of two (2) trees. In accordance with the California Environmental Quality Act (CEQA), this project qualifies for a Categorical Exemption under Section 15303, Class 3 (New Construction or Conversion of Small Structures).

**Recommendation:**

Staff recommends that the Planning Commission continue this item to a future meeting date to be determined.

**Decision:**

Commissioner Gallatin moved, seconded by Commissioner Claypool, to continue Project No. 2571-DRX/HDP/VAR/TRP to a future meeting date to be determined.

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

**PUBLIC HEARING:**

- 4. Project No. PLR24-0003** – A request for a Design Review Permit and a Tree Removal Permit for Seven Patios mixed-use development (Project). The Project would involve the demolition of an existing office building and parking lot, construction of a new mixed-use development consisting of 57 residential units, approximately 6,100 sq. ft. of commercial area, and two (2) levels of underground



parking for property located at 845-899 El Centro Street (APN: 5315-019-048). The Project includes three (3) townhomes for properties located at 830 and 832 Orange Grove Place (APNs: 5315-019-045 and 5315-019-046) and a Tree Removal Permit for the removal of 20 trees. This Project was previously approved by the City Council on March 3, 2021. In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) was prepared and adopted by the City Council on March 3, 2021.

**Recommendation:**

Staff recommends that the Planning Commission adopt a Resolution taking the following action:

1. Approve a Design Review Permit and Tree Removal Permit (Project No. PLR24-0003) located at 845-899 El Centro Street and 830-832 Orange Grove Place, subject to the Conditions of Approval.

**Staff Presentation:**

Associate Planner Madrid gave a PowerPoint presentation.

**Questions for Staff:**

The Commissioners inquired about several issues, including, but not limited to, several Conditions of Approval, correspondence received, parking, bike parking requirements, EV charging, and the arborist's report.

**Applicant Presentation:**

Burke Farrar, Odyssey Development Services, representing DCL Central Holdings, the owner of the subject property, introduced architect Eduardo Garcia with LCRA Architects who gave a PowerPoint presentation.

**Questions for Applicant:**

The Commissioners asked about changes from the original approved project, parking, whether this was envisioned as a for sale project or a rental project, the commercial spaces; the wooden fencing by the bungalows on Orange Grove Place; changes between the previously submitted elevations which included wood siding, windows, landscape and hardscape plans.

**Public Comments:**

Timothy Mellin spoke about parking with respect to traffic patterns and the overall traffic pattern of the neighborhood.

**Applicant Rebuttal:**

Mr. Farrar spoke of a traffic analysis that addressed the circulation around the area.

**Commissioner Discussion:**

The Commissioners engaged in a robust discussion regarding parking for the Project and expressed concern regarding the number of parking spaces designated for public purposes.

The Commissioners agreed the project design and overall outcome maintains the spirit of what it was in the beginning and appreciated the project as a positive addition to the community.

Assistant City Attorney Cao and Commissioner Gallatin proposed modifications to the Conditions of Approval:

Regarding Planning Division General Conditions:

- P12.a. – Correct the spelling of *dinning* to *dining*.
- P35.d. – Strike the phrase – *listed below*.

Add:

- P45.h. – The applicant shall require 25 parking spaces to be shared with the public during reasonable business hours, as submitted to and approved by the Community Development Department. Any modifications to this condition shall be subject to the review and approval of the Planning Commission.

Regarding Building and Safety Division General Conditions:

Add:

- B17.a. - Foundation inspection will not be made until the excavation has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- B17.b. – Foundation inspection will not be made until the excavation has been surveyed and the depth of the footings is determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

**Decision:**

Commissioner Gallatin moved, seconded by Vice-Chair Barthakur, to approve the project per Staff's recommendation, subject to the Conditions of Approval articulated to be amended by the Assistant City Attorney.

Chair Padilla directed Staff to call the Roll:

Commissioner Claypool	Yes
Commissioner Gallatin	Yes
Commissioner Dahl	Yes
Vice-Chair Barthakur	Yes
Chair Padilla	Yes

**Motion carried, 5-0.**

## **ADMINISTRATION**

**5. Comments from City Council Liaison:**

Mayor Pro Tem Donovan provided an overview of the most recent City Council meeting.

**6. Comments from Planning Commissioners:**

Commissioner Dahl encouraged the Commissioners to attend the upcoming Commissioner Congress.

Vice-Chair Barthakur asked Staff to provide updates on the status of the Housing Element and other programs the Commission is working on (the Objective Development Standards, etc.) at a future meeting.

Chair Padilla requested Staff's assistance in preparing for her presentation at the Commissioner Congress.

**7. Comments from Staff:**

Planning Manager Chang thanked Commissioner Dahl for encouraging everyone to attend the Commissioner Congress scheduled for June 20; announced there is a virtual town hall Zoom meeting tomorrow at 6:30 pm about the November ballot initiative regarding the 45-foot building height limit; and noted that the Planning Department is actively looking to hire an associate planner. He thanked the Commissioners for all they achieved and accomplished this past year.

Assistant City Attorney Cao encouraged the Commissioners to attend the upcoming Commissioner Congress.

**ADJOURNMENT:**

**8. Adjournment to the Regular Planning Commission meeting scheduled on July 9, 2024 at 6:30 pm:**

There being no further matters, Chair Padilla adjourned the meeting at 8:47 p.m.

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Lisa Padilla, Chair



# Planning Commission Agenda Report

ITEM NO. 4

**DATE:** August 13, 2024

**FROM:** Angelica Frausto-Lupo, Community Development Director  
Matt Chang, Planning Manager

**PREPARED BY:** Robert (Dean) Flores, Senior Planner

**SUBJECT:** **Project No. 2500-HDP/DRX/VAR/PM/TRP – A request for a Hillside Development Permit (HDP) and Design Review Permit (DRX) to construct a new 3,214-square-foot, two-story, single-family dwelling; two Variances (VAR) for a reduced side yard setback and an attached garage in front of the main structure; a Parcel Merger (PM) application for a merger of two existing lots; and a Tree Removal Permit (TRP) for the removal of six (6) trees at 4931 Harriman Avenue (Assessor Parcel Numbers: 5312-016-016 & 5312-016-017); making the determination of exemption under the California Environmental Quality Act (CEQA), Section 15303, Class 3 (New Construction or Conversion of Small Structures).**

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## Recommendation

Staff recommends that the Planning Commission adopt a Resolution (**Attachment 1**) taking the following actions:

1. Finding the project exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15303, Class 3 (New Construction or Conversion of Small Structures).
2. Approve Project No. 2500-HDP/DRX/VAR/PM/TRP, subject to the recommended Conditions of Approval (**Attachment 1, Exhibit “A”**).

## Background

### Project Timeline

The proposed project for a Hillside Development Permit, Design Review Permit, two Variances, Parcel Merger, and Tree Removal Permit was originally submitted in August of 2022. After various rounds of corrections, the project was brought before the Planning Commission on November 14, 2023 for review. During the meeting, the Planning

Commission recommended a continuance for a variety of recommended changes/clarifications which consisted of the following:

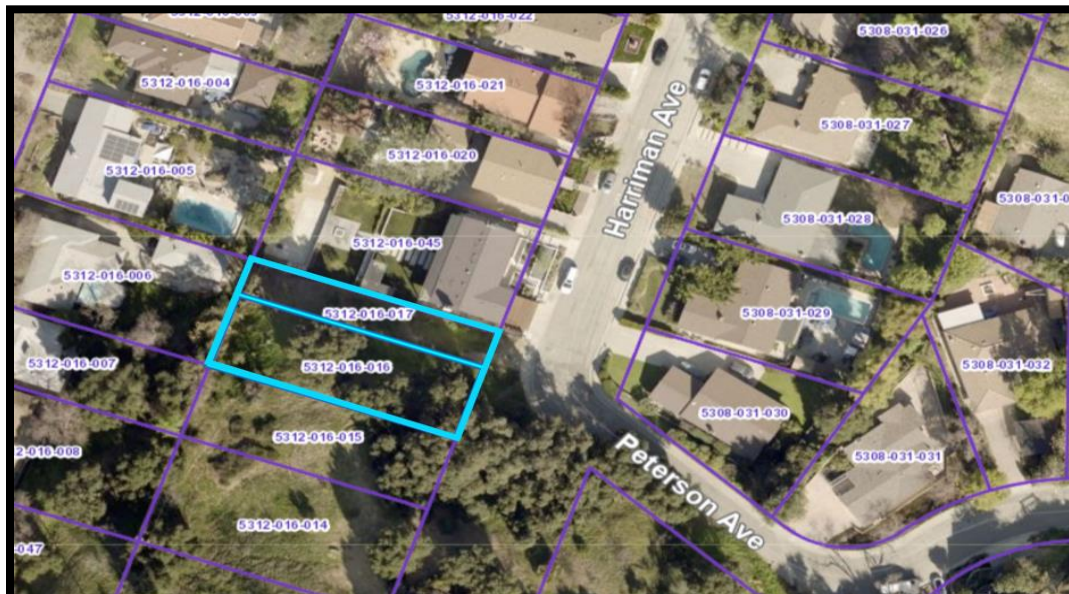
- Additional information regarding the proposed Variance of the side yard setback
- Tentative approval from the Public Works Department for the Tree Removal Permit and tree replacement plan
- Garage door material
- Clarification on the proposed building height in relation to the adjacent neighbor and overall privacy concerns
- Clarification on the roof design in relation to possible photovoltaic (solar panel) requirements

Reponses to each of the above items are discussed in further detail throughout this staff report and can be identified with the subtitle "***Response to Commission.***"

### Site Characteristics

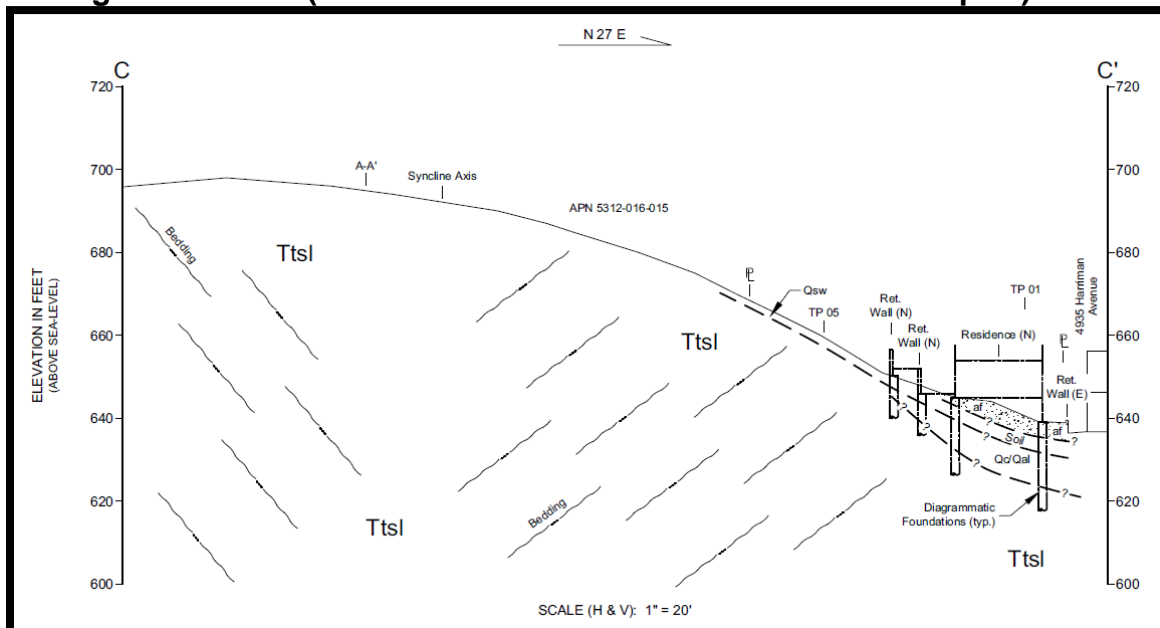
The subject site consists of two undeveloped rectangular-shaped lots located within the Southwest Monterey Hills area and zoned Residential Single-Family (RS). The parcel to the north is 3,757 square feet (APN: 5312-016-017), 25 feet in width and 150 feet in depth. The parcel to the south is 7,513 square feet (APN: 5312-016-016), 50 feet in width and 150 feet in depth. When merged the lot will be 75 feet in width and 150 feet in depth with a combined total of 11,270 square feet. The subject properties are surrounded by single-family residential uses to the north, south, east, and west. The single-family parcels to the south are also undeveloped (see **Figure 1** to view the Aerial). The surrounding neighborhood includes an eclectic mix of architectural styles, including Minimal Traditional, 20<sup>th</sup> Century Modern, and Ranch-style, amongst others (see **Attachment 2** for Neighborhood Images).

**Figure 1: Aerial of subject parcels, highlighted in blue**



The subject site fronts Harriman Avenue at a curve and turns into Peterson Avenue at an upslope. The property is unique in that it is situated both on the top of a downslope—from south to north—and the bottom of a downslope—from east to west (see **Figure 2** to view the slope from south to north). The subject site has an average slope of 41.67 percent and contains several mature trees, especially along the southern portion of the property. To minimize the impact on the hillside and the trees, the applicant is proposing to construct the new single-family dwelling at the northern portion of the new lot.

**Figure 2: Cross-section of subject property from center starting at the south and ending to the north (see Attachment 7 to view Geotechnical Report)**



## Project Description

The applicant is requesting approval to construct a 3,214-square-foot, two-story single-family dwelling on two vacant parcels, that when merged, will total 11,270 square feet. The project includes three decks, the first is 435 square feet and positioned over the two-car garage at the front of the property; the second is also 435 square feet and positioned at the rear of the property; the third deck is 420 square feet and is positioned to the rear of the property.

### Entitlements:

The applicant is requesting the following entitlement applications for the proposed project:

1. **Hillside Development Permit (HDP)** for the proposed grading and development of a 3,214-square-foot, two-story single-family dwelling on a site with an average

- slope of 20 percent or greater. The project includes an attached 405-square-foot, 2-car garage and three decks;
2. **Design Review Permit (DRX)** for the architectural design review of the proposed development;
  3. Two **Variance (VAR)** requests to deviate from development standards to allow the project to provide the following:
    - a. A reduced north side yard setback to five (5) feet in lieu of the required seven (7) feet, six (6) inches. Per South Pasadena Municipal Code (SPMC), Section 36.220.040, side yard setbacks shall meet 10 percent of the lot width; and,
    - b. To allow an attached garage in front of the main structure. Per SPMC, Section 36.220.040, an attached garage shall be set back a minimum of 10 feet from the main structure.
  4. **Parcel Merger (PM)** for the merger of two adjacent lots, the first lot (APN: 5312-016-016) is 7,513 square feet, the second lot (APN: 5312-016-017) is 3,757 square feet, when merged will be a total of 11,270 square feet; and,
  5. **Tree Removal Permit (TRP)** for the removal of six (6) trees.

## Project Analysis

### General Plan Consistency

The City has updated its General Plan to be consistent with the 2021-2029 (6<sup>th</sup> Cycle) Housing Element, which included a new Downtown Specific Plan (DTSP) to replace the Mission Street Specific Plan (MSSP), amendments to the Zoning Code and Zoning Map, the creation of a Mixed-Use Overlay District and development standards. The subject property is not slated to be rezoned, but updated General Plan policy goals will apply throughout the City. The proposed project was deemed complete prior to the General Plan update, as such, the proposed project was subject to the evaluation criteria at the time of submittal.

The General Plan land use designation of the site is Low Density Residential, which allows for detached single-family units at a density of 3.51 to 6 units per acre. The proposed project does not involve the addition of another dwelling unit; therefore, the project is consistent with the General Plan.

### Zoning Code Compliance & Development Standards

The subject property is zoned Residential Single-Family (RS), which is intended for the development of detached, single-family homes. A two-story residence is a use anticipated in this zoning district. The purpose of the Residential Design Review process is to ensure that the proposed site layout and building design are suitable and compatible with the City's design standards and guidelines. The proposed project meets the requirements of the City's adopted Design Guidelines for single-family residences on hillside sites. Development standards from SPMC Sections 36.340.050—Hillside Project Development



Standards and 36.220.040—Residential Zoning District General Development Standards for the RS Zone were applied to the project. **Table 1** below provides a breakdown of the proposed project and its compliance with SPMC Section 36.220.040 regulating residential land uses.

**Table 1: Residential Single-Family (RS) District General Development Standards**

Standard	Requirement	Proposed
Lot Coverage	40% (4,504 SF max. allowed)	21.3% (2,395.83 SF)
Floor Area Ratio (FAR)	35% (3,941 SF max. allowed)	22.2% (2,502.51 SF)
Rear Setback	25'	25'

Hillside Development Permit

Pursuant to SPMC Section 36.340.020, any development on a site with an average slope of 20 percent or greater requires a Hillside Development Permit. The purpose of the Hillside Development Permit is to ensure that developments are designed to preserve the City’s scenic resources, encourage appropriate grading practices, and encourage appropriate design to maintain the hillside in a natural, open character. **Table 2** provides a breakdown of the existing conditions of the proposed project and its compliance with SPMC Section 36.340.050—Hillside Project Development Standards, regulating residential land uses.

**Table 2: Hillside Project Development Standards**

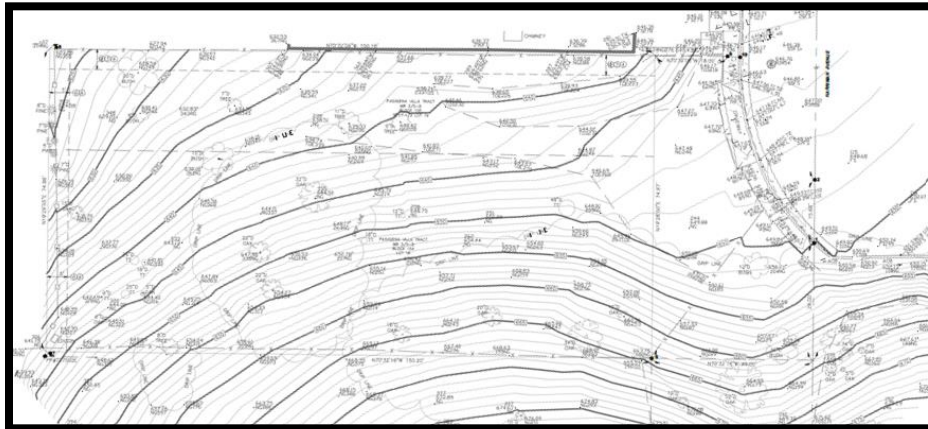
Standard	Requirement	Proposed
Front Setback	10 ft.	Complies: 10'-2"
Side Setback	10% of lot width, min. of 4 ft., max. of 10 ft. Lot Width = 75' Side Setback Requirement = 7'-6"	<b>Variance Requested:</b> <b>North: 5'</b>  Complies: South: 49'-2"
Building Height	Maximum height for structures with a roof pitch of 3:12 or greater is 28 ft. If a roof pitch is less than 3:12, the maximum height is 24 ft.	Complies: 27'-9"
Siting Restrictions	Structures shall not be placed so that they appear silhouetted against the sky when viewed from a public street	Complies
Placement Below Ridgeline	50 ft. between top of the structure and the top of the ridge or knoll	Complies

Standard	Requirement	Proposed
Height of Lowest Floor Level	Vertical distance between the lowest point where foundation meets grade and the lowest floor line of the structure shall not exceed 6 ft.	Complies
Downhill Building Walls	No single building wall on the downhill side of a house shall exceed 15 ft. in height above grade.	Complies
Decks	No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks should be integrated into the architecture of the house, not appearing as an “add-on” to the primary building mass	Complies
Driveways	Driveway shall not have a grade steeper than 5% within 10 ft. of the garage or carport entry. Finished grade of driveways shall not exceed an average of 15%	Complies
Natural State	A minimum of 25% of the lot area plus the percentage figure of the average slope must be remediated to its natural state in terms of slope and vegetation. Natural State Requirement	Complies, applicant to remediate 66%
Height of New Retaining Walls	3 ft. max in front setback, otherwise 6 ft.	Complies
Attached Garage	Attached garage shall be set back a minimum of 10 feet from the main structure	<b>Variance Requested</b>

Variance 1: Reduction of Side Yard Setback

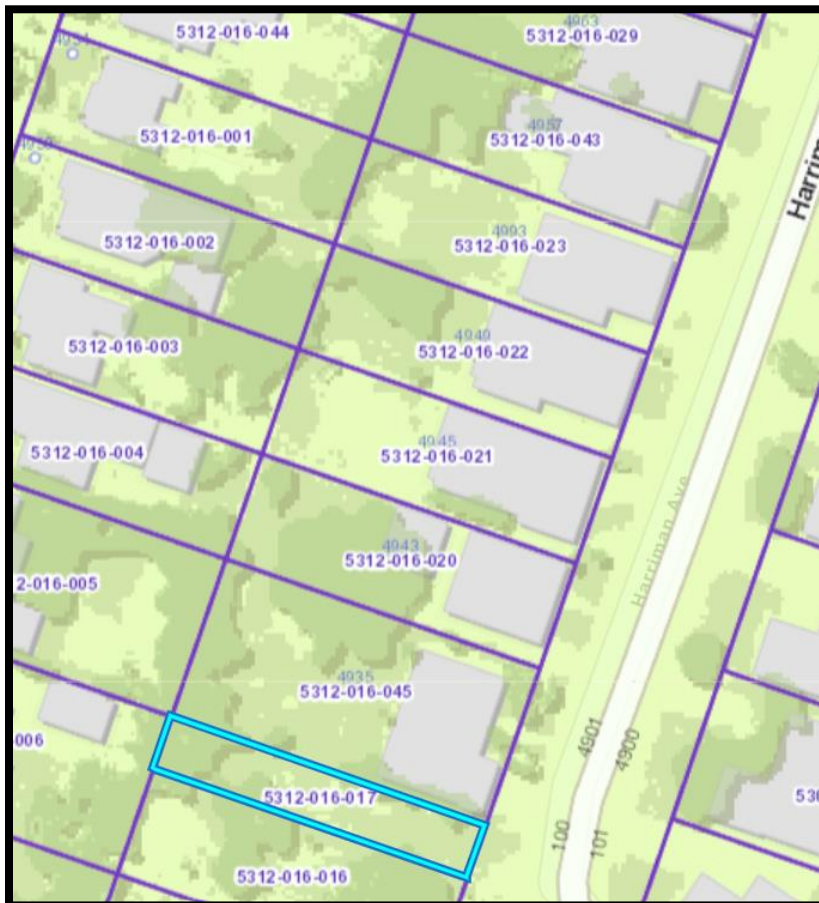
SPMC, Section 36.340.050, requires that structures have a minimum side yard setback of 10 percent of the lot width. The average slope for the property is 41.67 percent. Toward the southern portion of the lot, the slope is more significant (see **Figure 3** below). As such, to reduce the impact on the hillside and to prevent the removal of several mature trees, the applicant is situating the footprint of the single-family dwelling at the northern portion of the lot. To minimize grading the applicant is requesting a Variance to situate the proposed dwelling five feet from the northern side property line, which is less than the required 10 percent of the property width of seven (7) feet, six (6) inches. The steep terrain of the project site, and compatibility with the neighborhood are the driving factors for the Variance. If the proposed project were to meet the 7-foot, 6-inch side yard setback, this would result in additional grading and shoring that can create a significant impact on the steep terrain and surrounding trees.

**Figure 3: Site Topography**



The subject property is surrounded by existing single-family dwellings built prior to the adoption of the City's Hillside Development Standards. A survey of the existing properties, their footprints, and the parcel lines relative to the existing footprints indicates that the majority of developed parcels on the same block have nonconforming side yard setbacks (see **Figure 4**). As such, the request for a Variance to allow the side yard setback to be reduced by 2 feet, 6 inches, does not set a precedent for the existing neighborhood.

**Figure 4: Footprint of Existing Homes on Harriman Avenue**

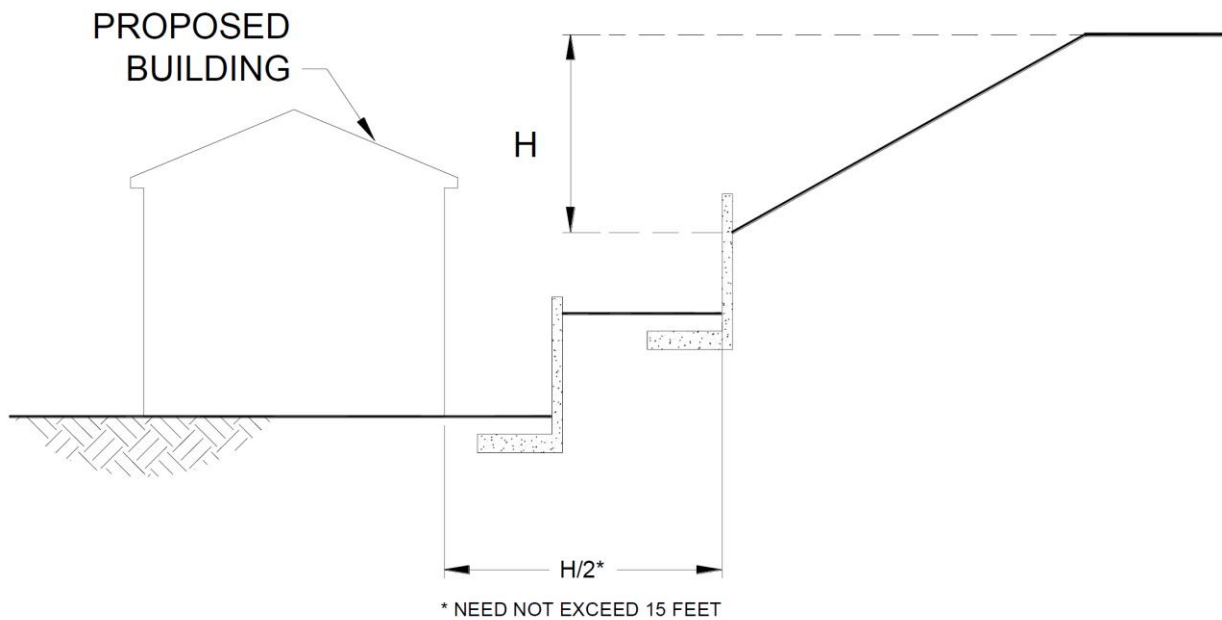


**Response to Commission:**

Additional justification for the proposed side yard setback Variance was provided by the applicant in response to the Commission's request for additional information. One of the items that was raised during the discussion was an inquiry of the existing (south) side yard setback of the adjacent neighbor at 4935 Harriman Avenue. Upon research, the applicant has demonstrated that the neighbor has a 5.5' setback on a similar 75-foot-wide lot.

The other issue raised by the Commission was further clarification regarding the setback of the building from the toe of the slope. While not under the purview of the Planning Commission, the California Building Code requires a building maintain a setback of 15 feet from the toe of the slope – in this case the slope on the southerly portion of the property. As such, this affects the siting of the building (see **Figure 5** below in relation to the proposed 5' side yard setback).

**Figure 5: Toe of Slope Setback**

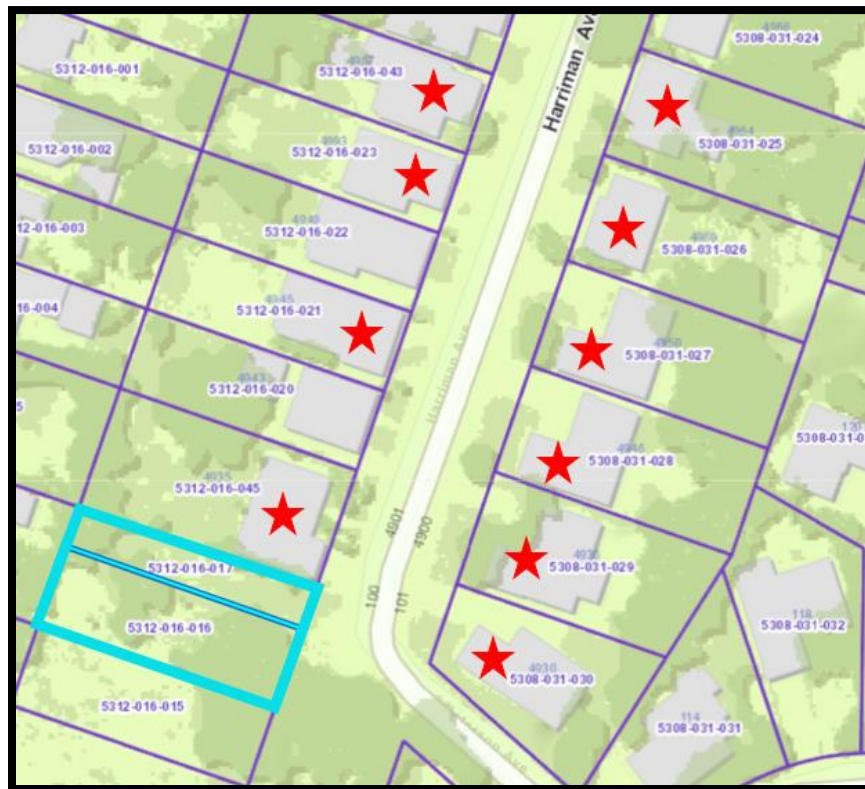


**Variance 2: Attached Garage in Front of Primary Structure**

SPMC, Section 36.220.040, Table 2-3, requires that an attached garage be set back a minimum of 10 feet from the front of the main structure. The applicant is proposing to minimize the impact of the natural terrain and, as such, the proposed single-family dwelling is narrow and situated towards the northern portion of the lot, where the topography is not as steep. Placing the garage 10 feet behind the main structure would require that a significant portion of the southern lot be excavated, resulting in the removal

of mature trees and substantial grading on a significant slope. As such, the applicant is requesting a Variance to allow an attached garage in front of the main structure. The surrounding neighborhood consists of houses constructed with garages either in front of the primary structure or within line of the front façade. **Figure 6** is a map of the surrounding neighborhood, the red-stared properties are properties that also have the garage placement toward the front of the main structure. As such, the request for a Variance to allow the garage in front of the primary structure does not set a precedent for the existing neighborhood.

**Figure 6: Map of surrounding properties with red stars indicates garage placement at the front of the main structure**



*Tree Removal Permit*

The subject property is lined with mature trees. The applicant has carefully designed the proposed project to minimize the removal of trees, as such, the footprint of the home is narrow and situated along the northern portion of the property. Six trees are slated for removal. One of the trees slated for removal is a Coast Live Oak tree with approximately 10 inches in diameter.

***Response to Commission:***

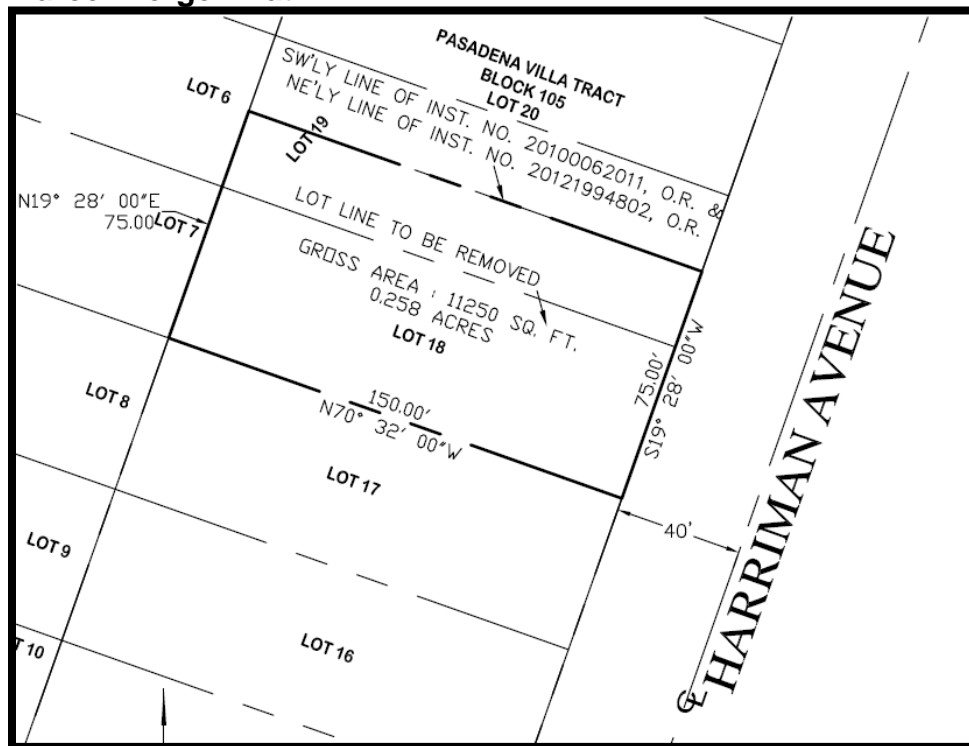
The applicant has obtained a tentative approval from the Public Works Department regarding the proposed Tree Removal Permit and tree replacement plan (see **Attachment 5** to view the updated Arborist Report and tree replacement plan). The TRP

and tree replacement plan call for the removal of six trees and replacement of 7 trees on site with an additional 11 trees to be donated to the City.

Parcel Merger

The subject site consists of two undeveloped rectangular-shaped lots located within the Southwest Monterey Hills area and zoned Residential Single-Family (RS). The parcel to the north is 3,757 square feet (APN: 5312-016-017), 25 feet in width and 150 feet in depth. The parcel to the south is 7,513 square feet (APN: 5312-016-016), 50 feet in width and 150 feet in depth. When merged, the lot will be 75 feet in width and 150 feet in depth with a combined total of 11,270 square feet. **Figure 7** is the Parcel Merger Plat for the proposed Parcel Merger.

**Figure 7: Parcel Merger Plat**



Soils and Grading

The applicant submitted a Geotechnical and Geologic Study of the subject property (**Attachment 7**). According to the report, the subject project is feasible from a geotechnical standpoint provides the recommendations presented in the report are implemented:

- A. Groundwater: According to the report, no seepage of groundwater was encountered and due to elevation of the site, water is not expected to be a significant factor during construction of the proposed project.
- B. Landslides: According to the report, geologic maps do not depict landslides within or immediately adjacent to the subject property that would adversely affect the stability of the site.
- C. Liquefaction: According to the report, the site is not indicated to lie within a zone of identified liquefaction hazard.
- D. Faulting: According to the report, the subject site is located within a seismically active region of Southern California, within a zone of influence of several active and potentially active fault systems. Additionally, the site lies approximately one and a quarter mile south of the Raymond fault.
- E. Stability Analysis: According to the report, given the favorable bedding of bedrock materials, the hillside strength parameters exceed the minimum of 1.5 and 1.0 for both static and pseudo-static conditions, respectively. A factor of less than 1 generally indicates the slope is or potentially is in a condition of mobilization of slope movement or a landslide.


The subject site is adjacent to approximately 25 feet of public right-of-way towards the front of the property, to gain access the applicant will be constructing a driveway and stairway on the public right-of-way. As part of the project and as conditioned, the applicant shall obtain a Covenant Agreement with the Department of Public Works to grade the property and to construct the driveway and stairs. The applicant is proposing to cut 149 cubic yards and fill 131 cubic yards from the public right-of-way (see **Table 3** for public right-of-way grading summary).

**Table 3: Summary of Public Right-of-Way Grading**

GRADING SUMMARY - RIGHT OF WAY				
	WITHIN FOOTPRINT	OUTSIDE OF FOOTPRINT	REMOVE AND RECOMPACT	TOTAL
CUT	0 CU.YD.	20.4 CU.YD.	128.9 CU.YD.	149.3 CU.YD.
FILL	0 CU.YD.	2.3 CU.YD.	128.9 CU.YD.	131.2 CU.YD.
			TOTAL	280.5 CU.YD.
			18.1 CU.YD.	EXPORT

The applicant is proposing to cut 1,280 cubic yards of dirt on the subject property and fill 930.1 cubic yards (see **Table 4** to view the property grading summary). The applicant is also proposing several retaining walls that are six feet or under.

**Table 4: Grading within Subject Property**

GRADING SUMMARY (WITHIN PROPERTY)				
	WITHIN FOOTPRINT	OUTSIDE OF FOOTPRINT	REMOVE AND RECOMPACT	TOTAL
CUT	252.9 CU.YD.	208.4 CU.YD.	818.7 CU.YD.	1280 CU.YD.
FILL	56.1 CU.YD.	55.3 CU.YD.	818.7 CU.YD.	930.1 CU.YD.
			TOTAL	2210.1 CU.YD.
			349.9 CU.YD.	EXPORT

**Design Review**

*Hillside Design Guidelines*

The Hillside Development Design Guidelines in Section 36.340.040 of the SPMC and the City’s residential design guidelines for hillside lots apply to the proposed project. To approve the project, the Planning Commission must find that the proposed project is consistent with City’s design requirements and must make the findings for approval for Design Review. These guidelines and findings require projects to be compatible within the neighborhood context and surrounding architectural characteristics so as not to adversely impact the character of the City. The City’s adopted *Design Guidelines for Residential Single-Family Buildings on Hillside Lots*, state the following:

1. *Neighborhood Compatibility and Character: New hillside homes or additions and alterations to existing hillside homes should be designed with consideration for the character and scale of the existing development in the vicinity. Alterations to existing hillside homes should be designed with consideration for the character and scale of the existing development in the vicinity.*

The subject site is surrounded by existing single-family residences of varying architectural styles and sizes. The architectural style of the proposed project is described by the applicant as Modern and Minimalist. The proposed project is designed to be compatible with the surrounding neighborhood through its broken form design of separate, but integrated minimalist modern forms that descend the



down-sloping hillside site in an effort to reduce the scale and visual impact of the project.

2. *View Protection: Preservation of views from adjoining hillside lots should be carefully considered in the design of a new home or addition to an existing home on a hillside lot.*

The proposed project is nestled into the bottom of a hillside to reduce its height and visual impact from adjoining properties. The design of the second story is stepped back 20 feet from the front-facing garage and with additional floor levels occurring downhill and below the street elevation.

3. *Site Planning and Development:*

- a. *Each hillside structure should be located in the most accessible, least visually prominent, most geographically stable portion of the site, and at the lowest feasible elevation. Siting structures in the least prominent locations is important on open hillsides where high visibility should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.*

The applicant is requesting a Variance for a 5-foot side yard setback, the standard is 10 percent of the lot width, which in this case, would be 7 feet, 6 inches. The reduction of the side yard setback will allow the house to be situated on a narrow portion of the property, which has a reduced slope. The reduced side yard setback will reduce the amount of grading and shoring required to construct the house by locating the footprint on the more stable area closer to the street.

- b. *Each structure should be located to take advantage of existing vegetation for screening and should include the installation of additional native plant materials to augment existing vegetation, where appropriate.*

Six trees are slated for removal; however, the southern portion of the subject property contains seven Coast Live Oak trees that will remain. The new planters created by the six-foot retaining walls will include native plants that are appropriate for dry climates.

- c. *In order to minimize visual impacts where the lots are substantially longer in the direction of the slope than lot width, residences should generally be oriented to present the narrow side of the home to the exposed view rather than the wide side.*

The orientation of the proposed home follows the orientation of the rectangular site. The site has a curving street frontage and the proposed

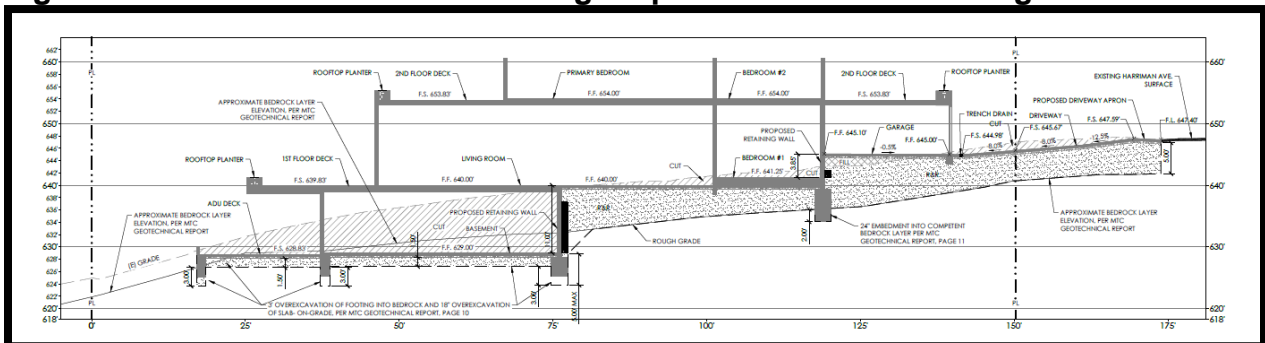
house is narrow at 20 feet, 10 inches. The second-story portion of the proposed house is set back approximately 20 feet from the front property line, when considering the public right-of-way, the required 10-foot front yard setback, and the 20-foot building setback, the second-story portion of the structure is setback approximately 50 feet from the street, which minimizes the visual impact of the home.

#### 4. Grading:

- a. *Grading into the hillside to locate a structure and reduce its visual bulk is encouraged. To minimize grading, building designs should step up or down hillsides.*

The proposed house is situated at the bottom of a steep hillside. This design approach will provide a new residence that is more compatible with the existing development patterns of the single-family neighborhood. The bulk of the house has a minimal impact from the street view, as the proposed project will step down the descending downhill slope, thus further reducing its visual impact to the neighborhood (see **Figure 8**).

**Figure 8: Cross Section of Descending Slope with Infill and Grading**



- b. *Wherever possible, garages should be “straight-on” rather than “side-on” designs. The maximum average grade for driveways set by the Zoning Code is 15%. The maximum slope for ramps to garages or carports is 5% within 10 feet of the garage or carport.*

The proposed garage is “straight-on” rather than “side-on” and complies with the development standards for the slope of the driveway.

- c. *Retaining walls should be divided into terraces with variations in plane and include landscaping to break up the length of the walls and to screen them from view.*

The proposed retaining walls are located to the south of the proposed footprint of the home. The walls are six feet in height and are terraced to

create planter areas to screen the walls from view.

5. *Scale and Massing:*

- a. *The design of hillside homes should reduce visual mass by incorporating building setbacks, stepbacks, and roof variations.*

The applicant is requesting a Variance for a reduced side yard setback of 5 feet; this reduction is requested to reduce grading and shoring impacts to the site and to protect the Coast Live Oak trees that are located on the southern portion of the property. Efforts have been taken to reduce the project's visual mass through the use of an interplay of materials, large glazing fenestrations, front and rear yard decks, and containing the proposed home in a series of separate yet integrated minimalist modern forms that will step down the hillside from the street level elevation.

- b. *Massing should be stepped with the slope to avoid large expanses of tall walls. The wall planes at various levels should be articulated and have a variety of solid and void elements.*

The applicant is proposing a stepped design that descends the downhill slope. Additional design efforts have been made to reduce the mass of the project including an interplay of materials, large glazing fenestration, front and rear decks, and the utilization of separate, yet integrated minimalist modern forms.

- c. *Vertical building walls should not exceed 15 feet in height above grade. Any vertical walls above 15 feet should be stepped back from adjacent lower walls by a minimum distance of ten feet. Flat building walls over one story in height and over 25 feet in horizontal dimension are discouraged to minimize unarticulated wall mass.*

The applicant is proposing a stepped design that is located at the base of a steep hillside and descends on a downhill slope from the street. The vertical walls sloping down do not exceed 15 feet.

6. *Height and Roof Form: Roof forms will be seen from homes on hillsides above and should present a pleasing roofscape of low-pitched gable and hip roofs. Roof forms and roof lines broken into a series of smaller building components are preferred over long, linear unbroken roof lines.*

The applicant is proposing a roof slope that mimics that of the hillside, providing ample interior space while maintaining a low profile. At the midpoint of the roof, a visual break lowers the roofline, reducing its visual height.

*7. Façade Treatments: Hillside construction could embrace modernism while maintaining the scale and patterns of building placement in the neighborhood.*

The applicant is proposing to use high-quality materials that are commonly found in the City including wood panel, smooth stucco, a custom weathered steel garage door, and red clay tile roofing.

*8. Physical Design Components:*

- a. Contemporary designs are appropriate when they are designed with attention to height, form, massing, proportion, size, scale, and roof form. Consideration should be taken to provide articulated details and careful attention should be given to quality workmanship.*

The applicant is proposing a minimalist modern design with simplified forms, earth toned materials, and “S” clay tile elements. The home is strategically situated on the existing hillside, presenting a long, narrow rectangular volume that gently steps up and down its length to minimize prominence, both from the street and descending slope. The roof mimics the slope of the hillside and at the midpoint of the roof, a visual break lowers the roofline, reducing its visual height from the street.

*b. Exterior Cladding and Roofing Materials:*

- i. Encouraged exterior wall finishes with Modern Aesthetic: stucco (sand or smooth finish and half timbering), wood clapboard siding, wood shingles, wood board and batten, brick.*

The applicant is incorporating a smooth stucco finish, wood siding, and clay “S” tile roof.

- ii. Encouraged roofing materials with Modern Aesthetic: membrane roofing (rolled roofing), corrugated or galvanized metal, composition shingles. Exterior materials should be similar in quality to those typically found in the traditional residential neighborhoods.*

The applicant is proposing red clay “S” tile roof, which is a material found in the surrounding neighborhood.

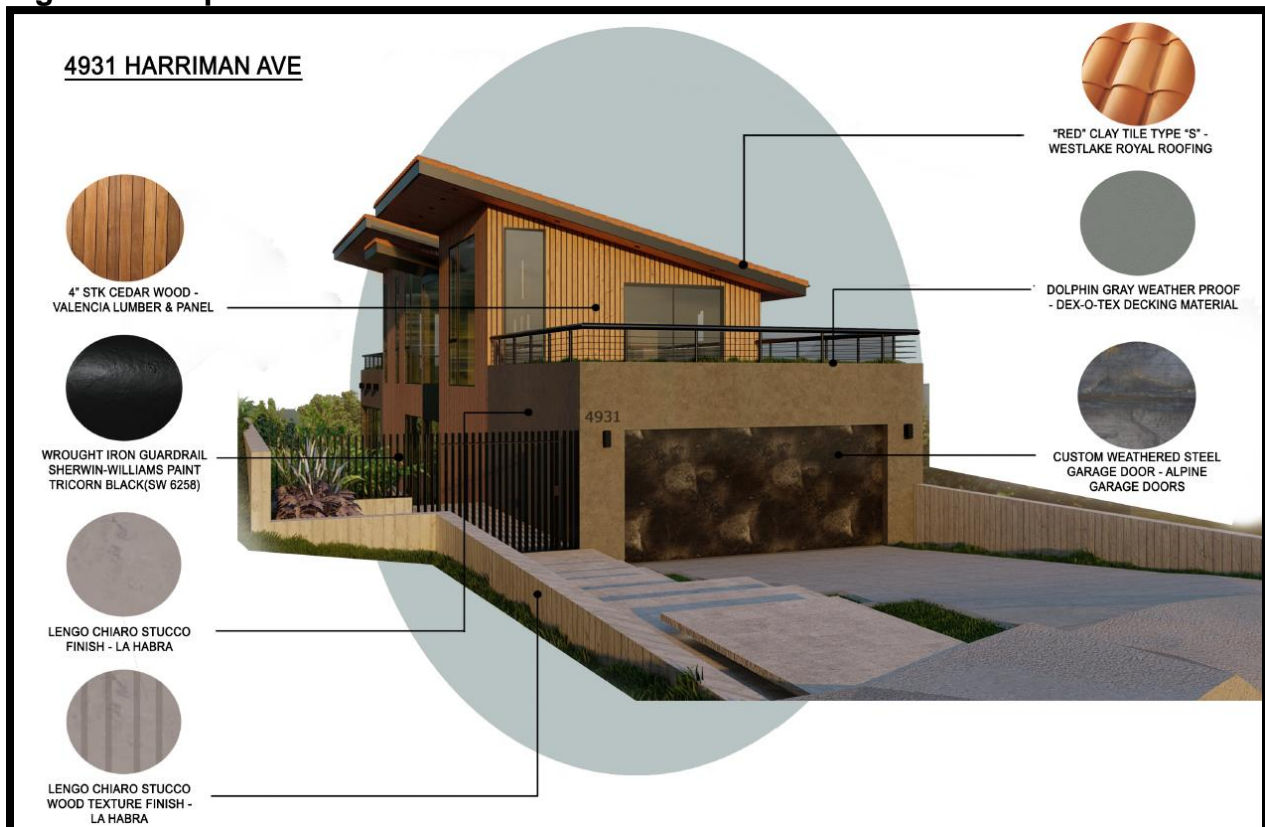
*Design Review*

The first floor of the proposed single-family dwelling consists of an attached front-facing two-car garage, one bedroom at the entry, one-and-a-half bathrooms, and the kitchen and living area. A deck can be accessed through the living room—this deck also doubles as the patio cover for the basement-level Accessory Dwelling Unit. The second floor

includes two bedrooms and two bathrooms; each bedroom will have access to its own 435-square-foot deck. The basement level includes the ADU, which has one bedroom.

The home is strategically situated at the bottom of an existing hillside. The footprint is long and narrow to minimize grading on the steeper portion of the lot. The residence embodies a minimalist modern aesthetic, which gathers inspiration from neighboring properties. The exterior walls are clad with earth-toned stucco and wood paneling. The roof includes “S” clay tile roofing, which can also be seen throughout the neighborhood (see **Figure 8** and **Attachment 4** to view the proposed materials).

**Figure 8: Proposed Materials**



**Response to Commission:**

In regard to the proposed material of the garage door, the applicant has provided an example of the weathered steel garage door (see **Figure 9** below which shows the proposed and also shows similar garage door materials that can be found in the surrounding neighborhood).

### Figure 9: Garage Door Examples



As shown in the photo rendering and front elevations (**Figures 10, 11** and **Attachment 8**), the mass and scale of the proposed project would be well-proportioned and harmonious with the established neighborhood. The applicant is proposing large windows from the west, east, and south elevations, but to address privacy concerns, the applicant has reduced the number of windows and size of windows to the north elevation (see **Figures 12-15** to view elevations and **Attachment 8**). The overall design of the project would result in an attractive and orderly development as intended by the General Plan and design guidelines. As required and conditioned, the final design, materials, and construction documents would be reviewed and approved by the Planning Division and Building Division prior to permit issuance.

### Figure 10: Front Rendering

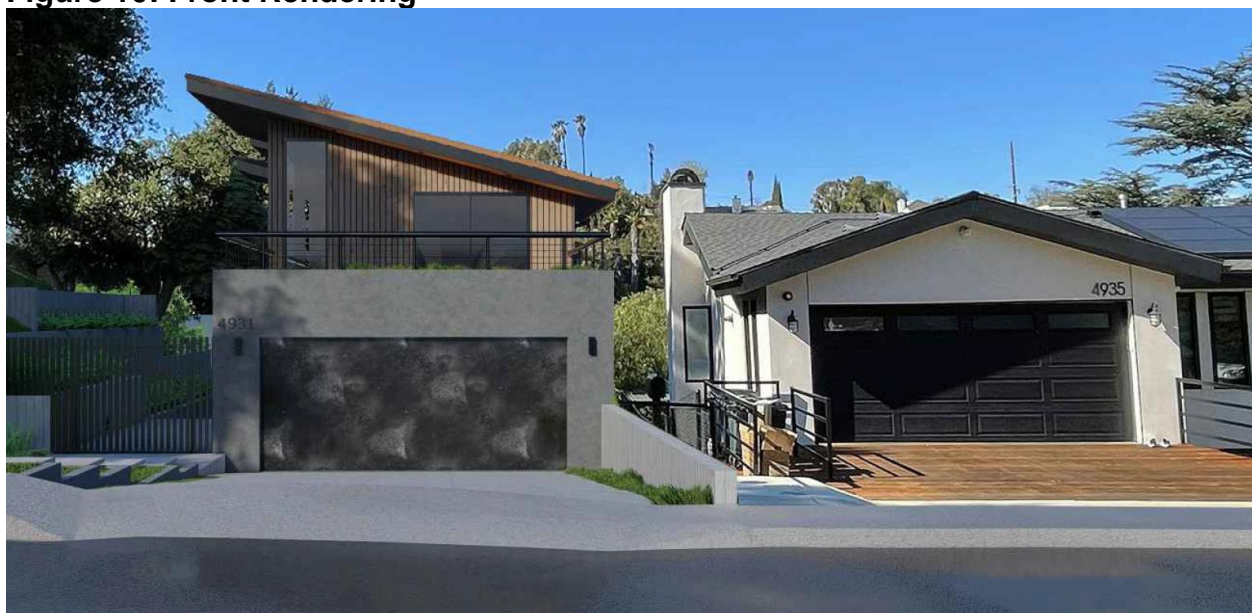
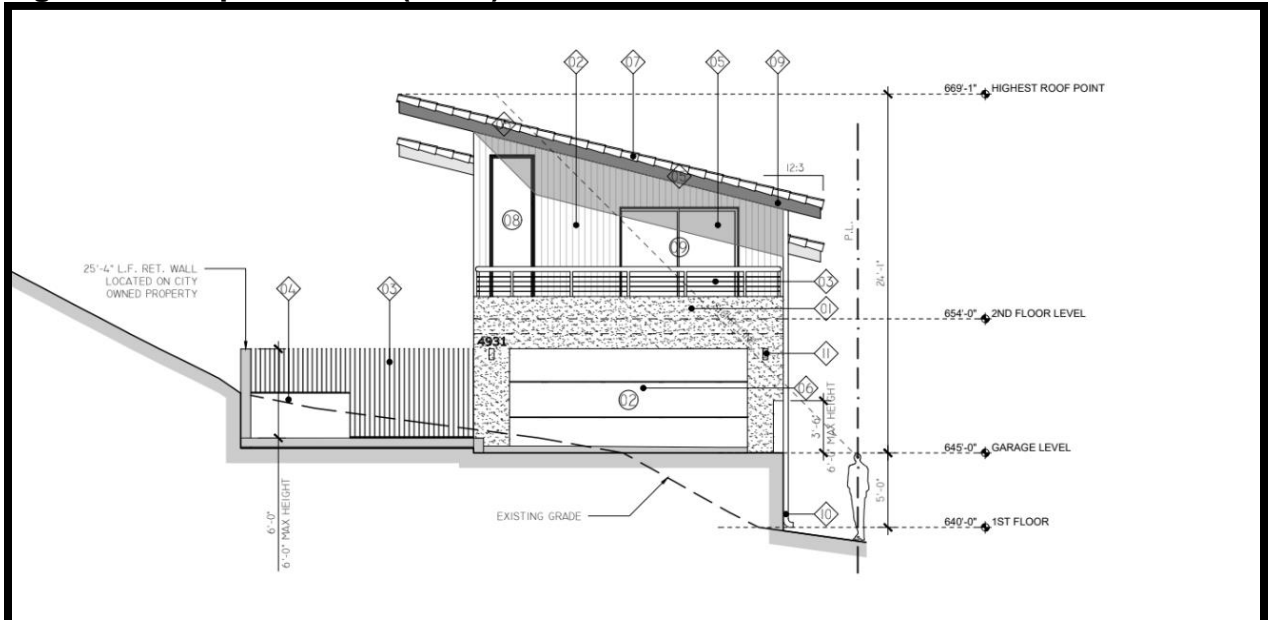


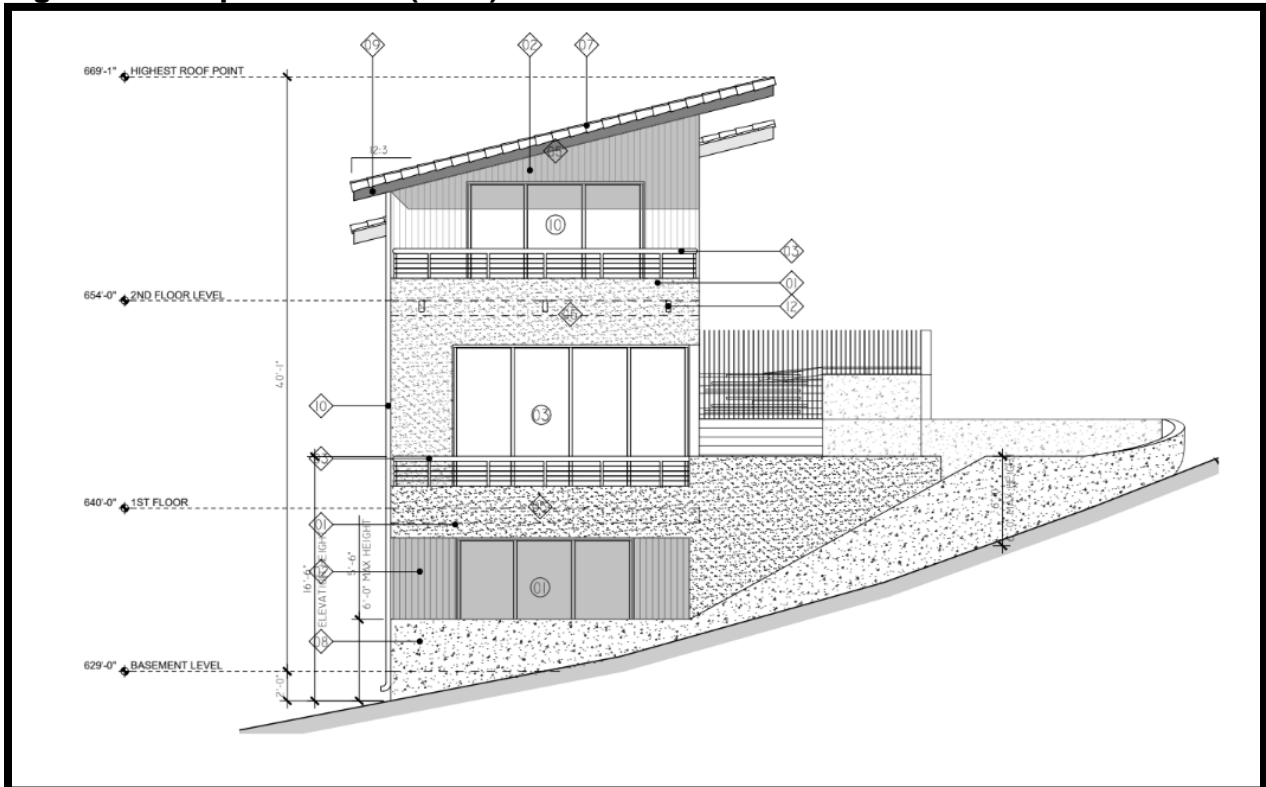
Figure 11: Rendering, as viewed from rear elevation



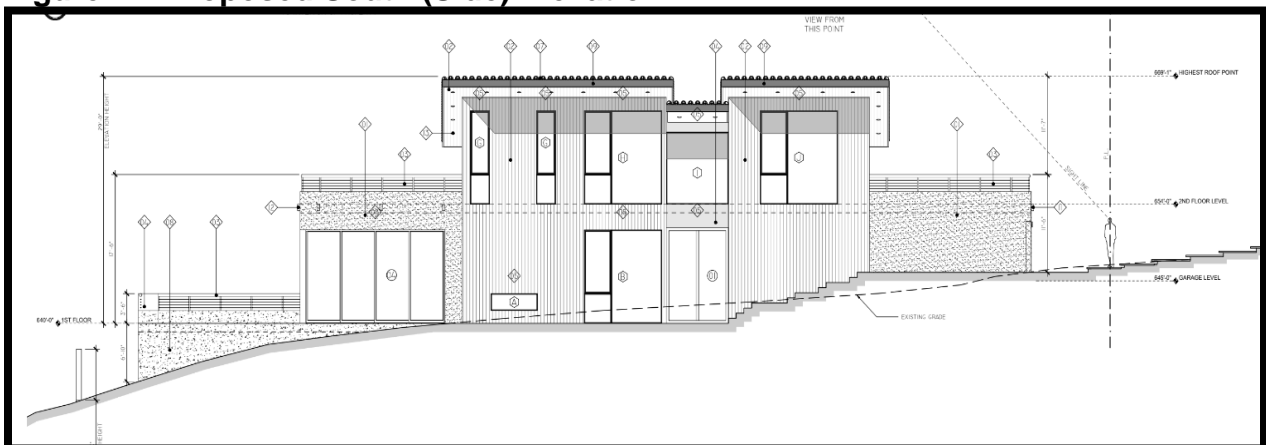
Figure 12: Proposed East (Front) Elevation



**Figure 13: Proposed West (Rear) Elevation**

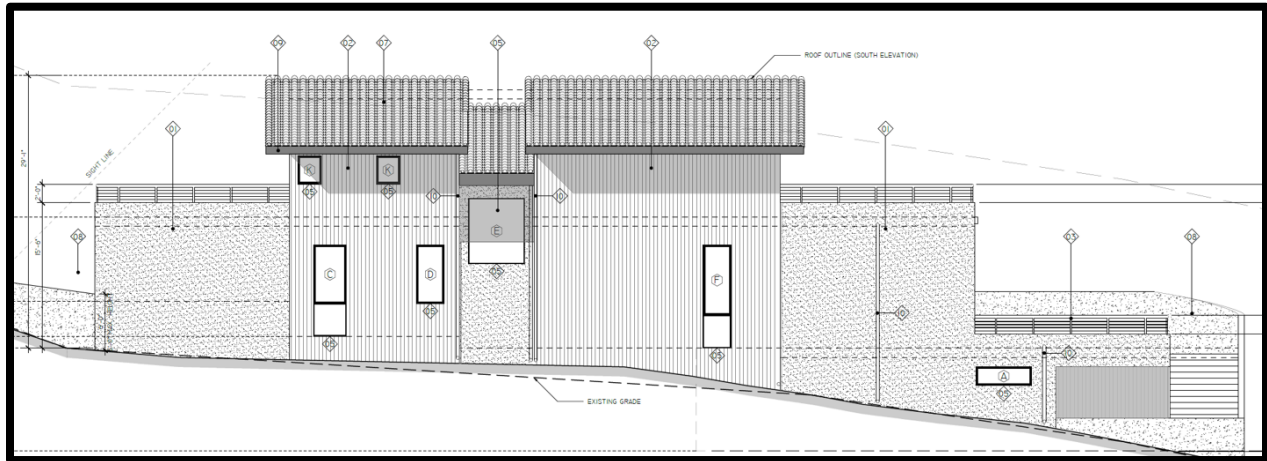


**Figure 14: Proposed South (Side) Elevation**





**Figure 15: Proposed North (Side) Elevation**

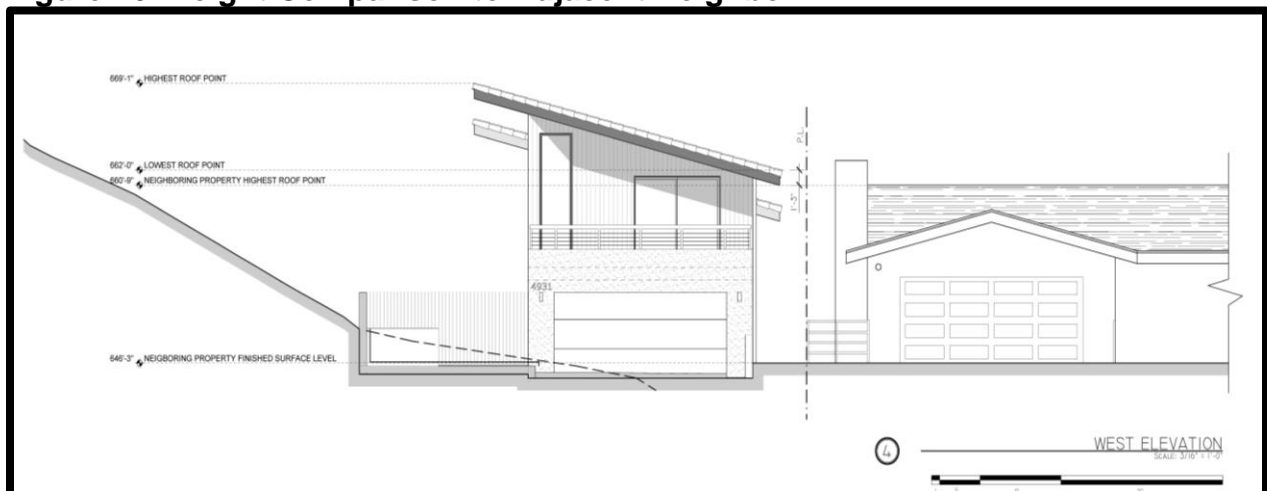


**Response to Commission:**

Regarding the North elevation, the Commission raised potential privacy concerns of the adjacent north neighbor's home. As a response to this concern, the applicant is proposing to provide a reduced window size (Window E) and frosting material to be installed on said window (see Figure 15 above for new window size).

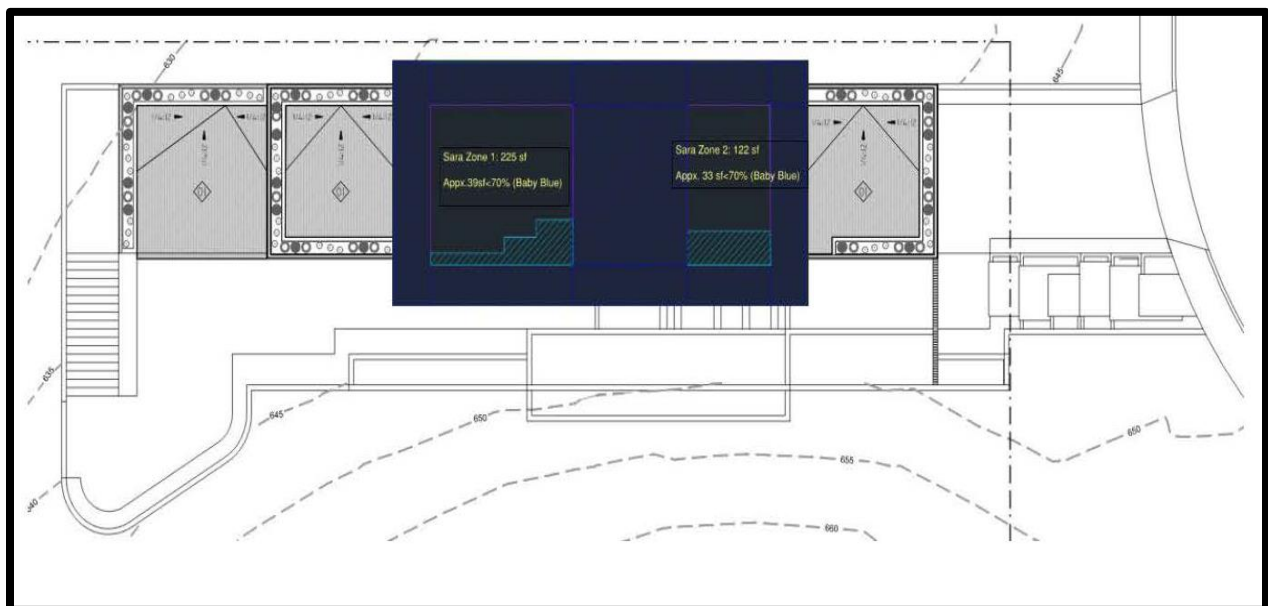
With respect to the height comparison to the adjacent neighbor, the applicant has provided a front elevation comparing to the two structures (see **Figure 16** below). As shown below, the subject property features a slightly lower elevation. However, the heights are similar in height when terrain is taken into consideration as the lowest roof point of the subject property's home is in line with the height of the adjacent neighbor's roof. Additionally, the proposed garage height is lower than the adjacent neighbor's garage.

**Figure 16: Height Comparison to Adjacent Neighbor**



The last issue raised was regarding the proposed roof design in relation to possible photovoltaic (solar panel) as required by the California Building Code. Upon meeting with the City's Building Division, it was determined that the proposed roof design is exempt from photovoltaic requirements as it is a north facing roof. Additional studies were conducted to verify the Solar Access Roof Areas (SARA) if the roof was flattened (see **Figure 17** below). However, that would have required an increase in the building height which would not have complied with the maximum height requirement for flat roofs. As such, the design as proposed, will comply with the maximum height requirement of 28 feet.

**Figure 17: SARA zones**



### General Standards for Construction

The Public Works Department has reviewed this project and recommended Conditions of Approval (**Attachment 1, Exhibit "A"**) to mitigate any potential construction impact during construction. The recommended conditions including, but not limited to, requiring the applicant to submit a construction management plan, advanced notice for any street closures, and prohibiting overnight storage of materials or equipment within the public right-of-way. The proposed project is located within the Southwest Monterey Hills area, as such, an additional condition was added to ensure that the applicant abides by construction regulations.

### Findings

In order to approve the project, the Planning Commission shall find that the design and the proposed layout comply with the finding for a Hillside Development Permit, Design Review, and a Variance as stipulated in the South Pasadena Municipal Code. All findings

for the proposed project may found within the Planning Commission Resolution No. \_\_\_\_ (Attachment 1).

### **Environmental Analysis**

This item is exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 exemption includes, but is not limited to: one single-family residence, or a second dwelling unit in a residential zone; in urbanized areas, up to three single-family residences may be constructed or converted under this exemption. The project will not have a significant effect on the environment because the project includes one single-family residence and one accessory dwelling unit; the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and is not located in an environmentally sensitive area.

### **Alternatives to Consider**

Planning Commission may also consider the following alternatives to this recommendation:

1. The Planning Commission may approve the project with modified/added conditions;
2. The Planning Commission may continue the project to address comments discussed; or
3. The Planning Commission may deny the project.

### **Public Notification**

Hearing notices were sent to all properties within a 300-foot radius of the property and to all properties located within the Southwest Monterey Hills Notification Area on July 31, 2024. A Public Hearing Notice was published on August 2, 2023 in the South Pasadena Review. In addition, the public was made aware that this item was to be considered at a public hearing by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

### **Public Comments**

At the time of writing this report, staff did not receive Public Comment for this item.

### **Next Steps**

If the Planning Commission approves the project, a 15-day appeal period will commence in which any person affected by the decision may appeal the decision for a public hearing by the City Council. Should there be no appeals during this 15-day period, the applicant may proceed through the Plan Check Process with the Building Division and staff will review the construction plans to ensure that all conditions are satisfied.

**Attachments:**

1. P.C. Resolution with Exhibit "A" – Conditions of Approval
2. Site and Neighborhood Images
3. Project Narrative
4. Link to Materials Board
5. Updated Arborist Report
6. Parcel Merger Exhibit
7. Links to Geotechnical Report & Constraints Analysis
8. Link to Architectural Plans & Renderings

**ATTACHMENT 1**

P.C. RESOLUTION NO. 24-\_\_

Exhibit A – Conditions of Approval

P.C. RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING PROJECT NO. 2500-HDP/DRX/VAR/PM/TRP FOR A HILLSIDE DEVELOPMENT PERMIT AND DESIGN REVIEW PERMIT TO CONSTRUCT A NEW 3,214-SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY DWELLING; TWO VARIANCES FOR A REDUCED SIDE YARD SETBACK AND AN ATTACHED GARAGE IN FRONT OF THE MAIN STRUCTURE; A PARCEL MERGER APPLICATION FOR A MERGER OF TWO EXISTING LOTS; AND, A TREE REMOVAL PERMIT FOR THE REMOVAL OF SIX (6) TREES AT 4931 HARRIMAN AVENUE (APNS: 5312-016-016 & 5312-016-017); AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, on August 2022, Ismail Sawan (the “applicant”) submitted applications for the following entitlements:

1. **Hillside Development Permit (HDP)** for the proposed grading and development of a 3,214-square-foot, two-story single-family dwelling on a site with an average slope of 20 percent or greater. The project includes an attached 405-square-foot, 2-car garage, and three decks;
2. **Design Review Permit (DRX)** for the architectural design review of the proposed development;
3. Two **Variance (VAR)** requests to deviate from development standards to allow the project to provide the following:
  - a. A reduced north side yard setback of five (5) feet in lieu of the required seven (7) feet, six (6) inches. Per South Pasadena Municipal Code (SPMC), Section 36.220.040, side yard setbacks shall meet 10 percent of the lot width; and,
  - b. To allow an attached garage in front of the main structure. Per SPMC, Section 36.220.040, an attached garage shall be set back a minimum of 10 feet from the main structure.
4. **Parcel Merger (PM)** for the merger of two adjacent lots, the first lot (APN: 5312-016-016) is 7,513 square feet, the second lot (APN: 5312-016-017) is 3,757 square feet, when merged will be a total of 11,270 square feet; and,
5. **Tree Removal Permit (TRP)** for the removal of six (6) trees.

The project is located at 4931 Harriman Avenue (APNs: 5312-016-016 & 5312-016-17) within the Southwest Monterey Hills area (the above-referenced applications and requests are referred to herein as the “project” or “proposed project”); and

**WHEREAS**, the subject property is zoned Residential Single-Family (RS) and has a General Plan land use designation of Low Density Residential; and

**WHEREAS**, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15303, Class 3 – New

Construction or Conversion of Small Structures. The project will not have a significant effect on the environment because the project falls under a Class 3 – New Construction of Small Structures including “up to three single-family residences” in urban areas; the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and is not located in an environmentally sensitive area; and

**WHEREAS**, the Community Development Department evaluated the project for consistency with the City's General Plan, South Pasadena Municipal Code, the City's Design Guidelines, and all other applicable state and local regulations; and

**WHEREAS**, the South Pasadena Planning Commission originally held a duly noticed public hearing on November 14, 2023, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2500-HDP/DRX/VAR/PM/TRP and continued the project to address certain issues raised on the overall design of the project; and

**WHEREAS**, on July 31, 2024, public hearing notices were mailed to each property owner within a 300-foot radius of the project site and within the Southwest Monterey Hills Notification Area in accordance with the requirements of South Pasadena Municipal Code declaring the project review by the Planning Commission. On August 2, 2024, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. 2500-HDP/DRX/VAR/PM/TRP; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on August 13, 2024, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2500-HDP/DRX/VAR/PM/TRP.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

### **SECTION 1: ACKNOWLEDGEMENTS**

The foregoing recitals are true and correct and are incorporated and made an operative part of this resolution.

### **SECTION 2: ENVIRONMENTAL REVIEW FINDINGS**

The Planning Commission has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under

CEQA Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 exemption includes, but is not limited to: one single-family residence, or a second dwelling unit in a residential zone; in urbanized areas, up to three single-family residences may be constructed or converted under this exemption. The project will not have a significant effect on the environment because the project includes one single-family residence and one accessory dwelling unit; the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and is not located in an environmentally sensitive area.

### **SECTION 3: HILLSIDE DEVELOPMENT PERMIT FINDINGS**

Based upon the entire record made available at the August 13, 2024 public hearing, including the public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission finds and determines that the proposed project is consistent with all applicable findings for approval of a Hillside Development Permit pursuant to the South Pasadena Municipal Code (SPMC), Section 36.410.065(F), as follows:

**1. The proposed use complies with requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.**

The project uses thoughtful site design which conforms to the hillside development standards and design guidelines. The project is considerate of the character and scale of the existing single-family developments in the vicinity. With the exception of the two variances being requested: 1) to reduce the side yard setback to five feet in lieu of the required seven feet, six inches, and 2) to allow an attached garage in front of the main structure. The project as designed and conditioned, will comply with the Hillside Protection Ordinance and the RS standards in the SPMC.

**2. The proposed use is consistent with the General Plan and any applicable specific plan;**

The General Plan land use designation of the site is Low Density Residential, which allows for detached single-family units at a density of 3.51 to 6 units per acre. The proposed project does not involve the addition of another dwelling unit; therefore, the project is consistent with the General Plan. The project is not located within a specific plan.

**3. 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 the persons residing or working in the neighborhood of the proposed use;**



The neighborhood is developed with a mix of hillside homes in both architectural style and scale; as required and conditioned, all construction documents, including grading plans and calculations, would be prepared by professional architects or engineers and must be formally reviewed and approved by the appropriate City departments prior to issuing permits. The proposed use of a single-family residential home is consistent with the SPMC and as designed and conditioned, would not be detrimental to the health and safety or general welfare of persons residing or working in the neighborhood.

**4. 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; and,**

Prior to commencing construction, the project is required to comply with and obtain all applicable building permits, including those necessary for grading, utilities, public works, and fire prevention. Additionally, the applicant shall provide a construction management plan, as required in the Southwest Monterey Hills Construction Plan area, prior to the issuance of building permits. Accordingly, the project as conditioned would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**5. 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 aesthetics, character, scale, and view protection.**

The proposed use of single-family residential is consistent with the established residential neighborhood. The proposed dwelling is set back approximately 30 feet from the street, which will result in a minimal visual impact from the front street view. The scale of the project is appropriate in size, when compared to the surrounding neighborhood and the topography of the land and the configuration of neighboring properties minimizes view impacts. With the exception of the variances requested, the proposed design complies with the City's Hillside Design Guidelines, the Hillside Protection Ordinance, and the SPMC, including but not limited to building mass, scale, respect of the topography, and lot coverage. Accordingly, the design, location, operating characteristics, and size of the project is compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection.

**SECTION 4: DESIGN REVIEW FINDINGS**

Based upon the entire record made available at the August 13, 2024 public hearing, including the public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission finds and determines that the proposed project is consistent with all applicable findings for approval of a Design Review Permit pursuant to the South Pasadena Municipal Code (SPMC), Section 36.410.040(l), as follows:

**1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic district or other special districts, plan developments, or specific plans);**

The General Plan designation for the subject property is Low Density Residential and the project complies with the density of one dwelling and use. With the exception of the two variances being requested by the Applicant, the proposed project complies with the City of South Pasadena's Design Guidelines for Hillside Homes as to architecture, scale, building mass, building height, lot coverage, and compatibility with the neighborhood. The surrounding neighborhood includes a mix multi-story homes and a variety of architectural styles. The proposed single-family dwelling is situated at the bottom of a steep hillside and designed to have minimal view impacts from hilltop homes.

**2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of the neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;**

The proposed project will accommodate the single-family functions and activities proposed for the site. The new home will provide sufficient size and space for residential living, with indoor/outdoor living incorporated into the architectural design. The ground level will accommodate the required covered and off-street parking, the first level of the dwelling will include the living area and one bedroom, the second floor will include two bedrooms, and the basement will include an Accessory Dwelling Unit with one bedroom. The design of the house meets the required height limits, grading percentages of the driveway and required front, rear, and south side yard setbacks. As a single-family residence in an established single-family neighborhood, the house will not interfere with the use and enjoyment of the neighboring, existing, or future developments. With the two requested Variances for a reduced north side yard setback and to allow the attached garage in front of the main structure, the proposed new home is consistent with the design standards. As conditioned, the project's mass, scale, bulk, and temporary construction activities would not unreasonably interfere with the use and enjoyment of the neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards. A construction management plan will be reviewed and approved by staff during the Building and Public Works permitting process.

**3. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by SPMC Section 36.410.040 and the General Plan; and**

The project site is surrounded by multi-story residential buildings of different architectural styles and sizes. Except for the two variances sought, the project complies with all the development standards for zoning and hillside lots. The proposed project is situated at the bottom of a steep hillside, minimizing the impact

to the slope. The project is compatible with the existing character of the neighborhood and the design incorporates a modern aesthetic with an interplay of simple geometric volumes that step down in accordance with the City's Design Guidelines. The project is set back approximately 30 feet from the street and will have minimal street view impacts. The building height, size, and form fits the size of the lot. As proposed, the project complies with requirements contemplated by SPMC Section 36.410.040 and the General Plan.

**4. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.**

The proposed project has been designed with consideration to its future occupants and neighbors. The proposed project uses appropriate materials that complement the existing neighborhood's eclectic architectural styles with earth-toned stucco and wood panel cladding. The home features clean straight lines; large windows at the west, east, and south; minimal windows at the north elevation for added privacy with the adjacent property; and a sloped roof that mimics that of the hillside. The proposed project incorporates a composition of high-quality materials that further assists in allowing for the preservation of a desirable and aesthetically appealing presentation with reasonable maintenance.

**SECTION 5: VARIANCE FINDINGS FOR REDUCED NORTH SIDE YARD SETBACK AND THE PLACEMENT OF THE ATTACHED GARAGE IN FRONT OF THE MAIN STRUCTURE**

Based upon the entire record made available at the August 13, 2024 public hearing, including the public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission finds and determines that the proposed project is consistent with all applicable findings to grant a Variance for: A) reduced north side yard setback, and B) the placement of the attached garage in front of the main structure, pursuant to the South Pasadena Municipal Code (SPMC), Section 36.410.080, as follows:

- 1. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district, or creates an unnecessary and involuntarily created hardship, or unreasonable regulation which makes it impractical to require compliance with the development standards;**

*North Side Yard Setback*

There are special circumstances applicable to the subject property which consists of an average slope of 41.67 percent. The subject site fronts Harriman Avenue at a curve and turns into Peterson Avenue at an upslope. The property is unique in that it is

situated both on the top of a downslope—from south to north—and the bottom of a downslope—from east to west. The subject site contains several mature trees along the southern portion of the property. To minimize grading further into the steep portion of the lot, and to protect the mature trees, the applicant is proposing to construct the new single-family dwelling at the northern portion of the lot.

This variance request to allow a reduced side yard setback of five feet, in lieu of the required 7-foot, 6-inch side yard setback—per the standard in SPMC 36.220.040, a side yard setback shall be 10 percent of the lot width—is common for Hillside Development Permit projects. In order for there to be minimal impact to the slope and to save the mature trees, the applicant is situating the footprint of the new home towards the northern portion of the lot. The steep terrain of the project site, and compatibility with the neighboring side yard setbacks are the driving factors for this Variance.

#### *Attached Garage in Front of Primary Structure*

There are special circumstances applicable to the subject property which consists of an average slope of 41 percent and immediately to the south of the proposed single-family dwelling, the topography is steeper. SPMC, Section 36.220.040, Table 2-3, requires that an attached garage be set back a minimum of 10 feet from the front of the main structure. The applicant is proposing to minimize the impact of the natural terrain and, as such, the proposed single-family dwelling is narrow and situated towards the northern portion of the lot, where the topography is not as steep. Placing the garage 10 feet behind the main structure would require that additional trees be removed and would require additional grading on a significant slope.

## **2. Granting the Variance would:**

- a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the subject property owner;**

#### *North Side Yard Setback*

The subject site is surrounded by existing single-family residences of varying architectural styles and sizes. The existing homes in the neighborhood were built before the City Council's adoption of the current hillside regulations, adopted in 2002, as such several of the neighboring properties do not conform to current development standards. The applicant is proposing a new single-family dwelling with a reduced north side yard setback. The majority of existing homes on the same street have non-confirming side yard setbacks. The granting of the requested Variance to have a five-foot north side yard setback will allow for the preservation and enjoyment of substantial property right for a single-family home that is consistent with the development pattern by other property owners in the same vicinity and zoning district. A denial of the Variance would deny the applicant the similar rights possessed by other

property owners.

*Attached Garage in Front of Primary Structure*

The subject site is surrounded by existing single-family residences of varying architectural styles and sizes. The existing homes in the neighborhood were built before the City Council's adoption of the current hillside regulations, adopted in 2002, as such several of the neighboring properties do not conform to current development standards. The applicant is proposing a new single-family dwelling with an attached garage in front of the primary structure. The majority of existing homes on the same street have an attached garage in front of the primary structure. The granting of the requested Variance for the garage placement in front of the primary structure will allow for the preservation and enjoyment of substantial property right for a single-family home that is consistent with the development pattern by other property owners in the same vicinity and zoning district.

**b. Be consistent with the General Plan and any applicable specific plan, and the limitations established by the 1983 initiative;**

The proposed reduction of the northern side yard setback and placement of the attached garage in front of the primary structure are consistent with the General Plan, the City's adopted Design Guidelines, and the height limit established by the 1983 initiative. The proposed single-family dwelling is designed with consideration of the character and scale of the existing single-family developments in the vicinity.

As conditioned, the project will comply with the Goals and Policies of the General Plan as follows:

*Goal 19: "To ensure that new development within hillside areas of South Pasadena does not adversely impact the character of the City."*

*Policy 19.7: "Discourage Hillside Grading which damages the integrity of hillside areas in order to create views."*

The proposed project is situated five feet from the northern side yard setback and the attached garage will be placed in front of the main structure, both of which will reduce grading into the southern steep slope. The documents reviewed by the City include a topographic map, slope analysis, and preliminary grading plan prepared by a Registered Professional Engineer. The applicant will provide a final grading plan prepared by Registered Professional Engineer. As required and conditioned, the final grading plan will be approved by the Public Works Department and the Building Division prior to grading permit issuance. As such, the two requested Variances are intended to reduce the amount of grading necessary to construct the proposed single-family

dwelling and would not impact the safety of the site, adjacent properties, or the general safety and welfare of the public.

**c. Not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district; and**

The granting of the Variances for the reduced northern side yard setback and attached garage placement in front of the main structure would not constitute a grant of special privileges that are inconsistent with the limitations on other properties in the vicinity and in the same zoning district. The majority of the existing homes on the same street have a reduced side yard setback as well as an attached garage located in front of the main dwelling. The subject site consists of a steep downhill slope and sits at the end of developed parcels in a densely developed residential neighborhood consisting of single-family homes on substandard hillside lots. The subject site has a steep terrain and the placement of footprint of the proposed single-family dwelling at the northern portion of the lot with an attached garage in front of the main structure will minimize additional grading and will reduce the impact to the hillside. The placement of both the footprint of the home and garage along the narrow portion of the lot with a less steep terrain will also result in maintain the mature trees located along the southern portion of the subject property.

**d. Not be materially detrimental to the public convenience, health, interest, safety, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.**

*North Side Yard Setback*

The excavation into the hillside has been minimized as much as possible, as the proposed single-family dwelling is situated on the northern portion of the subject property, the topography of which is not as steep. Situating the single-family dwelling along the northern portion of the lot is proposed to help maintain the hillside and mature trees; thereby, the request for a Variance for the reduced side yard setback will not be materially detrimental to the public convenience, health, interest, safety, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is locate.

*Attached Garage in Front of Primary Structure*

The attached garage is positioned in front of the main structure to maintain a narrow footprint, resulting in minimal grading and a reduced impact to the hillside, which will also protect the mature trees; thereby, the request for a Variance to situate the attached garage in front of the primary structure will not be materially detrimental to the public convenience, health, interest, safety, or welfare of the City, or injurious to the property or improvements in the vicinity

and zoning district in which the property is locate.

- 3. The proposed project would be compatible with the existing aesthetics, character, and scale of the surrounding neighborhood, and considers impacts on neighboring properties.**

The architectural style of the neighborhood surrounding the project site is mixed with various architectural styles. The majority of existing single-family residences in the neighborhood have non-conforming side yard setbacks and have attached garages in front of the main structure. The requested Variances for the reduced side yard setback and attached garage in front of the main structure are consistent and would be compatible with the existing aesthetics, character and scale of the surrounding neighborhood.

### **SECTION 6: RECORD OF PROCEEDING**

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, are located in the Community Development Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

### **SECTION 7: DETERMINATION**

Based upon the findings outlined in Sections 2 through 5 above and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby approves Project No. 2500-HDP/DRX/VAR/PM/TRP and the applications for a Hillside Development Permit, Design Review Permit, two Variances, Parcel Merger, and Tree Removal Permit for the proposed single-family dwelling located at 4931 Harriman Avenue (APNs: 5312-016-016 & 5312-016-017), subject to the Conditions of Approval that are attached hereto as "Exhibit A".

### **SECTION 8: APPEAL**

Any interested person may appeal this decision or any portion of this decision to the City Council. Pursuant to the South Pasadena Municipal Code, any such appeal must be filed with the City, in writing, and with appropriate appeal fee, no later than fifteen (15) days, following the date of the Planning Commission's final action.

### **SECTION 9: CERTIFICATION OF THE RESOLUTION**

The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 13<sup>th</sup> day of August, 2024.





**PASSED, APPROVED, AND ADOPTED** this 13<sup>th</sup> day of August, 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Lisa Padilla, Chair

**ATTEST:**

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Mark Gallatin, Secretary to the Planning Commission

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**PROJECT NO. 2500-HDP/DRX/VAR/PM/TRP**  
**4931 Harriman Avenue (APNs: 5312-016-016 & 5312-016-017)**

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The following approvals are granted as described below and as shown on the development plans submitted to and approved by the Planning Commission on August 13, 2024:

1. **Hillside Development Permit (HDP)** for the proposed grading and development of a 3,214-square-foot, two-story single-family dwelling on a site with an average slope of 20 percent or greater. The project includes an attached 405-square-foot, 2-car garage, and three decks;
2. **Design Review Permit (DRX)** for the architectural design review of the proposed development;
3. Two **Variance (VAR)** requests to deviate from development standards to allow the project to provide the following:
  - a. A reduced north side yard setback of five (5) feet in lieu of the required seven (7) feet, six (6) inches. Per South Pasadena Municipal Code (SPMC), Section 36.220.040, side yard setbacks shall meet 10 percent of the lot width; and,
  - b. To allow an attached garage in front of the main structure. Per SPMC, Section 36.220.040, an attached garage shall be set back a minimum of 10 feet from the main structure.
4. **Parcel Merger (PM)** for the merger of two existing lots, the first lot (APN: 5312-016-016) is 7,513 square feet, the second lot (APN: 5312-016-017) is 3,757 square feet, when merged will be a total of 11,270 square feet; and,
5. **Tree Removal Permit (TRP)** for the removal of six (6) trees.

*Note: As a convenience to the applicant, the development requirements from applicable Departments/Agencies are listed herein. These requirements list what the applicant will be required to comply with in order to receive a Building Permit, a Certificate of Occupancy, or other Department-issued entitlement.*

**PLANNING DIVISION:**

- P1. Approval by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the South Pasadena Building Division must be obtained prior to construction, enlargement, relocation, conversion or demolition of any building or structure on any of the properties involved with the project.
- P2. This Design Review and Hillside Development Permit and Variance and all rights hereunder shall terminate within twelve (12) months of the effective date of the Design Review and Hillside Development Permit unless otherwise conditioned and/or unless action is taken to secure Building Permits and maintain active Building Permits with the Building Division beginning with the submittal of the plans for Plan Check review.
- P3. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P4. Compliance with and execution of all conditions listed herein shall be necessary prior to

obtaining any occupancy inspection clearance and/or prior to obtaining any occupancy clearance.

- P5. Any changes to the proposed project shall be submitted for review and approval to the Planning Division.
- P6. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or Planning Commission concerning this approval. In the event of any claim or lawsuit, the applicant and/or successor shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
- P7. The construction site and the surrounding area shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess may include, but is not limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete, asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
- P8. The applicant shall sign the Southwest Monterey Hills Construction Regulations Affidavit prior to submitting a Building Permit Application with the Building Division.
- P9. The hours of construction shall be limited to the following: 8:00 am and 7:00 pm Monday through Friday, 9:00 am and 7:00 pm Saturday, and construction on Sundays limited to 10:00 am to 6:00 pm.
- P10. During construction, the clearing, grading, earth moving, or excavation operations that cause excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures:
  - a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferable in the late morning and after work is done for the day;
  - b. All material transported on-site or off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
  - c. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and
  - d. Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.
- P11. The applicant shall submit final landscape and irrigation plans showing compliance with state law and the City's Water Efficient Landscape Ordinance (SMPC Section 35.50), for approval by the Community Development Director. The final landscape plans shall provide, but not limited, to the following:
  - a. Screening of all above ground equipment from public view.
  - b. Incorporating Tree Removal Permit (TRP) conditions, as recommended by the Department of Public Works.
  - c. Using California Native plants.

- P12. The applicant shall install all landscaping and irrigation per the approved final landscape plans pursuant to the City's Water Efficient Landscape Ordinance (SPMC Section 35.50). The applicant shall provide documentations as required under SPMC Section 35.50, which shall include:
- a. A Certification of Completion certifying that landscape and irrigation have been installed per the approved final landscape plans and complies with the City's Water Efficient Landscape Ordinance.
  - b. A Landscape Irrigation Audit Report from a certified landscape irrigation auditor shall be submitted to the City. The landscape irrigation audit shall not be conducted by the person who designed the landscape plans or installed the landscape irrigation.
- P13. The construction plan shall show that all lighting on the site will be directed downward and shielded to prevent off-lighting on adjacent properties.
- P14. A construction sign with contact information for the contractor shall be clearly posted on-site during construction.
- P15. Any proposed revision to the approved plans shall require review and approval by the Community Development Department prior to construction. The Community Development Department may refer the proposed revision to the Planning Commission or Planning Commission Chair for approval.

**BUILDING DIVISION:**

- B1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- B2. Plans prepared in compliance with the code in effect shall be submitted to Building Division for review prior to permit issuance.
- B3. Prior to the application of a building or grading permit, a preliminary Geotechnical report that specifically identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity shall be approved by the Building Official or his/her designee. The applicant shall reimburse the City for all costs incurred to have the project soils report evaluated by an independent, third-party, peer-level soils and /or geological engineer. Approval letter of the geotechnical report review shall be copied and pasted on the first sheet of building and grading plans.
- B4. School Developmental Fees shall be paid to the School District prior to the issuance of the building permit.
- B5. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
- B6. Park Impact Fee to be paid at the time of permit issuance.

- B7. Per Chapter 16A of the City of South Pasadena Municipal Code, Growth fee to be paid at the time of permit issuance.
- B8. A separate address required. An application to assign address and unit numbers shall be filed with Public Works Department prior to plan check submittal.
- B9. Plans shall be prepared under the supervision of an architect licensed in the State of California or a civil or structural engineer registered in the State of California. Each sheet of the plans and the cover sheet of the calculations is to be stamped and signed by the person preparing the plans. 5353 and 6730 of the State Business and Professions Code.
- B10. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
- B11. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
- B12. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
  - a. Observation of cleared areas and benches prepared to receive fill;
  - b. Observation of the removal of all unsuitable soils and other materials;
  - c. The approval of soils to be used as fill material;
  - d. Inspection of compaction and placement of fill;
  - e. The testing of compacted fills; and
  - f. The inspection of review of drainage devices.
- B13. The geotechnical and soils engineer shall review and approve the project grading and foundation plans to show compliance that their recommendations have been properly implemented.
- B14. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by Building Division, a new Preliminary Soils and/or Geotechnical Investigation.
- B15. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
- B16. Stormwater Planning Program LID Plan Checklist (MS4-1 Form) completed by Engineer of Record shall be copied on the first sheet of Grading Plans. The form can be found at the following link:

<https://www.dropbox.com/s/5p4yf08beipzyot/SP%20MS4-1%20LID%20Determination%20Form.pdf?dl=0>

- B17. The property shall be surveyed, and the boundaries marked by a land surveyor licensed by the State of California.
- B18. Foundation inspection will not be made until the excavation has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- B19. Project shall comply with the CalGreen Residential mandatory requirements.
- B20. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.
- B21. Separate plan review and permit is required for each detached retaining wall.
- B22. Fire-resistance rating requirements for exterior walls and Maximum area of exterior wall openings and degree of open protection based on fire separation distance 0 feet to 3 feet, dwellings and accessory buildings with automatic residential fire sprinkler protection shall comply with Table R302.1(2). Roof eave projection of less than 2 feet of fire separation distance is not permitted. Whereas roof eave projection of fire separation distance between 2 and 3 feet is required to be fire-resistance rated.
- B23. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).
- B24. When required by Fire Department, all fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indicating this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit. A separate permit is required for Fire Sprinklers.
- B25. City records indicate the proposed site is a combination of lots under common ownership. A parcel merger shall be processed prior to issuance of the building permit.
- B26. Building permits shall not be issued until the final map has been prepared to the satisfaction of the Building Official.

**PUBLIC WORKS DEPARTMENT:**

- PW1. The applicant shall pay all applicable City and LA County fees, including Public Works Department plan review fee and permit fees per the current adopted Master Fee Schedule which can be found on the City's website. This includes all costs incurred by the City and the Public Works Department for the use of professional services or consultants in the review, investigation, and/or plan check of the public improvement plans. The applicant shall provide receipts of all applicable fees paid prior to submitting plans for review.

- PW2. The applicant shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned.
- PW3. The applicant shall identify all on-site existing City easements. Any conflict with and/or presence of existing easements must be addressed. The applicant shall provide a Title Report, with effective date within the last 60 days. The applicant shall show all easements (if any) per the Title Report to the satisfaction of the Public Works Department.
- PW4. The applicant shall comply with the City of South Pasadena Subdivision Ordinance (SPMC Chapter 36, Article 5) in conjunction with the Subdivision Map Act, Section 66410.
- PW5. The applicant shall pay all applicable City and LA County fees, including Public Works Department plan review fee and permit fees per the current adopted Master Fee Schedule which can be found on the City's website. Additional plan check fees shall apply beyond two reviews. This includes all costs incurred by the City and the Public Works Department for the use of professional services or consultants in the review, investigation, and/or plan check of the public improvement plans. The applicant shall provide receipts of all applicable fees paid prior to submitting plans for review.
- PW6. The applicant shall provide a deposit of \$12,000 for a Deputy Inspector for hillside construction. Whenever the balance drops below \$6,000, the applicant shall be required to make an additional deposit of \$6,000. Any unused funds will be refunded to the applicant at the completion of the project.
- PW7. Harriman Avenue shall be photographed and video recorded before the start of construction and after construction for assessing the damage caused to the street by construction related traffic. The applicant will be responsible to restore the road to its original condition. These video recordings and photographs shall be submitted to the City before the start of the project and immediately upon completion of the project.
- PW8. The applicant shall show the existing grade, location, and dimensions of all existing and proposed conditions within the public right-of-way including, but not limited to: curb and gutter, sidewalk, driveway, traffic striping, signage, utilities, storm drain facilities, trees, and all other features.
- PW9. If applicable, the applicant shall replace all broken, damaged, or out-of-grade curb and gutter, sidewalk, and driveway and repaint all curb markings along the perimeter of the property to the satisfaction of the City Engineer. In addition, existing sidewalk and driveway approaches that are below current City standards shall be replaced regardless of when or how such condition originally occurred per SPMC Section 31.54. All improvements within the public right-of-way shall conform to the current Standard Specifications for Public Works Construction (SSPWC) and Standard Plans for Public Works Construction (SPPWC).
- The applicant shall remove and replace the existing curb and gutter with/install new curb and gutter conforming to the current Standard Plans for Public Works Construction (SPPWC) Std Plan 120-2, Type A2-6. Concrete shall be class 520-C- 2500 and shall conform to the current Standard Specifications for Public Works Construction (SSPWC). The applicant shall



verify the actual limits of concrete removal with the Public Works Department.

- The applicant shall install new 4" thick sidewalk to the satisfaction of the City Engineer and conforming to the current Standard Plans for Public Works Construction (SPPWC) Std Plan 112-2. Concrete shall be class 520-C-2500 and shall conform to the current Standard Specifications for Public Works Construction (SSPWC).
- The applicant shall remove and replace the existing driveway approach with/install a new driveway approach conforming to the current Standard Plans for Public Works Construction (SPPWC) Std Plan 110-2. Concrete shall be class 520-C-2500 and shall conform to the current Standard Specifications for Public Works Construction (SSPWC). The applicant shall verify the width with the Planning Department and the actual limits of concrete removal with the Public Works Department.

PW10. The applicant shall bring the existing parkway on Harriman Avenue up to current standards per SPMC Section 31.48. (The applicant shall submit a parkway landscape plan for review and the landscape design shall conform to the Model Water Efficient Landscape Ordinance (MWELO) as stipulated in SPMC Chapter 35, Article 3.)

PW11. The applicant shall provide a detailed drainage and grading plan signed and stamped by a CA licensed civil engineer for improvements within the public right-of-way.

- Prior to issuance of a grading permit, for improvements within the public right-of-way, the applicant shall provide an approved erosion control plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, use of appropriate BMPs, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.
- If applicable, the applicant shall comply with all requirements of the City of South Pasadena Low Impact Development (LID) Ordinance. The applicant shall include the necessary Best Management Practices (BMP) measures and a Standard Urban Storm Water Mitigation Plan (SUSMP) for construction and post-construction phases as part of the LID plan per SPMC Section 23.14. The applicant shall provide a copy of the approved plan from the Building & Safety Department.
- If applicable, all flood control plans to be reviewed by the City or the Los Angeles County Flood Control District shall be submitted through the City of South Pasadena, unless otherwise directed by the City Engineer. For projects requiring LACFCD review, the developer shall pay the appropriate fees to LACFCD.

PW12. The applicant shall construct a retaining wall along the frontage and adjacent to the property for slope protection and to prevent sloughing of dirt onto the sidewalk.

- PW13. The construction of the walkway steps outside of the property shall be permitted per condition PW14.
- PW14. The applicant shall provide a covenant for unconditional and indefinite maintenance of any private improvements within the public right-of-way. This covenant shall be reviewed and approved by the Public Works Department and the City Attorney and a fully executed covenant, in recordable form, shall be provided to the City prior to obtaining a permit.
- PW15. Provide a 24-hour emergency contact number for the applicant and contact information of all utility agencies involved/impacted/potentially impacted by this project on the title sheet of the plans.
- PW16. The applicant shall pay all applicable City sewer and/or water capacity charges per SPMC Section 16B.3.
- PW17. Provide a copy of a will-serve letter and receipt for the sewer connection fee from the Los Angeles County Sanitation District (LACSD). A copy of the receipt for any fees to be paid must be submitted before permit issuance.
- PW18. Show the location of all existing utilities on adjacent street(s), as well as location and size of all existing or proposed services serving the property. Show all utility points of connection (POC).
- PW19. Show the location and area of trench sections for any proposed sewer and water lines connection within the public right-of-way. Provide a trench restoration detail per City standards if any new utility connections are proposed.
- PW20. The applicant shall provide a new sewer connection to the property. The proposed sewer lateral shall be a four-inch (4") diameter vitrified clay pipe (VCP) that connects to the City sewer main within the public right-of-way.
- PW21. The applicant shall submit the proposed sewage flow calculations to the City. The proposed sewage flow from the property will be used to create a Hydraulic Analysis Report to determine if the sewer outlet has adequate capacity for the proposed sewage flow from the property. The developer shall be responsible for all sewer improvements to provide adequate capacity for the proposed sewage flow.
- PW22. The applicant shall contact the City of South Pasadena Water Division to verify the existing water meter connection is adequate for the proposed structure/fire sprinkler system. Coordinate the size, location, and associated fee for a new water meter connection, as applicable. Please contact the Water Operations Manager at (626) 460-6393 for additional information.
- PW23. If applicable, the applicant shall submit a water demand calculation to the City. The demand water calculation will be used to create a Hydraulic Analysis Report to determine the water availability for the proposed project.
- PW24. If applicable, provide clearance letter from utility companies for any proposed relocation of utility lines that encroach on the properties prior to obtaining permits for the project.

- PW25. Improvement plans for underground utilities (i.e. water, sewer, electrical, telecommunications, etc.) to be placed in the public right-of-way or easement that will be owned and maintained by other entities shall be reviewed by the City prior to Utility Agency approval. The City shall have a place on the title sheet to accept the plans with a statement: "The City's acceptance is limited to the placement of utilities relative to public infrastructure clearances, uses, and future plans within the right-of-way.
- PW26. If the street light to be relocated, the applicant shall submit a street lighting plan per City standards. The applicant shall upgrade the existing street light heads to LED lighting fronting the property on Harriman Avenue per City standards.
- PW27. Provide an arborist report and clear site plan of what trees are being removed. Submit a design narrative with the arborist report explaining why certain trees are being removed and what alternative options were considered to preserve the existing trees.
- PW28. Show all existing and proposed trees, including size and species, and indicate their disposition. If any trees (12" in diameter or greater and/or native trees) are to be removed, apply for a tree removal permit with the Public Works Department per City Ordinance No. 2328 amending Section 34.10 of SPMC. See SPMC Section 34.12 for the required information and process for the trees that are proposed to be removed and/or impacted during construction. Replacement trees shall be planted per SPMC Section 34.12-5. If existing trees are to remain on site, the applicant shall note on the plans methods of protecting existing trees during construction.
- PW29. The proposed building structure shall not be constructed within critical root zone area of any trees. For native and protected species, use the tree trunk's diameter measured at breast height (DBH) (X5) as the minimum critical root mass. For non-native and protected species, use the tree's DBH (X3) as the minimum critical root mass.
- PW30. A preconstruction survey for nesting birds shall be performed by a Designated Biologist no more than 30 days prior to the start of project activities. All native migratory non-game birds, including raptors, and their active nests are protected from "take" by Sections 3503, 3503.5, and 3513 of the California Fish and Game Code and the Migratory Bird Treaty Act (MBTA). If active nests are found, the applicant shall provide a Nesting Bird Management Plan (NBMP) prepared by the Designated Biologist.
- PW31. Any construction activity that may require roadway closures will require a traffic control plan prepared by a CA licensed civil or traffic engineer or a C-31 licensed contractor to be submitted for review. At least 48 hours advance notice shall be given to residents for street and lane closures. Safe pedestrian access, including ADA and bicycle, must be maintained at all times. All street closures will require an encroachment permit from the Public Works Department. Street closures are only allowed between 8:30 am and 2:00 pm. Whenever there will be a street closure exceeding thirty minutes in duration, the applicant shall provide written notification about the street closure to all impacted businesses and resident at least 48 hours in advance of the street closure.
- PW32. The applicant shall post temporary "No Parking " signs along the entire length of the property prior to the start of any construction. The temporary "No Parking" signs shall be covered at the

end of each working day and uncovered at the start of the following working day prior to any construction activity. If two-way traffic cannot be accommodated, a traffic control plan prepared by a CA licensed civil or traffic engineer or a C-31 licensed contractor depicting the use of flagmen and/or detouring shall be submitted for review.

- PW33. No overnight storage of materials or equipment within the public right-of-way shall be permitted.
- PW34. Temporary bins (low boy), if used, shall be “roll off” style to be provided by Athens Services. Athens Services has an exclusive agreement with the City for the provision of trash removal services: only Athens dumpsters can be used. Any dumpsters placed on the roadway shall require a protective barrier underneath (such as plywood) to protect the pavement. The applicant shall obtain dumpster permit from the Public Works Department.
- PW35. The applicant shall obtain oversize/overload permits from the Public Works Department for any oversized equipment used during the stages of construction, including, but not limited to: demolition; clearing and grubbing; grading; material disposal; drilling for piles and/or caissons; trenching for footings; excavation for retaining walls; core sampling of soils; etc.
- PW36. The applicant shall be responsible for posting a project sign at the entrance to the project site displaying the City’s construction hours per SPMC Section 19A.13. The project sign shall be 24” x 36” and made of durable weather-resistant material. The applicant shall provide a 24-hour emergency contact number for the designated contact who will be responsible for maintaining the public right-of-way during the all stages of construction until the project is complete.
- PW37. The applicant shall obtain an encroachment permit from the Public Works Department for any work proposed within the public right-of-way.
- PW38. The applicant shall apply for a change of address permit for the new units prior to final occupancy approval.

**FIRE DEPARTMENT:**

- FD1. Required Code References: Current South Pasadena Municipal Code (SPMC); 2022 California Fire Code (CFC); 2022 California Building Code and NFPA standards.
- FD2. The applicant shall update all Code Editions referenced for current project at time of submittal.
- FD3. Fire Sprinklers are required. Submit plans to City for approval.
- FD4. (CFC 903.1) General. Automatic Sprinkler systems shall comply with this section.
- FD5. (CFC 903.2) Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.
- FD6. (CFC 903.2.8) Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

- FD7. Fire sprinklers shall not be able to shut off unless the domestic line to the property is shut off. There shall be no other means to turn off water to the sprinkler system. Ensure this sprinkler system is installed by an approved C-16 licensed company. Please provide a drawing of the sprinkler system to the Fire Department prior to beginning of work.
- FD8. (CFC 903.3.5) Water Supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with Health and Safety Code Section 13114.7.
- FD9. (CFC 507.1) Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provide to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
- FD10. Provide Water Flow Test from City of South Pasadena Water Department along with fire sprinkler submittal.
- FD11. Address Identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
- FD12. Notwithstanding anything else in this code, or any other code incorporated, herein, by reference any new roof shall be of Class "A" roof material.
- FD13. Groups R-2, R-2.1, R-3, R-3.1, and R-4. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-2.1, R-3, R-3.1 and R-4 regardless of occupant load at all of the following locations:
- a. On the Ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;
  - b. In each room used for sleeping purposes.
  - c. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- FD14. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R-1, R-2, R-3, R-3.1, or R-4, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed (CFC 907.2.11.3).
- FD15. Where required for new construction, an approved carbon monoxide alarm shall be install in dwelling units and in sleeping units within which fuel-burning appliances are installed; and in

dwelling units that have attached garages.

- FD16. Power Supply. For new construction, required carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery back-up. Alarm wiring shall be directly connected to the permanent building wiring without a disconnecting switch other than as required for overcurrent protection.
- FD17. Interconnection. Where more than one carbon monoxide alarm is required to be installed within the dwelling unit or within a sleeping unit, the alarm shall be interconnected in a manner that activation of one alarm shall activate all of the alarms in the individual unit.
- FD18. (CFC 903.2.18) Group U private garages and carports accessory to Group R-3 occupancies. Carports with habitable space above and attached garages, accessory to Group R-3 occupancies, shall be protected by residential fire sprinklers in accordance with this section. Residential fire sprinklers shall be connected to, and installed in accordance with, and automatic residential fire sprinkler system that complies with Section R313 of the California Residential Code or with NFPA 13D. Fire sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a minimum density of 0.05 /ft<sup>2</sup> (2.04 mm/min) over the area of the garage and/or carport, but not to exceed two sprinklers for hydraulic calculation purposes. Garage doors shall not be considered obstructions with respect to sprinkler placement.
- FD19. Buildings under construction shall meet the condition of "Chapter 33 Fire Safety During Construction and Demolition" of the 2022 California Fire Code. Structures under construction, alteration or demolition, shall be provide with no less than one 2A10BC fire extinguisher as follows:
- a. At each stairway on all floor levels where combustibles materials have accumulated.
  - b. In every storage and construction shed.
  - c. Where special hazards exist included, but not limited to, storage and use of combustible and flammable liquids.
- FD20. A set of plans must remain on the job site at all times. Appointments for inspectors should be made at least two days in advance of required inspection by calling the Fire Department at (626) 403-7304.
- FD21. The applicant shall contact the water department for new meter or meter upgrade at (626) 460 6393.
- FD22. The City of South Pasadena Fire Department reserves the right to change or otherwise modify requirements based upon receiving additional project information or other unforeseen circumstances.

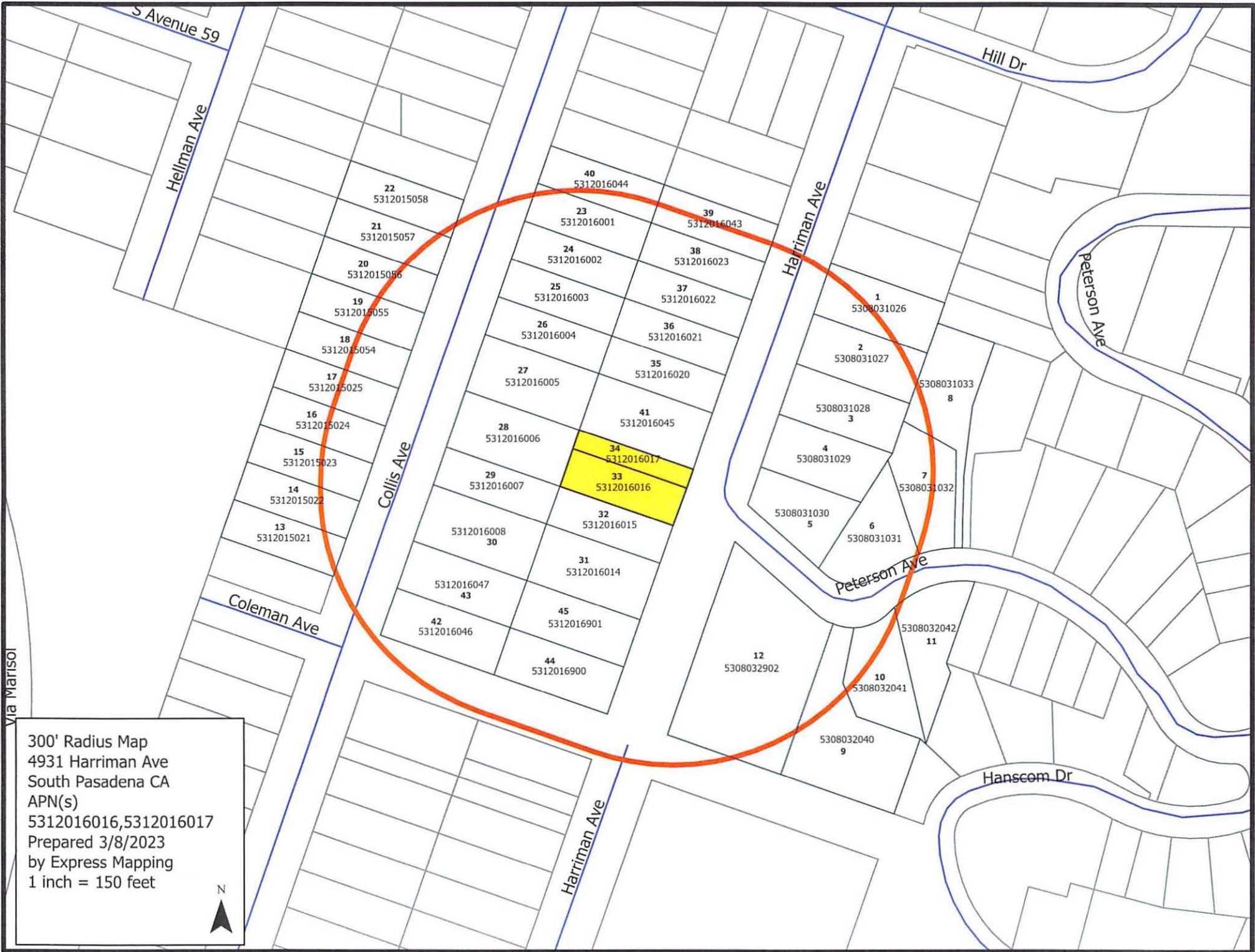
## **ATTACHMENT 2**

Site & Neighborhood Images

4931 Harriman Ave

Photo survey





300' Radius Map  
4931 Harriman Ave  
South Pasadena CA  
APN(s)  
5312016016,5312016017  
Prepared 3/8/2023  
by Express Mapping  
1 inch = 150 feet





1) 4960 Harriman Ave



2) 4950 Harriman Ave



3) 4946 Harriman Ave



4) 4936 Harriman Ave



5) 4930 Harriman Ave



6) 114 Peterson Ave



7) 118 Peterson Ave



8) No Address



9) 111 Peterson Ave



10) 115 Peterson Ave



11) 117 Peterson Ave

12) No Address / No Construction



13) 4907 Collis Ave



14) 4915 Collis Ave





15) 4917 Collis Ave



16) 4923 Collis Ave



17) 4927 Collis Ave



18) 4933 Collis Ave



19) 4937 Collis AveT



20) 4943 Collis Ave



21) 4945 Collis Ave



22) 4949 Collis Ave



23) 4954 Collis Ave



24) 4950 Collis Ave



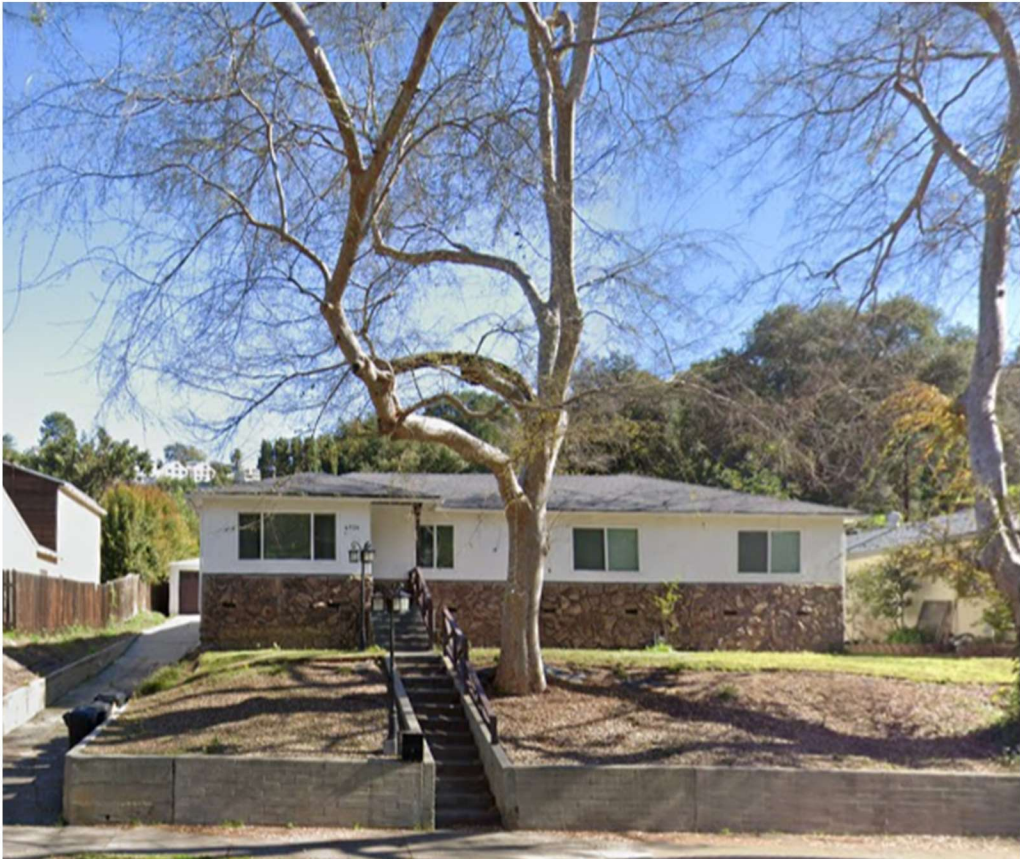
25) 4946 Collis Ave



26) 4942 Collis Ave



27) 4936 Collis Ave



28) 4942 Collis Ave



29) 4920 Collis Ave



30) 4912 Collis Ave



**31) No Address / No Construction**

**32) No Address / No Construction**

**33) No Address / No Construction**

**34) No Address / No Construction**



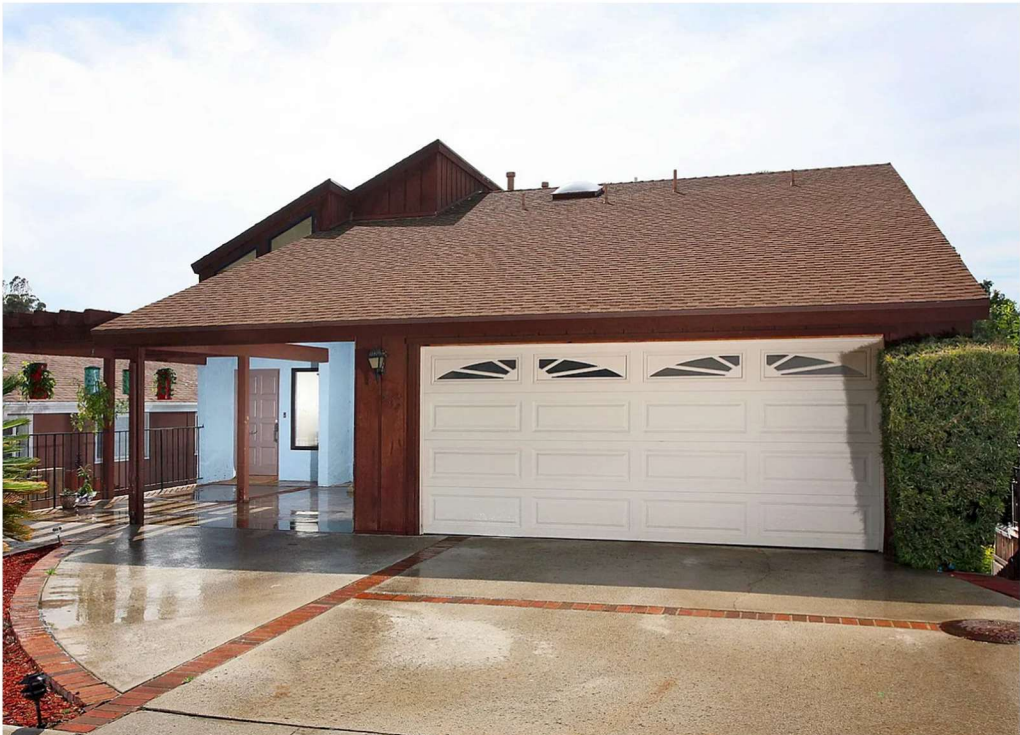
35) 4943 Harriman Ave



36) 4945 Harriman Ave



37) 4949 Harriman Ave



38) 4953 Harriman Ave



39) 4957 Harriman Ave



40) 4960 Collis Ave



41) 4935 Harriman Ave



42) 4902 Collis Ave



**43) 4906 Collis Ave**

**44) No Address / No Construction**

**45) No Address / No Construction**

**ATTACHMENT 3**

Project Narrative



COVAR DESIGNS, INC.

October 31, 2023

Sandra Robles  
Associate Planner  
City of South Pasadena  
Community Development Department

Project Narrative

Re: 4931 Harriman Ave. / APN: 5312-016-017 & 5312-016-016

To whom it may concern,

We would like to thank the council for the diligent review of this project. Your careful consideration has played a pivotal role in our design process, shaping the project in a way that not only meets the needs and aspirations of our client, but also respects the neighborhood's character and natural surroundings, while aiming to be minimally disruptive to the community.

The proposed project entails the construction of a two-story single-family dwelling featuring expansive balconies, an attached two-car garage, and a basement level designated for use as an accessory dwelling unit. The structure encompasses a total area of 2,908 square feet dedicated to the single-family dwelling, including the garage areas, and 711 square feet allocated for the accessory dwelling unit. The overall height of the structure stands at 27 feet and 9 inches. In addition to the primary structure, two retaining walls, each measuring 6 feet in height, with a maximum cumulative height of 12 feet, are proposed to ensure compliance with the 15-foot building code separation from the building to the slope's toe.

Upon our client's request, the design of the residence embodies a minimalist modern aesthetic in line with neighboring homes. It incorporates darker earth-toned stucco, wood paneling, and "S" clay tile elements to harmonize with the broader architectural context of the neighborhood and the natural environment of the site.

The home is strategically situated on the existing hillside, presenting a long, narrow rectangular volume that gently steps up and down its length to minimize its prominence, both from the street and the descending slope. It is positioned at the lowest elevation of the lot to maintain a low profile relative to neighboring residences, mitigate the impact of grading activities on the hillside, preserve the natural landscape, and minimize disruption to several mature oak trees on the site. The roof's slope mimics that of the hillside, providing ample interior space while maintaining a low profile relative to the ground below. At the midpoint of the roof, a visual break lowers the roofline, enhancing the overall volume's dynamic character and reducing its visual height when feasible.

4100 W. Alameda Ave., Suite 300, Burbank, CA 91505





## COVAR DESIGNS, INC.

From the project's inception, the design's core concept was to embrace the site's natural beauty, allowing the house to embrace the stunning surrounding views. Upon entry, one is greeted by a pathway flanked by planters along the hillside, opening into canyon-like vistas. Majestic mature oak trees provide a canopy, offering shade and a sense of tranquility. These planters serve multiple purposes, facilitating access from the street, extending indoor living spaces outdoors, acting as a buffer between the house and the hillside, and concealing retaining walls with lush landscaping.

Within the house, attention is directed toward the south, where the hillside vista takes center stage, while minimizing windows facing neighboring properties. This quality affords the residence a profound sense of privacy, akin to residing within a small forest. In light of the sloped terrain, a series of balconies are integrated throughout the house, serving as substitute "front yard" and "rear yard" spaces that would typically be found on a level lot. To ensure privacy for occupants and neighboring properties, each balcony is enclosed by planters that provide screening.

In our pursuit of maintaining low overall heights and preserving the site's trees and natural surroundings, we seek a variance for a reduced yard size. This variance would enable us to position the structure as far from the existing trees as possible, while still adhering to the average side yard depths observed in the neighborhood.

Lastly, due to the property's location at a turning point in the existing street, its property limits visually extend further back than neighboring properties from the street. To align with the neighborhood's visual front yard setback standards and minimize grading on the hillside, we are also seeking a variance to partially accommodate two additional off-street parking spaces in the required front yard, partially extending onto public property that is otherwise unoccupied.

In summary, this meticulously designed project not only showcases a remarkable architectural achievement with its minimalist modern aesthetic and careful selection of materials but also stands as a testament to its deep respect for the natural landscape and the preservation of the site's intrinsic beauty. The deliberate positioning of the residence, its minimal impact on mature oak trees, and the harmonious blend of modern elements with the neighborhood's architectural character all contribute. Furthermore, this thoughtfully crafted structure is poised to enhance property values in the area and elevate the aesthetic appeal of the already picturesque street, ensuring that it remains a hallmark of elegance and sophistication in the community.

4100 W. Alameda Ave., Suite 300, Burbank, CA 91505

## **ATTACHMENT 4**

Link to [Materials Board](#)

**ATTACHMENT 5**

Updated Arborist Report

## Arborist Report

4931 Harriman Avenue  
South Pasadena, California

Prepared for:

Mr. Ismail Sawan  
1630 Calle Vaquero, Apt. 601  
Glendale, CA 91206

Prepared by:

William R. McKinley, Consulting Arborist  
American Society of Consulting Arborists  
Certified Arborist #WE-4578A  
International Society of Arboriculture  
1734 Del Valle Avenue  
Glendale, CA 91208

March 3, 2024

Mr. Ismail Sawan  
1630 Calle Vaquero, Apt. 601  
Glendale, CA 91206

Dear Mr. Sawan:

Recently you and Paulo Cova contacted me requesting an updated Arborist Report concerning the proposed construction of a single-family home on a vacant lot located on the property at 4931 Harriman Avenue, South Pasadena. I was asked to inventory all the existing mature trees growing on the vacant lot and prepare an Arborist Report discussing the impact of the construction of the proposed house on the existing trees and to include a tree protection plan designed to protect and preserve the remaining trees. The following Arborist Report summarizes my findings:

### **Background**

An Arborist Report was prepared concerning the proposed construction of a single-family home on a vacant lot at 4931 Harriman Avenue, South Pasadena back on January 25, 2022. On Monday, January 15, 2024 at approximately 2:00 p.m. I arrived at the subject property at 4931 Harriman Avenue, South Pasadena. I was informed that the City questioned the sizes of some of the trees reported in our previous report. They also requested more detail about the distances of the proposed development to the nearby trees and the impact that this would have on tree preservation. We were also asked by the City to provide a tree inventory on all the mature trees on the site. The Tree/Site Inspection Section describes my observations concerning the subject trees.

### **Tree/Site Inspection**

**Tree #1** is a Quercus agrifolia or Coast Live Oak. The tree measures 10 inches in diameter at 4 feet above the soil grade. The tree has a dripline, which measures roughly 17 feet from the northeast side of the tree's trunk. The spread of the tree is approximately 17 feet. The height of the tree is estimated to be roughly 10 feet tall. The tree is located near the southeast corner of the subject property vacant lot. The tree's crown has been pruned and raised. The tree is crowded and the crown is suppressed. It bends and leans northeast away from another Oak. The crown is unbalanced and asymmetrical. The foliage size and color appear normal. The crown density is fair. The tree is in poor health and condition. Rating: D

### **Tree/Site Inspection-Continued**

**Tree #2** is a Quercus agrifolia or Coast Live Oak. The tree measures 40 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 30 feet from the tree's trunk. The spread of the tree is approximately 60 feet. The height of the tree is estimated to be roughly 45 feet tall. The tree is located uphill and southwest of Tree #1. It is situated on a steep uphill slope. There is a basal cavity on the north side of the tree. The crown has been pruned and raised. The crown is balanced with minor asymmetry. There is a treehouse in the tree. There are dead, stubbed branches. The tree has co-dominant stems and included bark creating weak structure. I would estimate that 20% of the tree's crown is composed of dead wood. The foliage size and color appear normal. The crown density is fair. The tree is in slightly above average health and condition. Rating: C+

**Tree #3** is a Quercus agrifolia or Coast Live Oak. The tree measures 9 and 13 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 17 feet from the tree's trunk. The spread of the tree is approximately 34 feet. The height of the tree is estimated to be roughly 35 feet tall. The tree is located west of Tree #2. It is situated on a steep uphill slope. The crown has been pruned and raised. The crown is balanced with minor asymmetry. It has co-dominant stems and included bark creating weak structure. The foliage size and color appear normal. The crown density is fair. I would estimate that approximately 30% of the tree's crown is composed of dead wood. The tree is in slightly below average health and condition. Rating: C-

**Tree #4** is a Quercus agrifolia or Coast Live Oak. The tree measures 1, 3, 5, 6, 7 and 16 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 15 feet from the tree's trunk. The spread of the tree is approximately 30 feet. The height of the tree is estimated to be roughly 30 feet tall. The tree is located west of Tree #3 on a steep uphill slope. It is a low-growing specimen. The crown is balanced with minor asymmetry. The foliage size and color appear normal. The crown density is normal. I would estimate that approximately 10% of the tree's crown is composed of dead wood. The tree is in above average health and condition. Rating: B-

**Tree #5** is a Quercus agrifolia or Coast Live Oak. The tree measures 3, 5, 8, 9, 10 and 11 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 24 feet from the tree's trunk. The spread of the tree is approximately 48 feet. The height of the tree is estimated to be roughly 45 feet tall. The tree is located downhill, northwest of Tree #4. It is situated on a steep hillside. It is a low-growing specimen. Included bark was observed on some of the branch attachments making the tree structurally weak. The tree is unbalanced and asymmetrical growing more to the north. The foliage size and color appear normal. The crown density is fair. I would estimate that approximately 10% of the tree's crown is composed of dead wood. The tree is in slightly above average health and condition. Rating: C+



**Tree/Site Inspection-Continued**

**Tree #6** is a Quercus agrifolia or Coast Live Oak. The tree measures 10 and 13 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 21 feet from the tree's trunk. The spread of the tree is approximately 42 feet. The height of the tree is estimated to be roughly 45 feet tall. The tree is located uphill, southwest of Tree #5. It is situated on a steep hillside. There is a basal cavity on the west side of the tree. Bark tissue is exfoliating on the stems. It appears to be lightning damage. The tree is a low-growing specimen. The foliage size and color appear normal. The crown density is fair. The crown is balanced with minor asymmetry. The tree is in average health and condition. Rating: C

**Tree #7** is a Quercus agrifolia or Coast Live Oak. The tree measures 9 and 13 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 18 feet from the tree's trunk. The spread of the tree is approximately 36 feet. The height of the tree is estimated to be roughly 50 feet tall. The tree is located downhill, north of Tree #6. It is situated on a steep hillside. The tree has 2 co-dominant stems and included bark tissue creating weak structure. The tree has multiple stems. It is a low-growing specimen. The crown is balanced with minor asymmetry. The foliage size and color appear normal. The crown density is fair. The tree is in above average health and condition. Rating: B-

**Tree #8** is a Quercus agrifolia or Coast Live Oak. The tree measures 8 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 25 feet from the tree's trunk. The spread of the tree is approximately 25 feet. The height of the tree is estimated to be roughly 17 feet tall. The tree is located toward the middle of the west boundary fence line. The trunk is 5 feet east of the fence. The tree's bark tissue is cracking and exfoliating. The crown has been pruned and raised. The leaves are small and yellow or chlorotic in color. The crown density is sparse. The tree is unbalanced and asymmetrical growing west. The tree is in very poor health and condition. Rating: D-

**Tree #9** is a Citrus species or Citrus. The tree measures 1, 1, 2 and 3 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 4 feet from the tree's trunk. The spread of the tree is approximately 8 feet. The height of the tree is estimated to be roughly 8 feet tall. The tree is located northeast of Tree #5, near the northern boundary of the subject property. It is a low-growing, multi-trunk tree. The foliage size and color appear normal. The crown density is normal. The tree is in slightly above average health and condition. Rating: C+

**Tree #10** is a Unknown species. The tree measures 2 and 2 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 5 feet from the tree's trunk. The spread of the tree is approximately 10 feet. The height of the tree is estimated to be roughly 12 feet tall. The tree is located west of Tree #9, near the northern boundary of the subject property. The tree is completely dead. Rating: F

### **Tree/Site Inspection-Continued**

**Tree #11** is a Diospyros kaki or Persimmon. The tree measures 1, 2, 2 and 3 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 7 feet from the tree's trunk. The spread of the tree is approximately 14 feet. The height of the tree is estimated to be roughly 10 feet tall. The tree is located west of tree #10, near the northern boundary. It is a low-growing, multi-trunk tree. The foliage size and color appear normal. The crown density is normal. The tree is in slightly above average condition. Rating: C+

**Tree #12** is a Persea americana or Avocado. The tree measures (6)1 and (3)2 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 7 feet from the tree's trunk. The spread of the tree is approximately 14 feet. The height of the tree is estimated to be roughly 12 feet tall. The tree is located south of tree #11, near the northern boundary. It is a low-growing, multi-trunk tree. It has sprouted from a tree stump. The foliage size and color appear normal. The crown density is normal. The tree is in below average health and condition. Rating: D+

**Tree #13** is a Quercus agrifolia or Coast Live Oak. The tree measures 1 and 3 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 4 feet from the tree's trunk. The spread of the tree is approximately 8 feet. The height of the tree is estimated to be roughly 12 feet tall. The tree is located near the southwest corner of the lot. It is a low-growing, multi-trunk tree. The foliage size is small. The foliage color is normal. The crown density is fair. The tree is in slightly below average condition. Rating: C-

**Tree #14** is a Fraxinus uhdei or Shamel Ash. The tree measures (4)3, 4, 5, 5 and 7 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 15 feet from the tree's trunk. The spread of the tree is approximately 30 feet. The height of the tree is estimated to be roughly 30 feet tall. The tree is located near the northwest corner of the lot. It is a low-growing, multi-trunk tree. There are numerous epicormic shoots. The foliage size is normal. The foliage color is normal. The crown density is normal. The tree is in slightly below average condition. Rating: C-

**Tree #15** is a Quercus agrifolia or Coast Live Oak. The tree measures (6).125 and .75 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 4 feet from the tree's trunk. The spread of the tree is approximately 8 feet. The height of the tree is estimated to be roughly 7 feet tall. The tree is located northeast of Tree #13. It is a low-growing, multi-trunk tree. There is damage at the base of the tree. The foliage size is small. The foliage color is normal. The crown density is fair. The tree is in slightly below average condition. Rating: C-

**Tree #16** is a Quercus agrifolia or Coast Live Oak. The tree measures .75, 1 and 1 inches in diameter at 4 feet. The tree has a dripline, which measures roughly 6 feet from the tree's trunk. The spread of the tree is approximately 12 feet. The height of the tree is estimated to be roughly 8 feet tall. The tree is located southeast of Tree #15. It is a low-growing, multi-trunk tree. The foliage size and color is normal. The crown density is normal. The tree is in slightly above average health and condition. Rating: C+



### **General Observations**

The subject property is situated in a single family home residential neighborhood in the City of South Pasadena. The subject property is a vacant hillside lot. The nearby homes in the neighborhood are generally clean, landscaped and well maintained. The proposed project involves the construction of a new single-family, 2-story home with an attached ADU and basement. There are a total of 11 Coast Live Oak trees growing on the subject property. I noted that 2 of these Oaks have a combined trunk diameter of less than 4 inches. The other 5 trees on the site all appear to be non-native, exotic tree species. Tree #12 and Tree #14 are non-native trees whose combined trunk diameters are 12 inches or more making them Significant Trees. Tree #1 Coast Live Oak is 23'3" from the retaining wall. The dripline is 17 feet, therefore Tree #1 will not be impacted by the project. Tree #2 Coast Live Oak is 28'4" from the retaining wall. The dripline measures 30 feet. Tree #2 dripline will be slightly encroached upon by the wall. The impact to the tree is minor. Tree #3 Coast Live Oak is 20 feet from the retaining wall. The dripline is 17 feet. Tree #3 will not be impacted by the project. Tree #4 Coast Live Oak is 24'8" from the retaining wall. The dripline measures 15 feet. Tree #4 will not be impacted by the project. Tree #5 Coast Live Oak is located within the side yard of the project. The yard and house areas will be graded. The trunk is next to the retaining wall. The roots will be cut. The impact to the tree will be severe. Tree #5 Coast Live Oak must be removed. Tree #6 Coast Live Oak is 8'5" and 12'4" from the retaining wall. The dripline measures 21 feet. The proposed retaining wall will encroach upon the dripline of Tree #6. The root cutting for the wall will not make the tree unstable however there will be significant root loss. Tree #7 Coast Live Oak is 17'7" from the retaining wall. The dripline measures 18 feet. Tree #7 will experience minimal root loss. Tree #8 Coast Live Oak is 9'10" from the retaining wall. The dripline is 25 feet on the west side. There is no canopy on the east side. The impact to this tree will be moderate. The work will not make the tree unstable. Tree #9 Citrus is located within the proposed building foundation. The impact to the tree will be severe. Tree #9 must be removed. Tree #10 Unknown tree is located within the proposed building foundation. The impact to the tree will be severe, however it is already dead. Tree #10 must be removed. Tree #11 Persimmon is located in the back yard of the proposed single-family home. The grading in the back yard will destroy the tree's roots. The impact to the tree will be severe. Tree #11 Persimmon must be removed. Tree #12 Avocado is in the back yard and next to the retaining wall on the west side. The grading in the back yard and trenching for the wall footing will destroy the tree's roots. The impact to the tree will be severe. Tree #12 Avocado must be removed. Tree #13 Coast Live Oak is 8'4" from the retaining wall. The dripline is 4 feet. Tree #13 Coast Live Oak will not be impacted by this project. Tree #14 Shamel Ash is 6'10" from the retaining wall. The dripline measures 15 feet. The level of encroachment is significant. The root cutting should not cause the tree to become unstable. The tree will however be significantly impacted by this project. Tree #15 Coast Live Oak is 1'10" from the retaining wall. The dripline measures 4 feet from the trunk. The impact to the tree will be severe. Tree #15 must be removed. Tree #16 Coast Live Oak is 18 feet from the retaining wall. The dripline measures 6 feet. Tree #16 Coast Live Oak will not be impacted.

### **Tree Protection Plan**

Based upon my review of the proposed plans and inspection of the subject property I would recommend that the following tree protection measures be followed:

- 1) Tree protection fencing should be installed at the dripline of the protected Oak and Significant trees. This tree protection fencing must be 6 foot high chain-link fencing. Orange plastic safety fencing is recommended to be zip-tied to the chain-link fence for added visibility. Maintain tree protection fencing in a vertical upright position throughout the construction period.
- 2) Tree #5, Tree #9, Tree #10, Tree #11, Tree #12 and Tree #15 must be removed in order for the project to take place. A tree removal permit application must be filled-out and submitted with a copy of this Arborist Report.
- 3) Prohibit dumping of excess soil, concrete, mortar, stucco, paint and other foreign materials within the dripline of the trees.
- 4) Parking or storage of vehicles, equipment and building materials within the dripline of the trees is prohibited.
- 5) Pruning of tree roots and branches must be performed by a licensed tree contractor under the supervision of an I.S.A. Certified Arborist. Pruning of roots and branches must comply with ANSI A-300 Pruning Standards and Best Management Practices. Tree #2, Tree #6, Tree #8 and Tree #14 will be encroached upon by the proposed construction. Root pruning and or branch pruning will be necessary.
- 6) Roots which are torn or damaged must be pruned with clean, sharp pruning tools back to the edge of the excavation area. The exposed edge of the excavation area where the roots were pruned should be covered with burlap and wetted in the morning and afternoon of each day until the area can be backfilled.
- 7) Should the City of South Pasadena approve your Tree Removal Permit they will require the planting of replacement trees on the subject property. The size, number and species of the replacement trees will be specified on the permit. Tree #5 Coast Live Oak has a combined trunk diameter of 46 inches therefore 16-24 inch-box size Coast Live Oak trees must be planted. Tree #9 Citrus has a combined trunk diameter of 7 inches. It is not large enough to qualify as a Significant Tree therefore no tree replacement is required. Tree #10 is a dead, unknown tree species. No tree replacement is required. Tree #11 Persimmon has a combined trunk diameter of 8 inches. It is not large enough to qualify as a Significant Tree therefore no tree replacement is required. Tree #12 Avocado has a combined trunk diameter of 12 inches. It is large enough to qualify as a Significant Tree therefore 2-24 inch-box size replacement trees must be planted. Tree #15 Coast Live Oak has a combined trunk diameter of 1.5 inches. It is not large enough to qualify as a protected Oak.

### **Tree Protection Plan-Continued**

- 8) Trees to be preserved should be monitored during construction by an I.S.A. Certified Arborist to ensure that the tree protection plan is being followed.

### **Summary/Conclusion**

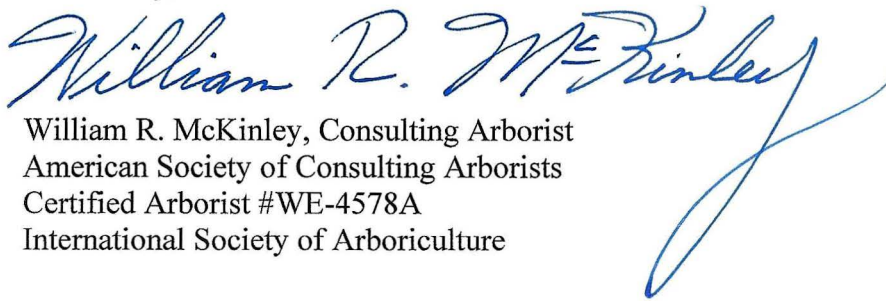
In conclusion, it is my professional opinion that existing site and the planning/zoning requirements place certain restrictions and limitations as to where a single-family home can be built on this property. There is a fairly steep rising hillside slope which covers the southern half of the property. Then there is a somewhat level area at the bottom of the slope. This is followed by a moderate downhill slope area near the northern boundary. Building set-backs and other Planning/Zoning requirements further restrict the size of the project. The building design calls for a basement ADU. There will be significant excavation and grading in the northern half of the lot in order to accommodate the new house, ADU and yard areas. Retaining walls will be necessary. Tree #5, Tree #9, Tree #10, Tree #11, Tree #12 and Tree #15 must be removed in order for the project to take place. Tree #5 Oak and Tree #12 Avocado will require a tree removal permit before they can be removed. Tree #5 will require 16-24 inch-box size Coast Live Oak trees to be planted as replacement trees. Tree #12 will require 2-24 inch-box size replacement trees to be planted on the subject property. The majority of the trees being removed are less than the legal limit and are therefore not protected. The City has expressed concern over the root pruning involved for Tree #6 and Tree #7. In the case of Tree #6 the root pruning will take place 8'5" and 12'4" from the retaining wall. The root loss will be significant but will not result in making the tree unstable. In the case of Tree #7 it is 17'7" from the retaining wall. The dripline measures 18 feet. There is minor encroachment upon the dripline. The root loss will be minimal. The root pruning in these cases should not cause either of these trees to die. If the above stated Tree Protection Plan is followed during construction then the remaining trees can be preserved and will add beauty and value to the subject property as well as the surrounding neighborhood for many years to come.

### **Limitations**

Information contained in this report covers only those areas that were examined and reflects the condition of those areas at the time of inspection. The inspection was limited to visual examination of the accessible areas. Arboriculture is not an exact science and there is much that is still to be learned about trees. Observations and recommendations provided in this report reflect the latest research, knowledge and training available through university and professional research. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees or property in question may not arise in the future.

Thank you for the opportunity to serve you and your environmental and horticultural needs. If you have any further questions, please feel free to contact me during the day on my business cell phone at (818) 426-2432 or you may call and leave a message on my office phone at (818) 240-1358.

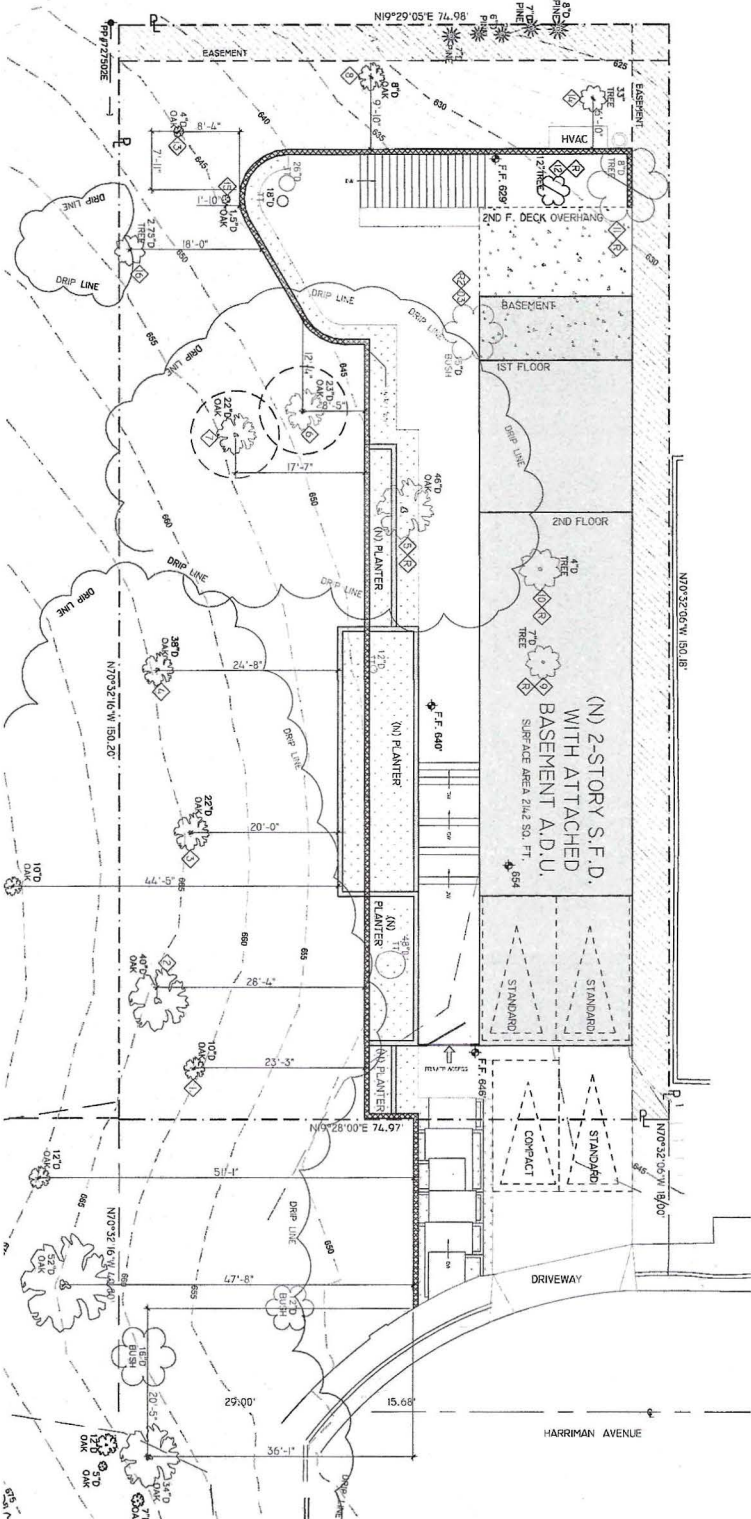
Yours truly,



William R. McKinley, Consulting Arborist  
American Society of Consulting Arborists  
Certified Arborist #WE-4578A  
International Society of Arboriculture

- KEYNOTES:**
- (G) TREE TO BE REMOVED
  - (G) PLANT TO BE REMOVED
  - TREE NUMBER, SEE ARBORIST REPORT FOR DETAILS
  - NEW BUILDING
  - LANDSCAPE PER LANDSCAPE PLANS
  - EASEMENT AREA

- SYMBOL LEGEND**
- REMOVE ON SAME SHEET
  - GENERAL NOTE ON C002



**PROPOSED SITE PLAN - TREE SCHEDULE**  
SCALE 1/8" = 1'-0"

REV.	DESCRIPTION	DATE

PRINT DATE  
**2/9/2024**

PROJECT FOR:  
ISMAIL SAWAN

PROJECT DESCRIPTION:  
NEW TWO STORY FAMILY DWELLING  
WITH ATTACHED BASEMENT A.D.U.

PROJECT ADDRESS:  
4931 HARRIMAN AVE. SOUTH PASADENA, CA 91030

PROJECT # 0021005



**COVER  
DESIGNS**

MAILING ADDRESS:  
4105 W. ALHAMEDA AVE, SUITE 300, BURBANK, CA 91505  
PHONE: 213-296-7608  
EMAIL: INFO@COVERDESIGNS.COM

SHEET:  
**A101.3**

# Curriculum Vitae

## WILLIAM R. MCKINLEY - MCKINLEY & ASSOCIATES

1734 Del Valle Ave.

Email: [william@mckinleyarborists.com](mailto:william@mckinleyarborists.com)

Work (818) 426-2432

Glendale, CA 91208

Website: <http://www.mckinleyarborists.com/>

Home (818) 240-1358

### SUMMARY of QUALIFICATIONS

Practicing Consulting Arborist. Member of American Society of Consulting Arborists (ASCA). Certified Arborist, International Society of Arboriculture since September 30, 1999. I.S.A. Arborist #WE-4578A. Recognized Oak Tree Expert throughout Southern California. Prepare arborist reports for developers, homeowners and attorneys. Assess the landscape value of trees. Assess and identify hazardous trees in the landscape. Provided hillside and Oak Woodland landscape and irrigation recommendations. Provide expert witness testimony on arboriculture related cases. Public speaker and presenter at community service group meetings, homeowner's association meetings and speaker at professional seminars and conferences. Presenter at Trees, People and Our Urban Environment Seminar, March 2002. Arbor Day Guest Speaker, City of Glendale, March 2005. Tree City USA Award Presenter - Glendale Arbor Day 2010, Tree City USA Award Presenter - Glendale Arbor Day 2012, Arbor Day Guest Speaker, Glendale, March 2014.

### FULL TIME EMPLOYMENT HISTORY

#### City of Glendale, Parks, Recreation & Community Services

##### **Park Services Manager-Contract Administration**

**2001-present**

Performs contract administration for Park Services Section. Manage grounds maintenance for sports fields, community buildings, parks, medians, and historic areas. Administers the City's landscape maintenance contract. Writes contract specifications. Administers the bidding process. Awards contracts to successful bidders. Conducts construction meetings and oversees the construction and inspection for these projects. Performs and assumes all former duties and responsibilities under the former Administrative Analyst position. Writes arborist reports. Hazardous tree assessment. Serves as expert witness in tree related cases.

##### **Administrative Analyst**

**1988-2001**

Administer landscape maintenance contract for medians, reservoirs, pump houses and misc. areas. Administer and supervise the Division's Work Management System involving the scheduling and tracking of work and performance of over 50 full-time employees. Supervise one part-time data entry employee and supervise and coordinate with the California Conservation Corps, Boy Scouts and other community service volunteers in the parks. Supervise, monitor and report water and utility usage in the parks. Administer and supervise all tree planting projects and programs including the Arbor Day and Urban Forest Donation programs. Assist with budget preparation and acquisition of capital equipment. Prepare Capital Improvement Project specifications and assist with administering contracts. Administer the City of Glendale's Indigenous Oak Tree Ordinance. Coordinate with Planning, Permit Services, Engineering, Building, Neighborhood Services and Fire Department to insure the care and protection of trees, both during and after construction. Review grading, construction, landscape and irrigation plans. Modify and approve plans as necessary to protect indigenous trees. Perform field inspections on hazardous trees and make recommendations to park staff and the public. Serve as code enforcement officer and paralegal during Administrative Office Hearings regarding Indigenous Oak Tree Ordinance. Perform tree and landscape appraisals. Served as special show and marketing consultant to the Glendale Rose Pruning and Garden Show Committee.

##### **Assistant Planner-Parks**

**1983-1988**

Assisted in park inventory development and implementation of the Work Management System. Served as guest speaker at the National Parks and Recreation Conference on the subject of computers and their role in park maintenance. Supervised the Capital Improvement Project Construction at Pacific Park and Brand Park. Coordinated with and supervised California Conservation Corps. Crews in planting, staking and tying hundreds of trees as part of the Arbor Day Program. Served as Arbor Day Co-Chairman, Glendale Rose Pruning & Garden Show Co-Chairman and President of Glendale Beautiful, Served as Ways and Means Chairman C.P.R.S. District XIV.

## EDUCATION

- 1983 California Polytechnic University, Pomona  
Bachelor of Science Degree, Park Administration  
Graduated Magna Cum Laude, Grade Point Average: 3.57
- 1983-Present CEU's-University of California, Landscape Contract Maintenance, Hazardous Tree Identification & Assessment, Specimen Tree Appraisal, Advanced Tree Appraisal Theory and Practice, Tree and Landscape Liability - Trees and the Law, Oak Tree Symposium Graduate, Knowledge of oak tree physiology and native plant habitat, ASCA 2007 Consulting Academy, National Arbor Day Foundation Graduate, Symposiums: Construction Around Trees: Trees and the Law, Recognized Tree Expert: City of Los Angeles, County of Los Angeles, City of Pasadena, City of La Canada Flintridge, City of Burbank, City of Calabasas, County of Ventura, City of Santa Clarita.

## HONORS & ACTIVITIES

- 1999 - Present - Certified Arborist-International Society of Arboriculture  
1996-1999 - Secretary/Treasurer, C.P.R.S. Park Operations Section  
1994-1995 - President, C.P.R.S. District XIV  
1994-1995 - Treasurer, Glendale Beautification Advisory Council  
1992-1994 - Treasurer, C.P.R.S. District XIV  
1993, 1994, 1995 C.P.R.S. Park Operations Scholarship  
First, Second and Third Year, Graduate, Pacific Southwest Maintenance Mgmt. School  
1988-1990 - President, Glendale Beautiful  
1980, 1981 - Twice placed on Dean's Honor List  
1982 - Who's Who in American Colleges and Universities  
1978 - Recipient of Wayne Striker Memorial Scholarship  
1975 - Awarded Eagle Scout Rank, Boy Scouts of America  
Member - American Society of Consulting Arborists (ASCA)  
Member - International Society of Arboriculture  
Member - Western Chapter, International Society of Arboriculture  
Member - Glendale Beautiful  
Past Member - National Arbor Day Foundation  
Past Member - California Oak Foundation

## REFERENCES

- Randall S. Stamen, Attorney/Arborist (951) 787-9788  
Susan & Gary Sims, Sims Tree Specialists (951) 685-6662  
Peter & Diana Harnisch, Harnisch Tree Care (626) 444-7997

## PROFESSIONAL SERVICE FEE

Site Inspection	-	\$100.00 per hour
Consultation	-	\$125.00 per hour
Arborist Report	-	\$150.00 per hour
Public Hearing	-	\$200.00 per hour
Arbitration	-	\$225.00 per hour
Deposition	-	\$250.00 per hour
Court Witness	-	\$350.00 per hour



01/16/2024 10:24

#1





01/16/2024 10:24

#1

#2



01/16/2024 10:25

#3



01/16/2024 10:25

#4



01/16/2024 10:26

#5

#6

#7



01/16/2024 10:27



01/16/2024 10:28

#9



01/16/2024 10:29



01/16/2024 10:29





01/16/2024 10:29

#12



01/16/2024 10:31



01/16/2024 10:31

#14



01/31/2024 15:16

#15



01/31/2024 15:16

#16

# **ATTACHMENT 6**

Parcel Merger Exhibit

**EXHIBIT "B"**  
**PARCEL MERGER**  
**LEGAL DESCRIPTION**

*THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SOUTH PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:*

*LOT 18 TOGETHER WITH THE SOUTHERLY 25 FEET OF LOT 19 BLOCK 105, PASADENA VILLA TRACT, IN THE CITY OF SOUTH PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 5 TO 8 OF MAPS FILED IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY.*

*APN: 5312-016-017, 5312-016-016*



**EZR**  
**SURVEYING**

**EZR SURVEYING LLC**  
LAND SURVEYING SERVICES  
HUNTINGTON BEACH, CA  
760-710-9800


PAGE 1 OF 2  
PREPARED UNDER THE SUPERVISION OF:  
  
ETHAN Z. REMINGTON, L.S. 9220  
DATE: FEBRUARY 27, 2020

EXHIBIT "B"  
PARCEL MERGER  
PLAT

PASADENA VILLA TRACT  
BLOCK 105  
LOT 20

SW'LY LINE OF INST. NO. 20100062011, O.R. &  
NE'LY LINE OF INST. NO. 20121994802, O.R.

LOT 6

LOT 19

N19° 28' 00"E  
75.00'

LOT 7

LOT LINE TO BE REMOVED

GROSS AREA : 11250 SQ. FT.  
0.258 ACRES  
LOT 18

LOT 8

150.00'  
N70° 32' 00"W

LOT 17

75.00'  
S19° 28' 00"W

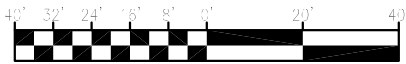
40'

HARRIMAN AVENUE

LOT 9

LOT 16

LOT 10



1" = 40'

**OWNER:**

ISIS PROPERTIES, LLC  
3237 EAST GUASTI ROAD #220  
ONTARIO, CA 91761

**MAP REFERENCES:**

ALL DATA SHOWN HERE ON IS RECORD PER THE  
PASADENA VILLA TRACT - BOOK 3, PAGES 5-8 OF MAPS



**EZR**  
SURVEYING

**EZR SURVEYING LLC**  
LAND SURVEYING SERVICES  
HUNTINGTON BEACH, CA  
760-710-9800

PAGE 2 OF 2  
PREPARED UNDER THE SUPERVISION OF:

ETHAN Z. REMINGTON, L.S. 9220  
DATE: FEBRUARY 27, 2020



## **ATTACHMENT 7**

Link to [Geotechnical Report](#)

Link to [Constraints Analysis](#)

## **ATTACHMENT 8**

Link to [Architectural Plans/Renderings](#)



# Planning Commission Agenda Report

ITEM NO. 5

**DATE:** August 13, 2024

**FROM:** Angelica Frausto-Lupo, Community Development Director  
Matt Chang, Planning Manager

**PREPARED BY:** Robert (Dean) Flores, Senior Planner

**SUBJECT:** **Project No. CUP24-0003 – A request for a Conditional Use Permit (CUP) for a Type 41 (beer and wine) alcohol license at a bona fide eating place located at 917 Fremont Avenue (APN: 5315-008-040); making the determination of exemption under the California Environmental Quality Act (CEQA), Section 15301, Class 1 (Existing Facilities).**

---

## Recommendation

It is recommended that the Planning Commission adopt a Resolution:

1. Finding the project exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities).
2. Approving Project No. CUP24-0003 (Conditional Use Permit) for on-site sale and consumption of beer and wine (Type 41 License) for a restaurant located at 917 Fremont Avenue, subject to the conditions of approval.

## Background

### Project Timeline

On May 30, 2024, the applicant submitted an application for a Conditional Use Permit for the sale of beer and wine (Type 41 License) for on-site consumption within the restaurant located at 917 Fremont Avenue, which is within the Downtown Specific Plan (DTSP). On July 23, 2024, the CUP application was deemed complete after the applicant resubmitted their project plans and supplemental information such as a revised project narrative and updated menu.

The applicant also previously submitted a separate tenant improvement project to the Building Division for plan check in November 2023 as a restaurant use is permitted by-right in the Downtown Specific Plan (DTSP). On July 25, 2024, the applicant obtained their building permit for the tenant improvement project.

**Project Description**

The applicant, Chef Yu, is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine for on-site consumption (Type 41 License) for a private restaurant in an existing commercial building. The applicant is requesting the alcohol be stored in a shelf adjacent to the kitchen. The restaurant tenant occupies approximately 1,548 square foot tenant space with the majority of the restaurant and kitchen being located toward the rear of the building. The hours of operation are from 11:00 a.m. to 3:00 p.m., 5:00 p.m. – 11:00 p.m. daily. No alterations have been proposed to the exterior of the building.

**Discussion**

Site Characteristics

**Table 1 – Surrounding Land Use Characteristics**

<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Mixed-Use Core	Mixed-Use Core within the DTSP	Personal Services
<b>South</b>	Mixed-Use Core	Mixed-Use Core within the DTSP	Multi-family Residential
<b>East</b>	Mixed-Use Core	Mixed-Use Core within the DTSP	Religious Facility
<b>West</b>	Mixed-Use Core	Mixed-Use Core within the DTSP	Office

The project site is located on the west side of Fremont Avenue, north of El Centro Street. As shown in **Table 1**, the subject site is surrounded by a mix of uses including personal services, office, religious facility, and residential uses. The applicant proposes the sales of beer and wine for on-site consumption as an ancillary use to the main restaurant operation. An aerial image showing the location of the project site outline in green is provided in **Figure 1**. The applicant proposes the sales of beer and wine for on-site consumption to be limited to the dining area, which is entirely indoors. In **Figure 2**, it shows the floor plan with the interior dining area outlined in green to indicate where alcohol will be served and consumed.

Figure 1: Aerial View of Project Site

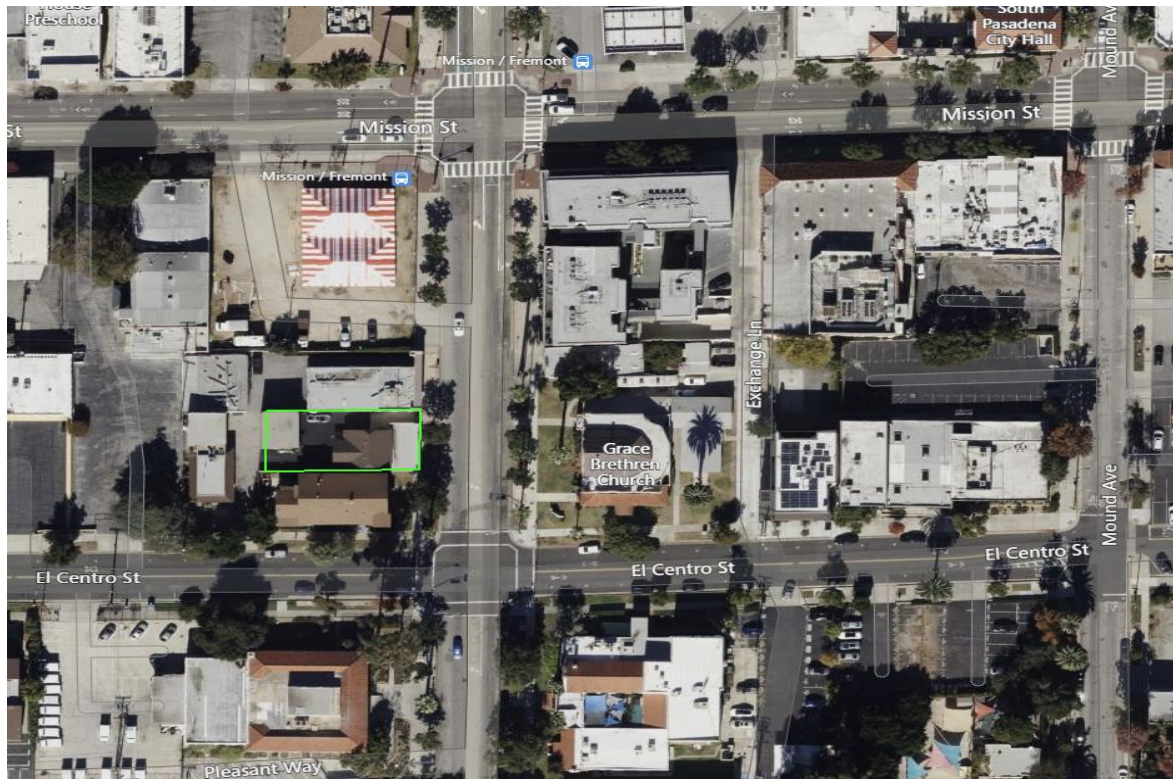
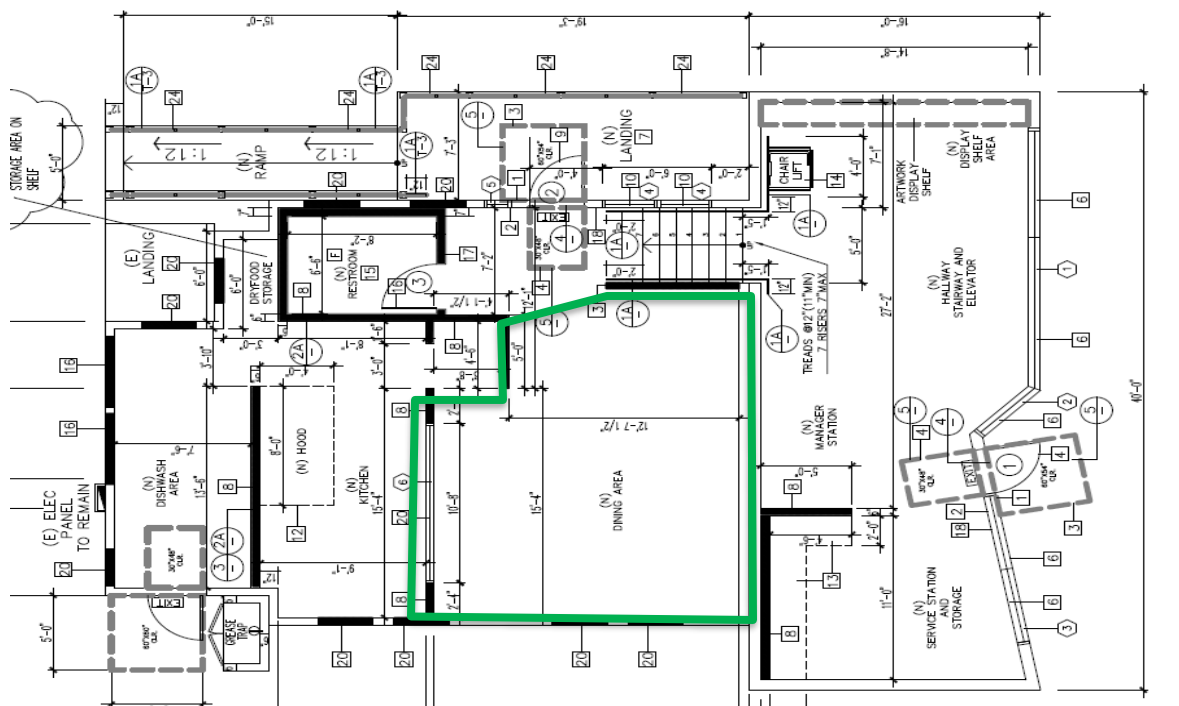


Figure 2: Floor Plan



## **Project Analysis**

### General Plan Consistency

The current General Plan land use designation of the site is Mixed-Use Core. Per the General Plan (2040), which was adopted in 2023, the Mixed-Use Core is intended to "...encourage a wide range of building types based on neighborhood characteristics that house a mix of functions, including commercial, entertainment, office, and housing." That said, the proposed project is consistent with the following policies and actions of the General Plan:

*Policy P2.7: Strengthen and grow the City's retail offerings.*

*Action A2.7a: Create a retail and restaurant destination by attracting specialty stores and unique food and beverage places...*

*Action A2.7b: Seek... independent businesses that can both meet the City's retail needs and adhere to quality design standards to seamlessly fit into a walkable urban environment.*

The proposed project supports the goals, policies, and actions of the General Plan by allowing a restaurant with ancillary beer and wine consumption. The alcohol sales will not substantially affect the nature of the business, but will however, provide a new amenity for the surrounding community that furthers the above-referenced General Plan policy and actions. Therefore, the request is consistent with the General Plan.

### Zoning Code/DTSP Compliance

The sale of alcohol is also permitted in the Mixed-Use Core of the DTSP with approval of a Conditional Use Permit. Conditional Use Permits are intended to allow for activities whose effect on a site and its surroundings can only be determined after the review of the configuration, design, location, and potential impacts of the proposed use and the suitability of the use to the site. That said, the proposed use is consistent with the following DTSP policies:

*DTSP Policy P2.2: Attract a greater variety of desirable retail and office tenants by building upon existing strengths and market opportunities.*

*DTSP Policy P2.3: Continue to nurture small, independently-owned businesses.*

Allowing alcohol sales as an ancillary use to the primary restaurant use would further the DTSP goals and policies to attract and nurture businesses in South Pasadena. With adherence to the conditions of approval, the proposed use will provide an attractive destination for local residents.

### Conditional Use Permit

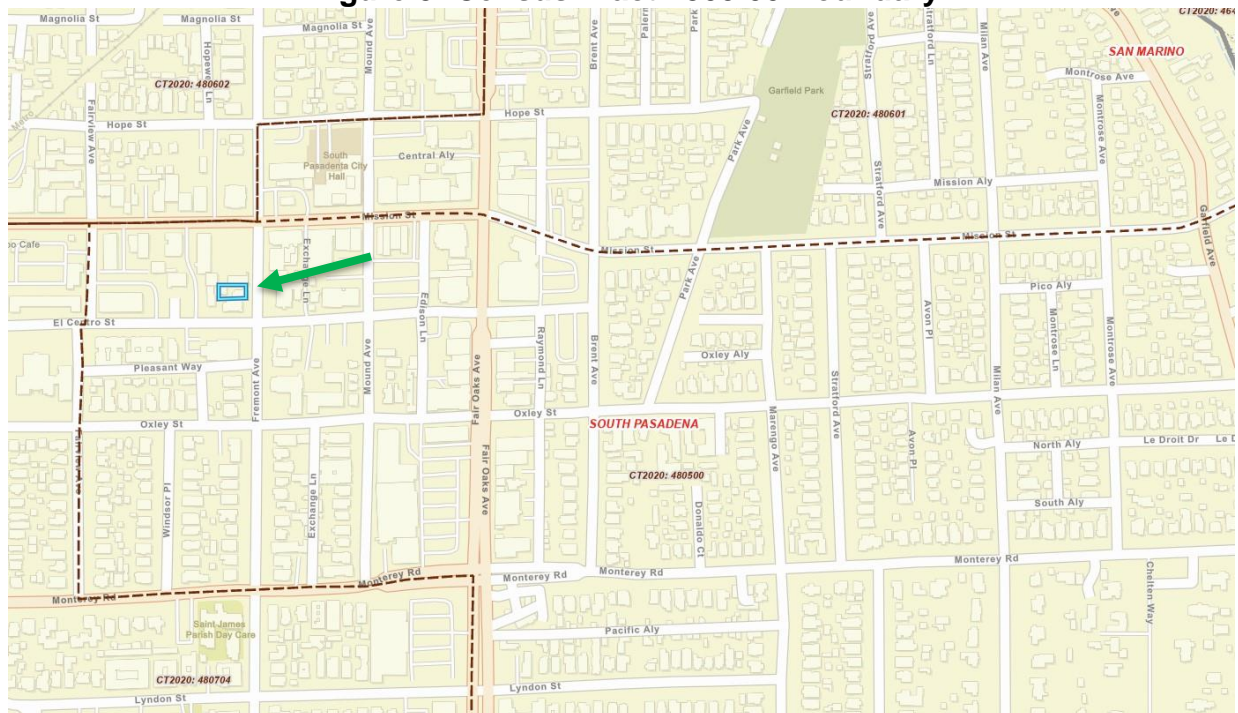
Pursuant to SPMC Section 36.410.060(D), the Planning Commission may grant a Conditional Use Permit (CUP) for any use listed in Article 2 of Chapter 36 (Zoning) and DTSP Land Use Table as requiring a CUP. Alcoholic beverages for “on-site sale and consumption of beer and wine” (Type 41 license) are subject to a CUP pursuant to SPMC Section 36.350.040 and, therefore, would require an approval from the Planning Commission. Pursuant to Section 36.350.040 of SPMC, the considerations required to be reviewed for alcohol sales are the following:

1. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages.
2. The distance of the proposed use from the following:
  - a. Residential uses;
  - b. Religious facilities, schools, libraries, public parks and playgrounds, and other similar uses; and
  - c. Other establishments dispensing alcoholic beverages.
3. Whether the noise levels generated by the operation of the establishment would exceed the level of background noise normally found in the area or would otherwise be intrusive.
4. Whether the signs and other advertising on the exterior of the premises would be compatible with the character of the area.

### 1. Undue Concentration

The California Department of Alcoholic Beverage Control (ABC) puts a limit on the number of on-site and off-site licenses it uses, based on the population of people within a given census tract. The subject property is located within census tract 4805.00, as illustrated in **Figure 3**. The location of the restaurant within Census Tract 4805.00 is shown in Figure 3 near the green arrow.

**Figure 3: Census Tract 4805.00 Boundary**



According to the ABC Licensing Reports, Census Tract 4805.00 currently holds five (5) active on-site licenses. **Table 2** lists businesses with an active on-sale alcohol license, derived from the ABC Licensing Report for the Census Tract 4805.00. As shown, there are only 4 current businesses that have ABC licenses.

**Table 2: Active Alcohol Licenses in Census Tract 4805.00**

Type	Business Name	Address
41 – On-Sale Beer & Wine - Eating Place	Rice & Nori	901 Fair Oaks Avenue
41 – On-Sale Beer & Wine - Eating Place	Silverlake Ramen	1105 Fair Oaks Avenue
47 – On-Sale General Eating Place	Shiro Restaurant	1505-1507 Mission Street
47 – On-Sale General Eating Place	Huntington Catering Company	1929 Huntington Drive
58 – Caterer’s Permit	Huntington Catering Company	1929 Huntington Drive
<b>TOTAL:</b>	Five (5) On-Sale License Types	

That said, ABC authorizes a certain number of licenses to each census tract for both on-sale and off-sale licenses. In the case of Census Tract 4805.00, **Table 3** shows the number of on-sale and off-sale licenses authorized by ABC.

**Table 3: Authorized Licenses by ABC in Census Tract 4805.00**

Census Tract Population	On-sale Licenses Authorized	Off-sale Licenses Authorized
5,543	5	3

As shown in **Tables 2 & 3**, Census Tract 4805.00 already features the maximum on-sale licenses that is currently authorized by ABC. However, Type 41 and Type 47 licenses are treated differently by ABC than other types of licenses such as Type 20 – Off-sale Beer & wine, Type 21 – Off-sale General, Type 42 – On-sale Beer & Wine (Public Premises), Type 48 – On-sale General (Public Premises), and Type 90 – On-sale General (Music Venue). In the case of Types 20, 21, 42, 48, and 90, ABC requires that the local agency determine a public convenience or necessity (PCN) is established if the applicant’s premises is 1) located in a “high crime” area based on local crime statistics and/or if the number of similar license types exceeds the limit set forth by state law (overconcentration)<sup>1</sup>. Conversely, for license Types 41 and 47, which are both for bona fide eating (restaurant) establishments, ABC is the responsible agency that determines if a PCN needs to be established. As a result, although this application would possibly contribute the overconcentration of on-sale licenses in this census tract, it is not a requirement for the City to determine whether a PCN needs to be established for Type 41 licenses since the serving of alcohol for a restaurant is considered an ancillary use to the primary use of the restaurant itself.

<sup>1</sup> Taken from Section 7 from ABC’s website here: <https://www.abc.ca.gov/abc-520/>



2. Distance of Other Uses

As mentioned previously, one of the considerations for reviewing a CUP application for alcohol sales is the distance between the subject premises and certain uses such as residential, religious facilities, schools, libraries, public parks and playgrounds, and other similar uses as well as other establishments dispensing alcoholic beverages. **Table 4** below shows the distance between the subject premises and the aforementioned uses.

**Table 4: Distance Between Premises and Closest Other Uses**

Use/Business	Address	Approximate Distance
Multi-family Residential	921-923 Fremont Avenue	3 feet
Religious Facility – Grace Brethren Community Church	920 Fremont Avenue	125 feet
Calvary Preschool	1013 Mound Avenue	300 feet
South Pasadena Library	1100 Oxley Street	600 feet
Garfield Park	806 Park Avenue	1,800 feet
Tomato Pie Pizza Joint (Alcohol establishment)	1130 Mission Street	300 feet

As shown in Table 4, the closest uses to the subject restaurant are the multi-family residential and religious uses at approximately 3 feet and 125 feet, respectively. Section 36.350.040 does not identify a minimum distance requirement between these uses, just that they are considered when reviewing new alcoholic beverage sales applications. Additionally, it is important to note that the operation of the restaurant, and the subsequent serving of alcohol, will take place entirely indoors with no spill over in any outdoor areas and is small-scale by reservation only. Thus, the approval of this CUP for on-site sales and consumption of beer and wine are typical in this type of business and would be consistent with the surrounding uses. Finally, the South Pasadena Police Department and Fire Department also reviewed the proposed CUP for alcohol sales and had no objections to the proposal.

3. Noise

As stated previously, the proposed CUP application will take place within the subject restaurant that operates entirely indoors. The proposal for alcohol sales will also take place entirely indoors and is considered an ancillary use. A condition of approval has been included to ensure that the applicant continues to adhere to the City’s Noise Ordinance pursuant to Chapter 19A of the SPMC.

4. Signage

The last consideration for compliance with the City’s alcoholic beverage standards concerns the compatibility of signage and other advertising with the surrounding neighborhood. The applicant

will submit their signage plans separate from this application and there will be no advertisement of the sale of alcohol. As such, the proposal will continue to be compatible with the surrounding.

### **Environmental Analysis**

This project is exempt from California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities. A Class 1 Categorical Exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, involving negligible or no expansion of existing use. The project does not involve any expansion or alteration to the size of the commercial building. As such, no significant environmental effects would result from this project and the use of a categorical exemption is appropriate.

### **Conditional Use Permit Findings**

In order to approve a CUP, the Planning Commission must make certain findings listed in SPMC section 36.410.060. The required findings are listed below.

- 1. The proposed use is allowed with Conditional Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;**

The project site is zoned Mixed-Use Core in the Downtown Specific Plan (DTSP) which is intended for the development of a wide range of commercial, mixed-use, and multifamily residential uses. The sale of alcohol at a restaurant is permitted in the Mixed-Use Core with approval of a Conditional Use Permit. The proposed Conditional Use Permit for sale of beer and wine for on-site consumption (Type 41 License) as an ancillary use to the main restaurant operation and the project meets all the standards in the zoning district. Furthermore, as discussed in the staff report, the proposal meets all applicable zoning standards for alcoholic beverage sales.

Concerning undue concentration, the census tract 4805.00 already features the maximum allowable on-sale licenses. However, as a Type 41 license, the proposal does not warrant a public convenience or necessity (PCN) by the City. Additionally, conditions of approval have been included to ensure that the proposal will also adhere to the City's noise and signage standards.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan.**

The current General Plan land use designation of the site is Mixed-Use Core. Per the General Plan (2040), which was adopted in 2023, the Mixed-Use Core is intended to "...encourage a wide range of building types based on neighborhood characteristics that house a mix of functions, including commercial, entertainment, office, and housing." The proposed use is also located within the Downtown Specific

Plan in the Mixed-Use Core zoning designation. That said, the proposed project is consistent with the following policies and actions of the General Plan and DTSP:

*General Plan Policy P2.7: Strengthen and grow the City's retail offerings.*

*General Plan Action A2.7a: Create a retail and restaurant destination by attracting specialty stores and unique food and beverage places...*

*General Plan Action A2.7b: Seek... independent businesses that can both meet the City's retail needs and adhere to quality design standards to seamlessly fit into a walkable urban environment.*

*DTSP Policy P2.2: Attract a greater variety of desirable retail and office tenants by building upon existing strengths and market opportunities.*

*DTSP Policy P2.3: Continue to nurture small, independently-owned businesses.*

The proposed project supports the goals, policies, and actions of the General Plan by allowing a restaurant with ancillary beer and wine consumption. The alcohol sales will not substantially affect the nature of the business, but will however, provide a new amenity for the surrounding community. Therefore, the request is consistent with the General Plan and DTSP.

- 3. 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 sale of beer and wine for on-site consumption is an ancillary use to the restaurant operation and is reasonable given the restaurant's location in a mixed-use zoned area. As conditioned, the sale of beer and wine will be limited to hours of operation and all alcohol orders will be in conjunction with food orders. The restaurant's hours of operation are from 11:00 A.M. to 3:00 P.M., and 5:00 P.M. to 11:00 P.M., seven days a week. Nevertheless, conditions are also imposed to ensure the proposed use is not detrimental to the health, safety, or general welfare of the general public. Those include prohibiting consumption of alcohol off-site, secure storage of alcohol to prevent theft of alcohol, and ensuring no advertising of alcohol are on display on the building windows/outside the building.

- 4. 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.**

Approval of the Conditional Use Permit, as conditioned, would not be detrimental or

injurious to the property and improvements in the neighborhood or to the general welfare of the City. Conditions of approval are included requiring no loitering on the property, and required training for employees who will serve alcohol to ensure that the sales of alcohol would not be detrimental to the community. Therefore, the proposed use would not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

5. **The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use.**

The proposed request for on-site beer and wine sales (Type 41 license) at the restaurant does not involve any expansion to the size of the existing commercial building or any roadway modifications. Therefore, the project site is adequate in size and has sufficient access to existing streets in order to continue accommodating the existing restaurant use.

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 aesthetics, character, scale, impacts on neighboring properties.**

The proposed Conditional Use Permit is compatible with existing commercial land uses within the vicinity, including similar restaurant uses in the area. No alterations are proposed to the exterior of the building as a part of this Conditional Use Permit. Therefore, the design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land use in the vicinity in terms of aesthetics, character, scale, and views protection.

### **Staff Recommendation**

Based on the above analysis, staff recommends that the Planning Commission adopt a Resolution:

1. Finding the project exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities).
2. Approving Project No. CUP24-0003 (Conditional Use Permit) for on-site sale and consumption of beer and wine (Type 41 License) for a restaurant located at 917 Fremont Avenue, subject to the conditions of approval.

### **Alternatives to Consider**

If the Planning Commission does not agree with staff's recommendation, the following options are available:

1. The Planning Commission can Approve the project as is or with modified condition(s)

added or removed and provide findings; or

2. The Planning Commission can Continue the project, providing the applicant with clear recommendations to revise the proposal; or
3. The Planning Commission can Deny the project if it finds that the project does not meet the City's CUP requirements.

### **Public Notification of Agenda Item**

A Public Hearing Notice was published on August 2, 2024, in the *South Pasadena Review*. Hearing notices were sent to all properties within a 300-foot radius on July 31, 2024. In addition, the public was made aware that this item was to be considered at a public hearing by virtue of its inclusion on the legally publicly noticed agenda, and the posting of the same agenda and reports on the City's website.

### **Attachments**

1. P.C. Resolution with Exhibit "A" - Conditions of Approval
2. Project Narrative
3. Architectural Plans

**ATTACHMENT 1**

P.C. RESOLUTION NO. 24-\_\_

Exhibit A – Conditions of Approval

**P.C. RESOLUTION NO. 24-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING PROJECT NO. CUP24-0003 CONSISTING OF A CONDITIONAL USE PERMIT FOR A TYPE 41 (BEER AND WINE) ALCOHOL LICENSE AT A BONA FIDE EATING PLACE LOCATED AT 917 FREMONT AVENUE (APN: 5315-008-040), AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, on May 30, 2024, Samson Chua (applicant), submitted an application (Conditional Use Permit (“CUP”)), for on-site sale and consumption of beer and wine (Type 41 ABC License) at a bona fide eating place (“restaurant”) located at 917 Fremont Avenue (Assessor’s Parcel Number: 5315-008-040) (project sometimes referred to herein as “Project No. CUP24-0003” or “project”)); and

**WHEREAS**, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 – Existing Facilities; and

**WHEREAS**, the Planning Division evaluated the project for consistency with the City’s General Plan, Downtown Specific Plan (“DTSP”), South Pasadena Municipal Code (“SPMC”), and all other applicable state and local regulations; and

**WHEREAS**, on July 31, 2024, the public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of South Pasadena Municipal Code declaring the project review by the Planning Commission for the hearing on August 13, 2024; and

**WHEREAS**, on August 2, 2024, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. CUP24-0003; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on August 13, 2024, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. CUP24-0003 and considered the proposed Conditional Use Permit for the on-site sale and consumption of beer and wine (Type 41 ABC License) at a restaurant located at 917 Fremont Avenue.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1: ACKNOWLEDGEMENTS**

The foregoing recitals are true and correct and are incorporated and made an operative part of this resolution.

## **SECTION 2: ENVIRONMENTAL REVIEW FINDING**

The Planning Commission has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15301, Class 1 – Existing Facilities of the California Guidelines for Implementation of CEQA. A Class 1 Categorical Exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, involving negligible or no expansion of existing use. The project does not involve any expansion or alteration to the size of the commercial building. As such, no significant environmental effects would result from this project and the use of a categorical exemption is appropriate.

## **SECTION 3: CONDITIONAL USE PERMIT FINDINGS**

Based upon the entire record made available at the August 13, 2024 public hearing, including the public hearing, the staff report, the oral presentation, and related documents submitted to the Planning Commission prior to and at the public hearing, the Planning Commission finds and determines that the proposed project is consistent with all applicable findings for approval of a Conditional Use Permit for alcohol sales pursuant to South Pasadena Municipal Code Section 36.410.060, as follows:

- 1. The proposed use is allowed with Conditional Use Permit or Administrative Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;**

The project site is zoned Mixed-Use Core in the Downtown Specific Plan (DTSP) which is intended for the development of a wide range of commercial, mixed-use, and multifamily residential uses. The sale of alcohol at a restaurant is permitted in the Mixed-Use Core with approval of a Conditional Use Permit. The proposed Conditional Use Permit for sale of beer and wine for on-site consumption (Type 41 License) as an ancillary use to the main restaurant operation and the project meets all the standards in the zoning district. Furthermore, as discussed in the staff report, the proposal meets all applicable zoning standards for alcoholic beverage sales.

Concerning undue concentration, the census tract 4805.00 already features the maximum allowable on-sale licenses. However, as a Type 41 license, the proposal does not warrant a public convenience or necessity (PCN) by the City. Additionally, conditions of approval have been included to ensure that the proposal will also adhere to the City's noise and signage standards.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan.**



The current General Plan land use designation of the site is Mixed-Use Core. Per the General Plan (2040), which was adopted in 2023, the Mixed-Use Core is intended to "...encourage a wide range of building types based on neighborhood characteristics that house a mix of functions, including commercial, entertainment, office, and housing." The proposed use is also located within the Downtown Specific Plan in the Mixed-Use Core zoning designation. That said, the proposed project is consistent with the following policies and actions of the General Plan and DTSP:

*General Plan Policy P2.7: Strengthen and grow the City's retail offerings.*

*General Plan Action A2.7a: Create a retail and restaurant destination by attracting specialty stores and unique food and beverage places...*

*General Plan Action A2.7b: Seek... independent businesses that can both meet the City's retail needs and adhere to quality design standards to seamlessly fit into a walkable urban environment.*

*DTSP Policy P2.2: Attract a greater variety of desirable retail and office tenants by building upon existing strengths and market opportunities.*

*DTSP Policy P2.3: Continue to nurture small, independently-owned businesses.*

The proposed project supports the goals, policies, and actions of the General Plan by allowing a restaurant with ancillary beer and wine consumption. The alcohol sales will not substantially affect the nature of the business, but will however, provide a new amenity for the surrounding community. Therefore, the request is consistent with the General Plan and DTSP.

- 3. 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 sale of beer and wine for on-site consumption is an ancillary use to the restaurant operation and is reasonable given the restaurant's location in a mixed-use zoned area. As conditioned, the sale of beer and wine will be limited to hours of operation and all alcohol orders will be in conjunction with food orders. The restaurant's hours of operation are from 11:00 A.M. to 3:00 P.M., and 5:00 P.M. to 11:00 P.M., seven days a week. Nevertheless, conditions are also imposed to ensure the proposed use is not detrimental to the health, safety, or general welfare of the general public. Those include prohibiting consumption of alcohol off-site, secure storage of alcohol to prevent theft of alcohol, and ensuring no advertising of alcohol are on display on the building windows/outside the building.

- 4. 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.**

Approval of the Conditional Use Permit, as conditioned, would not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City. Conditions of approval are included requiring no loitering on the property, and required training for employees who will serve alcohol to ensure that the sales of alcohol would not be detrimental to the community. Therefore, the proposed use would not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

- 5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use.**

The proposed request for on-site beer and wine sales (Type 41 license) at the restaurant does not involve any expansion to the size of the existing commercial building or any roadway modifications. Therefore, the project site is adequate in size and has sufficient access to existing streets in order to continue accommodating the existing restaurant use.

- 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 aesthetics, character, scale, impacts on neighboring properties.**

The proposed Conditional Use Permit is compatible with existing commercial land uses within the vicinity, including similar restaurant uses in the area. No alterations are proposed to the exterior of the building as a part of this Conditional Use Permit. Therefore, the design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land use in the vicinity in terms of aesthetics, character, scale, and views protection.

#### **SECTION 4: RECORD OF PROCEEDING**

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Community Development Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

#### **SECTION 5: DETERMINATION**

Based upon the findings outlined in Sections 2 and 3 above and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby conditionally approves Project No. CUP24-0003 consisting of a Conditional Use Permit for proposed Conditional Use Permit for the on-site sale and consumption of beer and wine (Type 41 ABC License) at a restaurant located at 917 Fremont Avenue, subject to the Conditions of Approval attached hereto as Exhibit "A."

### **SECTION 6: APPEALS**

Any interested person may appeal this decision or any portion of this decision to the City Council. Pursuant to the South Pasadena Municipal Code, any such appeal must be filed with the City, in writing, and with appropriate appeal fee, no later than (15) days, following the date of the Planning Commission's final action.

### **SECTION 7: CERTIFICATION OF THE RESOLUTION**

The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 13<sup>th</sup> day of August 2024.

**PASSED, APPROVED, AND ADOPTED** this 13<sup>th</sup> day of August 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Lisa Padilla, Planning Commission Chair

**ATTEST:**

---

Mark Gallatin, Secretary to the Planning Commission

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**PROJECT NO. CUP24-0003**  
**917 Fremont Avenue (APN: 5315-008-040)**

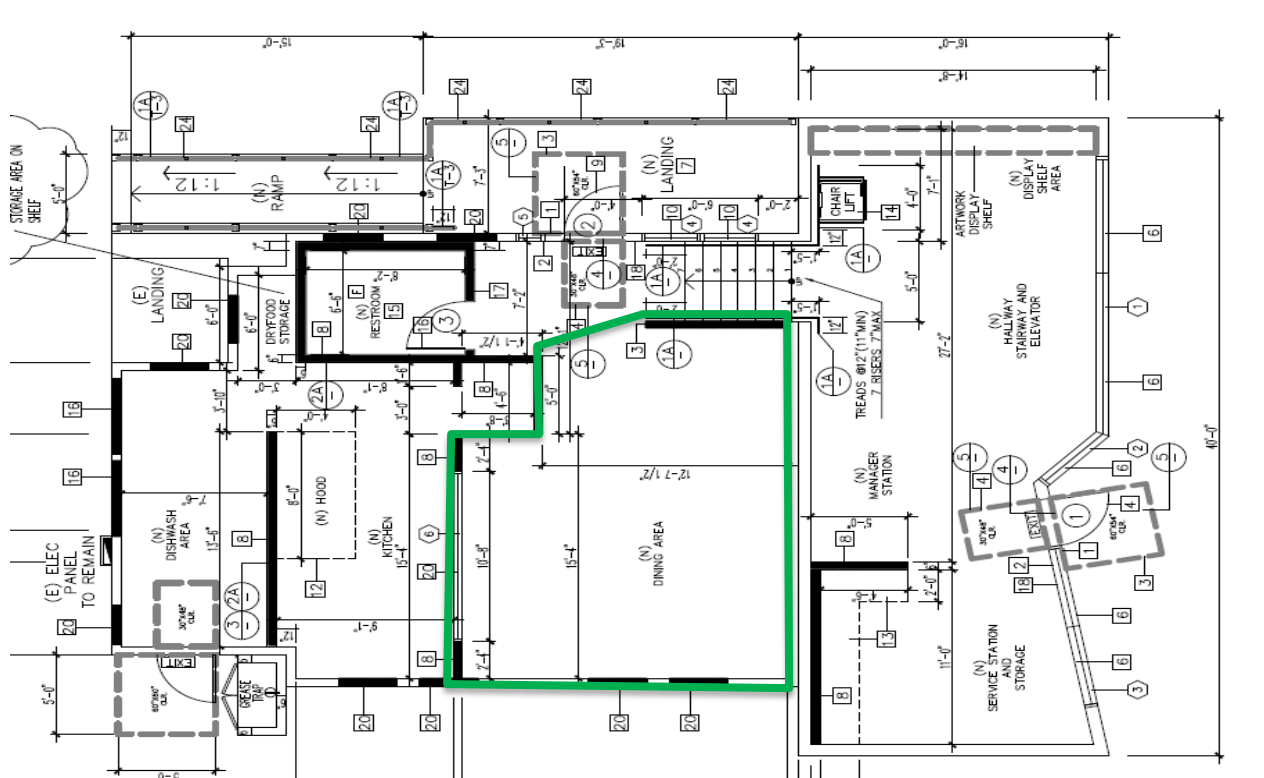
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**PLANNING DIVISION:**

- P-1. The following approval is granted as described below and as shown on the development plans submitted to and approved by the Planning Commission on August 13, 2024:
- A. **Conditional Use Permit** for the sale of beer and wine for on-site consumption (Type 41 License) at a restaurant.
- P-2. This approval and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission unless otherwise conditioned and/or unless the use is established or action is taken. The on-sale beer and wine license (Type 41) shall be acquired by the California Department of Alcoholic Beverage Control (ABC) prior to the termination period.
- P-3. Approval by the Planning Commission does not constitute a building permit. No structural modifications were proposed as part of this CUP request.
- P-4. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-5. Compliance with and execution of all appropriate conditions listed herein shall be necessary prior to obtaining any occupancy inspection clearance and/or prior to obtaining any occupancy clearance.
- P-6. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or Planning Commission concerning this approval. In the event of any claim or lawsuit, the applicant and/or successor shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
- P-7. Compliance with the City's Performance Standards of Section 36.300.110, which also include the Noise Standards (Chapter 19A), of the South Pasadena Municipal Code (SPMC) shall be adhered to at all times.
- P-8. The sales of beer and wine shall be limited to the hours of operation of the restaurant, 11 a.m. to 3 p.m., 5:00 p.m. – 11:00 p.m., daily. Any proposed changes to the hours of operation will require separate review and approval by the Planning Commission.
- P-9. No sale or consumption of beer and wine shall be permitted until the customer/s have been seated.
- P-10. The sale of beer and wine for on-site consumption shall only be incidental to the operation of the restaurant. Sale of alcohol for off-site consumption within the restaurant shall be prohibited.
- P-11. Quarterly gross sales of alcohol shall not exceed quarterly gross sales of food within the restaurant. Quarterly records shall be maintained to separately reflect gross sales of food and gross sales of beer and wine and shall be made available to the City of South Pasadena upon request.
- P-12. The restaurant premises shall be continuously maintained as a bona fide eating establishment, and shall provide a menu containing an assortment of foods typically offered in restaurants.
- P-13. No advertising for alcoholic beverages may be displayed in store windows or outside of the store.
- P-14. All alcohol sales cases/displays shall be located in such a manner to prevent "grab-and-run" thefts of alcohol. The sales cases/displays shall be located in sight of the sales counter at all times, if possible.
- P-15. The employees who will be engaged in the sale of alcohol must complete the State Alcoholic Beverage Control's mandated training, as well as the store's internal training on the sale of alcohol.

- P-16. The consumption of beer and wine shall be permitted only within the restaurant as outlined in green in **Figure 1**.

**Figure 1: Floor Plan**



- P-17. Any individuals discovered loitering on the property shall immediately be informed to leave the premises, by the owner. Should the owner fail to abate the problems, the South Pasadena Police Department and/or other enforcement agencies reserve the right to take appropriate enforcement actions to abate the problem, and the permit/alcohol licenses may be subject to revocation.
- P-18. The store management shall regulate the arrival and departure of all employees and restrict the "late hour" use of the exit for trash removal and unnecessary opening. Adequate security measures shall be instituted to eliminate any unauthorized access.
- P-19. The Conditional Use Permit issued for the alcoholic beverage establishment and a copy of the conditions of approval for the permit shall be displayed on the premises of the establishment in a place where it may readily be viewed by any member of the general public.

**ATTACHMENT 2**

Project Narrative



4-4-2024 RS REVIEW\_PLANNING COMMENTS:

PROJECT NAME: CHEF YU (PRIVATE DINING RESTAURANT)

APPLICATION: CONDITIONAL USE PERMIT

ADDRESS: 917 FREMONT AVE, SOUTH PASADENA CA 91030

TYPE OF ALCOHOL LICENSE: TYPE 41 (Beer and Wine – Eating place)

PROPOSED HOUR OF OPERATION: MON-SUNDAY 11:00-3:00PM, 5:00PM-11:00PM

APPROXIMATE NUMBER OF EMPLOYEES: 3

DRAFT MENU:

THE PROPOSED RESTAURANT IS SURVING SPECIALTY ITEMS PREPARED BY THE CHEF, IT WILL BE BASED ON CUISINE FROM THE PROVINCE OF SICHUAN

FOLLOWING IS SAMPLE OF ONE OF THE SET MENU THEY WILL SERVE TO EACH OF THE GUEST.

**COLD DISHES**

姜汁豇豆	Chinese Long Bean, Ginger Vinaigrette
炆西洋菜	Sautéed Broccoli, Sichuan Spices
跳水甜椒	Pickle-bathed Bell Pepper
椒麻桃仁	Green Sichuan Pepper, Scallion, Walnut
蒜泥节瓜	Courgette, Fresh Garlic
木姜油苦瓜	Bitter Melon, <i>Yunnan</i> Maqaw Oil

### **HOT DISHES**

锅巴鱿鱼	Baby Squid, Scorched Rice
麻婆豆腐鲍鱼	Mapo Tofu, Californian Red Abalone
菠饺鱼肚	Brazilian Fish Maw, Spinach Dumplings
鱼香鸡块	<i>Yuxiang</i> Chicken
芙蓉蟹肉	Egg Custard, Santa Barbara Dungeness Crab
粉蒸牛肉	Bowl-steamed Beef in Ricemeal
烧狮子头	Lion's Head Meatball, Hen of the Woods
酸菜鳕鱼	Wild Black Cod, Pickled Mustard Green
开水白菜	Heart of Napa, Consommé

### **DESSERT**

玫瑰豆泥	Rose Petal, Fava Bean
花椒梨儿	Chinese Pear, Sichuan Peppercorn

ANY OTHER INFORMATION ABOUT THE OPERATION OF THE BUSINESS: THIS ESTABLISHMENT IS BY RESERVATION ONLY, DOES NOT ALLOW WALK IN CUSTOMERS.

**ATTACHMENT 3**

Architectural Plans

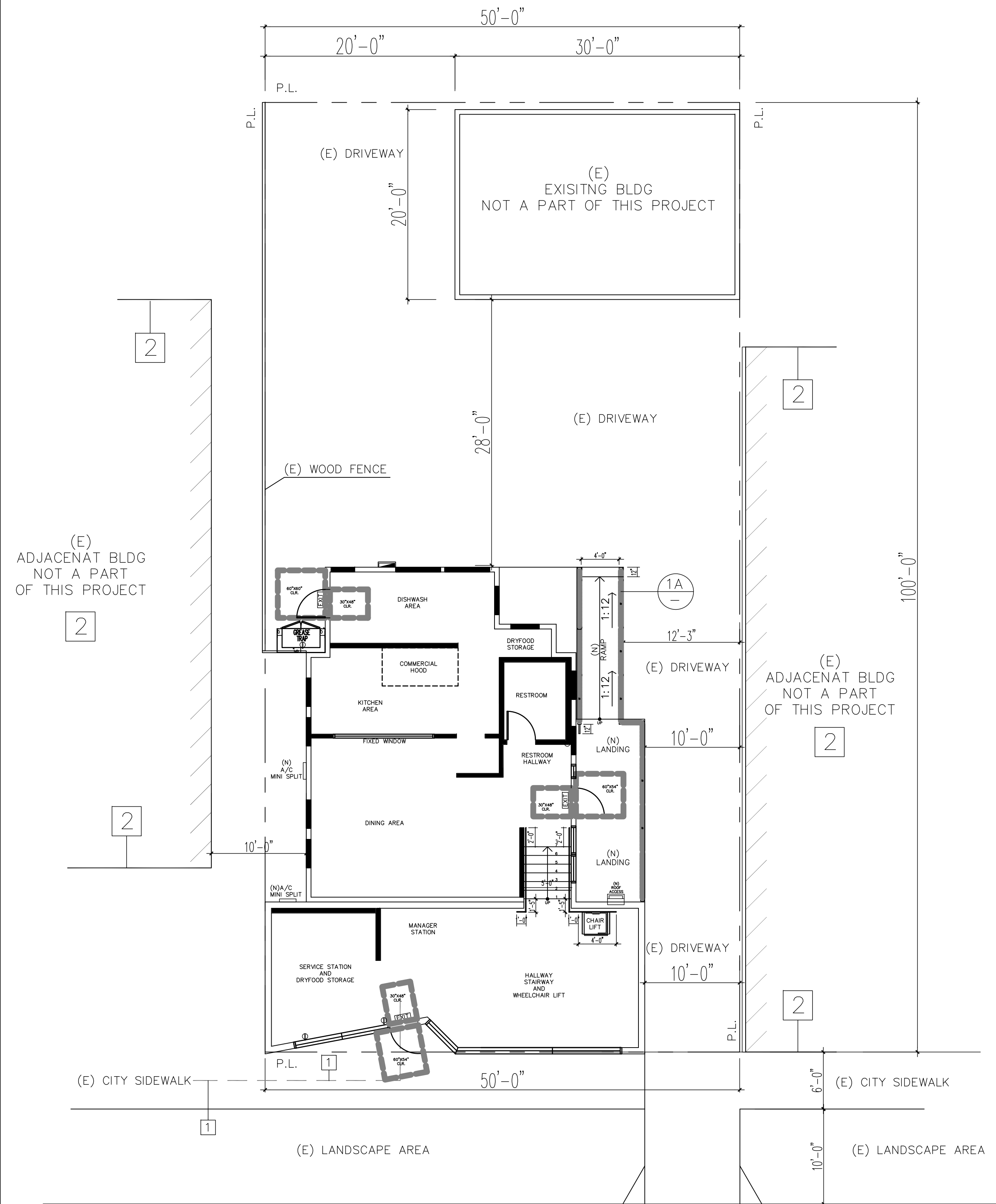


**BUILDING DEPARTMENT NOTES**

- SEPARATE PERMIT SHALL FIRST BE OBTAINED FROM THE CITY PUBLIC WORKS DEPARTMENT PRIOR TO PLACEMENT OF ANY CONSTRUCTION MATERIALS OR EQUIPMENT IN THE PUBLIC WAY.
- THE CURRENT CODE IS THE 2023 CALIFORNIA BUILDING CODE.
- AT TIME OF PERMIT ISSUANCE, CONTRACTOR SHALL HAVE THE FOLLOWING:
  - CERTIFICATE OF WORKER'S COMPENSATION INSURANCE MADE OUT TO THE CONTRACTOR'S STATE LICENSE BOARD.
  - COPY OF CONTRACTOR'S STATE LICENSE OR POCKET ID.
  - COPY OF CITY BUSINESS TAX REGISTRATION CERTIFICATE OR A NEWLY PAID RECEIPT FOR ONE.
  - NOTARIZED LETTER OF AUTHORIZATION FOR AGENTS.
- ALL WORK SHALL CONFORM TO ALL REQUIREMENTS OF STATE OF CALIFORNIA TITLE 24 REGARDLESS OF THE INFORMATION INDICATED ON THESE PLANS. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL SUPERVISING THE CONSTRUCTION TO ENSURE THAT THE WORK IS DONE WITH CODE REQUIREMENT PRIOR TO REQUESTING INSPECTION.
- EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
- SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) SHALL BE NOTIFIED IN ACCORDANCE WITH CALIFORNIA STATE LAW PRIOR TO START OF ANY DEMOLITION, ADDITION, AND/OR REMODEL WORK. THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT OFFICE IS LOCATED AT 21865 COPLEY DRIVE IN DIAMOND BAR, PHONE NO. (909) 396-2000, BE ADVISED, SCAQMD MAY REQUIRE A 10 DAY WAIT PRIOR TO START OF WORK.
- SEDIMENTS AND OTHER MATERIALS MAY NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC WAY. ACCIDENTAL DEPOSITIONS MUST BE SWEEPED UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS.
- STOCKPILES OF EARTH AND OTHER CONSTRUCTION RELATED MATERIALS MUST BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCES OF WIND OR WATER.
- TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND.
- FUELS, OILS, SOLVENTS AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MAY NOT BE WASHED INTO THE DRAINAGE SYSTEM.
- THE ISSUANCE OF A PERMIT SHALL NOT PREVENT THE BUILDING OFFICIAL FROM REQUIRING THE CORRECTION OF ERRORS ON THESE PLANS OR FROM PREVENTING ANY VIOLATION OF THE CODES ADOPTED BY THE CITY, RELEVANT LAWS, ORDINANCES, RULES AND/OR REGULATIONS.
- PENETRATIONS INTO OR THROUGH FIRE WALLS, FIRE BARRIERS, SMOKE BARRIER WALLS AND FIRE PARTITIONS SHALL COMPLY WITH SECTION 714.3.1 THROUGH 714.3.3 PENETRATIONS IN SMOKE BARRIER WALLS SHALL COMPLY WITH SECTION 714.5. CBC 714.3.
- PENETRATIONS OF A FIRE-RESISTANCE-RATED FLOOR, FLOOR/CEILING ASSEMBLY OR THE CEILING MEMBRANE OF A ROOF/CEILING ASSEMBLY NOT REQUIRED TO BE ENCLOSED IN A SHAFT BY SECTION 712.1 SHALL BE PROTECTED IN ACCORDANCE WITH SECTION 714.4.1 THROUGH 714.4.4. CBC 714.4.
- ELECTRICAL RECEPTACLE OUTLETS AND SWITCHES INTENDED TO BE USED BY THE OCCUPANT OF A ROOM OR AREA TO CONTROL LIGHTING AND RECEPTACLE OUTLETS, APPLIANCES OR COOLING, HEATING AND VENTILATING EQUIPMENT SHALL BE LOCATED WITHIN ALLOWABLE REACH RANGES. LOW REACH SHALL BE MEASURED TO THE BOTTOM OF THE OUTLET BOX AND HIGH REACH SHALL BE MEASURED TO THE TOP OF THE OUTLET BOX. CBC 11B-308.1.2.
- ELECTRICAL RECEPTACLE OUTLETS ON BRANCH CIRCUITS OF 30 AMPERES OR LESS AND COMMUNICATIONS SYSTEM RECEPTACLES SHALL BE LOCATED WITHIN ALLOWABLE REACH RANGES. LOW REACH SHALL BE MEASURED TO THE BOTTOM OF THE OUTLET BOX AND HIGH REACH SHALL BE MEASURED TO THE TOP OF THE OUTLET BOX. CBC 11B-308.1.2.
- COMMON USE CIRCULATION PATHS WITHIN EMPLOYEE WORK AREAS SHALL COMPLY WITH 11B-402 ACCESSIBLE ROUTES. CBC 11B-206.2.8.
- ALL ENTRANCES AND EXTERIOR GROUND FLOOR EXITS TO BUILDINGS AND FACILITY SHALL COMPLY WITH 11B-404 DOORS, DOORWAYS AND GATES. CBC 11B-206.4.1.
- MANEUVERING CLEARANCES SHALL EXTEND THE FULL WIDTH OF THE DOORWAY AND THE REQUIRED LATCH SIDE OR HINGE SIDE CLEARANCE. CBC 11B404.2.4.
- SWINGING DOORS AND GATES SHALL HAVE MANEUVERING CLEARANCES COMPLYING WITH TABLE 11B-404.2.4.1.
- DEVICES USED FOR THE PURCHASE OF GOODS OR SERVICES THAT REQUIRE A PERSONAL IDENTIFICATION NUMBER(PIN), ZIP CODE OR SIGNATURE SHALL COMPLY WITH THE REQUIREMENTS FOR POINT-OF-SALE DEVICES (POS). CBC 11B-220.2.
- POINT-OF-SALE DEVICES WHEN PROVIDED AT CHECK STANDS AND SALES AND SERVICE COUNTERS AND ALL AUTOMATIC TELLER MACHINES SHALL PROVIDE THE OPPORTUNITY FOR THE SAME DEGREE OF PRIVACY OF INPUT AND OUTPUT TO TALL INDIVIDUALS. CBC 11B-707.4, 11B-707.9.2.
- DINING SURFACES AND WORK SURFACES SHALL COMPLY WITH 11B-902.2 AND 11B-902.3.
- SHELF SERVICE SHELVES AND DISPENSING DEVICES FOR TABLEWARE, DISHWARE, CONDIMENTS, FOOD AND BEVERAGES SHALL COMPLY WITH 11B-904.5.1.
- CONSTRUCTION EQUIPMENT AND MATERIALS SHALL BE STORED AND PLACED SO AS NOT TO ENDANGER THE PUBLIC, THE WORKERS OR ADJOINING PROPERTY FOR THE DURATION OF THE CONSTRUCTION PROJECT. CBC 3301.2. REQUIRED EXITS, EXISTING STRUCTURAL ELEMENTS, FIRE PROTECTION DEVICES AND SANITARY SAFEGUARDS SHALL BE MAINTAINED AT ALL TIMES DURING ALTERATIONS, REPAIRS OR ADDITIONS TO ANY BUILDING OR STRUCTURE. CBC 3302.1. SANITARY FACILITIES SHALL BE PROVIDED DURING CONSTRUCTION, REMODELING OR DEMOLITION ACTIVITIES IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE. CBC 3305.1. ADJOINING PUBLIC AND PRIVATE PROPERTY SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION, REMODELING AND DEMOLITION WORK. PROTECTION SHALL BE PROVIDED FOR FOOTINGS, FOUNDATIONS, PARTY WALLS, CHIMNEYS, SKYLIGHTS, AND ROOFS. CBC 3307.1. STRUCTURES UNDER CONSTRUCTION, ALTERATION OR DEMOLITION SHALL BE PROVIDED WITH NO FEWER THAN ONE APPROVED PROTABLE FIRE EXTINGUISHER IN ACCORDANCE WITH SECTION 906 AND SIZED FOR NOT LESS THAN ORDINARY HAZARD. CBC 3309.1.
- WALL, FLOOR AND CEILING SHALL NOT EXCEED THE FLAME SPREAD CLASSIFICATIONS IN CBC TABLE 803.9.
- ALL ALTERATIONS WHENEVER A PERMIT IS REQUIRED FOR WORK AND ALL DEMOLITION PROJECTS OF ANY VALUATION SHALL BE REQUIRED TO DIVERT AT LEAST 65% OF ALL PROJECT CONSTRUCTION AND DEMOLITION MATERIALS. (LBM 18.67.020.A.4) SEE 1B-BU-033 FOR MORE INFORMATION.
- THE PROVISIONS OF THE GREEN CODE SHALL APPLY ONLY TO THE INITIAL TENANT IMPROVEMENT T A PROJECT. SUBSEQUENT TENANT IMPROVEMENTS SHALL COMPLY WITH THE SCOPING PROVISIONS IN SECTION 301.3 NON-RESIDENTIAL ADDITIONS AND ALTERATIONS. (CAL GREEN SECTIONS 303.1.1)
- THE MEANS OF EGRESS SERVING A ROOM OR SPACE MUST BE ILLUMINATED AT ALL TIMES THAT THE ROOM IS OCCUPIED WITH A MINIMUM ILLUMINATION LEVEL OF NOT LESS THAN 1 FOOTCANDLE (1 LUX) AT THE WALKING SURFACE. (CBC 1008.2, 1008.2.1)
- THE FOLLOWING LOCATIONS SHALL BE CONSIDERED SPECIFIC HAZARDOUS LOCATIONS REQUIRING SAFETY GLAZING MATERIALS. (CBC 2406.4):
  - GLAZING IN ALL FIXED AND OPERABLE PANELS OF SWINGING, SLIDING AND BIFOLD DOORS.
  - GLAZING ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE OF THE GLAZING IS WITHIN A 24-INCH ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION.
  - WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE.
  - GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL THAT MEETS ALL THE FOLLOWING CONDITIONS:
    - EXPOSED AREA OF INDIVIDUAL PANE IS GREATER THAN 9 SQ FT.
    - BOTTOM EDGE OF GLAZING IS LESS THAN 18 INCHES ABOVE THE FLOOR.
    - TOP EDGE OF GLAZING IS GREATER THAN 36 INCHES OF THE PLANE OF THE GLAZING.
    - ONE OR MORE WALKING SURFACE(S) ARE WITHIN 36 INCHES OF THE PLANE OF THE GLAZING.
  - GLAZING IN GUARDS AND RAILING REGARDLESS OF AREA AND HEIGHT.
  - GLAZING WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE PLANE OF THE ADJACENT WALKING SURFACE OF STAIRWAYS, LANDINGS BETWEEN FLIGHTS OF STAIRS AND RAMP.
- PEDESTRIANS SHALL BE PROTECTED DURING CONSTRUCTION, REMODELING AND DEMOLITION ACTIVITIES AS REQUIRED BY THIS CHAPTER AND TABLE 3306.1. SIGNS SHALL BE PROVIDED TO DIRECT PEDESTRIAN TRAFFIC. CBC 3306.1.
- SAFEGUARD DURING CONSTRUCTION: STRUCTURAL ROOF COMPONENTS SHALL BE CAPABLE OF SUPPORTING THE ROOF COVERING SYSTEM AND THE MATERIAL AND EQUIPMENT LOADS THAT WILL BE ENCOUNTERED DURING INSTALLATION OF THE SYSTEM. CBC 3301.2.1

**SITE PLAN KEY NOTES**

- EXISTING PATH OF TRAVEL FROM PUBLIC STREET
- ADJACENT PROPERTY BLDG LINE



FREMONT STREET ( 80' )

C.L.

SITE PLAN / ROOF PLAN

SCALE: 1/8"=1'-0"

1

NO.	DATE	REVISION
1	1/15/2024	CITY DEPT.S CORR.S HEALTH DEPT CORR.S FIRE DEPT CORR.S



**PATCH CONSULTING CORP**  
 1701 W. CEDAR ST., #9, ALHAMBRA, CA 91801  
 TEL: (626)-533-5959  
 EMAIL: ccc\_permits@yanho.com

ALL DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE GROUND. DIMENSIONS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER PRIOR TO THE COMMENCEMENT OF ANY WORK.

AHJ STAMP APPROVAL

CHEF YU  
 PRIVATE CHEF DINING  
 RESTAURANT C.U.P.  
 917 FREMONT AVE  
 SOUTH PASADENA, CA 91030

DATE: 6-28-2024  
 SCALE: 1/8"=1'-0"  
 DRAWN BY: CCC  
 CHECKED BY: S.C.  
 JOB NO: -

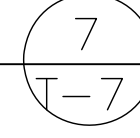
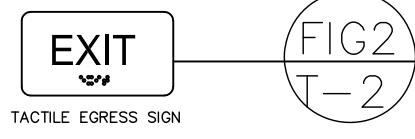


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**BUILDING DEPT NOTES:**

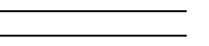






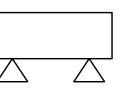
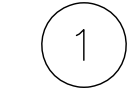
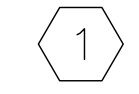
1. WALL, FLOOR & CEILING FINISHES SHALL NOT EXCEED THE FLAME SPREAD CLASSIFICATIONS IN CBC TABLE 803.13

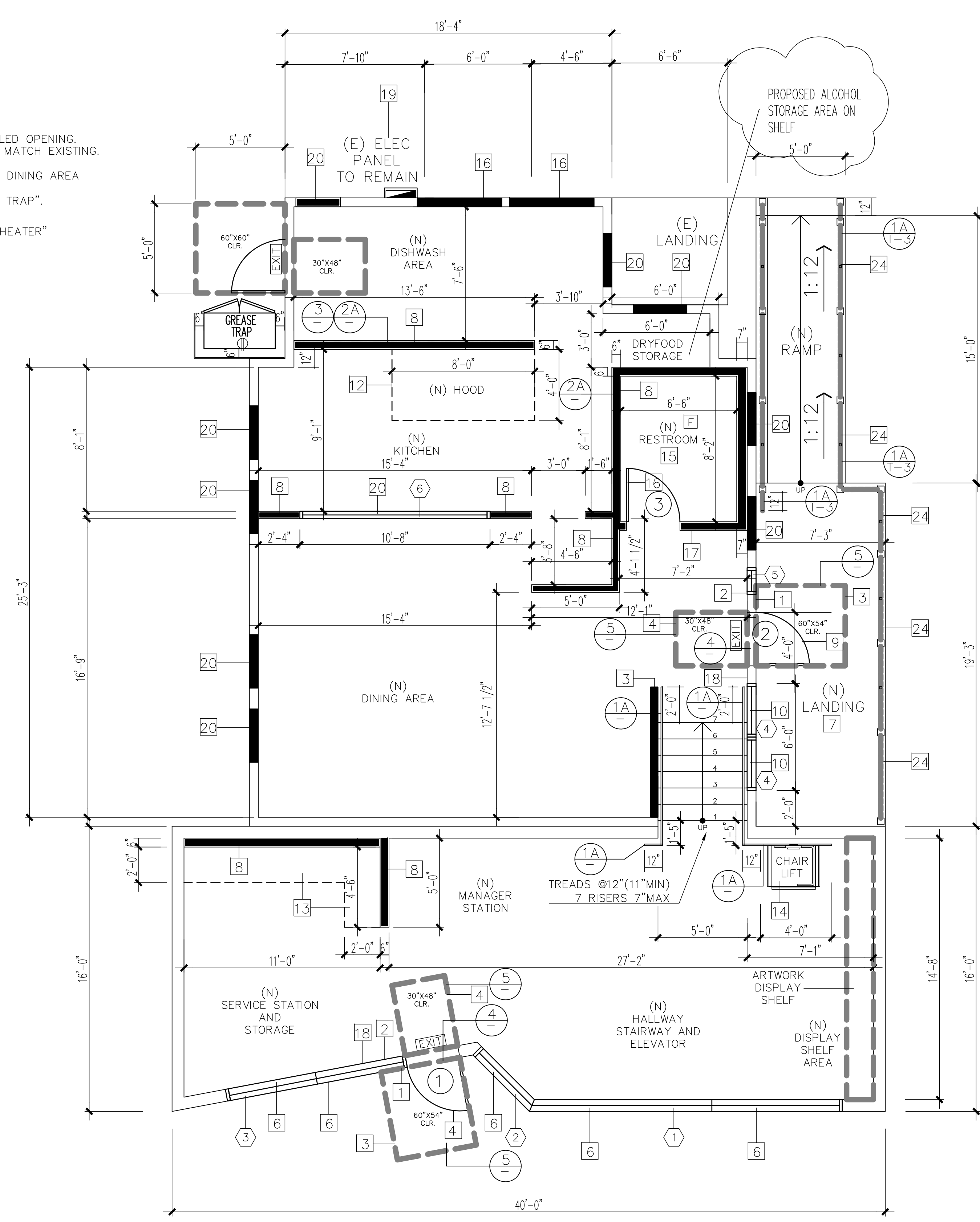
2. DECORATIVE MATERIALS & TRIM SHALL COMPLY W/ CBC CHAPTER 8

**KEY NOTES:**

- |    |   |    |   |
|----|---|----|---|
| 1  | ISA STICKER   | 13 | NEW SERVICE COUNTER   |
| 2  | TACTILE EGRESS EXIT SIGN "EXIT"   | 14 | NEW WHEELCHAIR LIFT SEE  |
|    |  | 15 | NEW RESTROOM<br>SEE ENLARGED RESTROOM PLAN T-9  |
| 3  | LEVEL LANDING 60" DIRECTION OF DOOR SWING   | 16 | DOOR SIGN                |
| 4  | LEVEL LANDING 48" OPPOSITE DIRECTION OF DOOR SWING                                | 17 | WALL SIGN                |
| 5  | EXISTING FRONT ENTRY DOOR TO REMAINED   | 18 | OCCUPANT LOAD SIGN  |
| 6  | EXISTING STOREFRONT FIXED WINDOW TO REMAINED                                      | 19 | EXISTING ELEC PANEL TO REMAIN   |
| 7  | NEW LANDING   | 20 | REMOVE EXISTING WINDOW/DOOR, AND SEALED OPENING.<br>EXTERIOR WALL: COLOR AND MATERIAL TO MATCH EXISTING.    |
| 8  | NEW PARTITION WALLS   | 21 | NEW FIXED WINDOW BETWEEN KITCHEN AND DINING AREA  |
| 9  | NEW DOOR AT LANDING   | 22 | NEW OUTDOOR CABINET FOR NEW "GREASE TRAP".  |
| 10 | NEW WINDOW  | 23 | NEW OUTDOOR CABINET FOR NEW "WATER HEATER"  |
| 11 | NEW DOOR - KITCHEN DELIVERY DOOR  | 24 | NEW RAILING ON LANDING  |
| 12 | NEW COMMERCIAL EXHAUST HOOD ON CEILING  |    |   |

**LEGEND**

- |   |                             |   |  |
|---|-----------------------------|---|--|
|  | EXISTING WALL TO REMAIN     |  | LIGHT ACTIVATED EXHAUST FAN (TO OUTSIDE AIR)<br>MIN. CAPACITY OF 50 CFM  |
|  | EXISTING WALL TO BE REMOVED |  | EXIT LIGHT W/ BATTERY BACKUP   |
|  | NEW WALL TO BE CONSTRUCTED  |  | KEY NOTE   |
|  | ELECTRICAL PANEL            |  | EMERGENCY LIGHT W/ BATTERY BACKUP<br>EMERGENCY POWER SYSTEM SHALL PROVIDE A DURATION OF NOT LESS THAN 90 MINUTES AND SHALL CONSIST OF STORAGE BATTERIES, UNIT EQUIPMENT OR ON-SITE GENERATOR |
|  | DOOR NUMBER                 |   |  |
|  | WINDOW NUMBER               |   |  |



AHJ STAMP  
APPROVAL

NO.	DATE	REVISION
1	1/15/2024	CITY DEPT'S CORR'S HEALTH DEPT CORR'S FIRE DEPT CORR'S

**LICENSED ARCHITECT**  
C-34068  
STATE OF CALIFORNIA

**PATCH CONSULTING CORP**  
1701 W. CEDAR ST., #9, ALHAMBRA, CA 91801  
TEL: (626)-533-5959  
EMAIL: ccc\_permits@ychoo.com

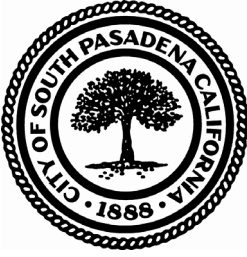
WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE DRAWING. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE DESIGNER PRIOR TO THE COMMENCEMENT OF ANY WORK.

**CHEF YU  
PRIVATE CHEF DINING  
RESTAURANT C.U.P.**  
917 FREMONT AVE  
SOUTH PASADENA, CA 91030

DATE	6-28-2024
SCALE	1/4"=1'-0"
DRAWN BY	CCC
CHECKED BY	S.C.
JOB NO.	-

**PROPOSED CONDITIONAL USE PERMIT PLAN**

SCALE: 1/4"=1'-0"



# Planning Commission Agenda Report

ITEM NO. 6

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**DATE:** August 13, 2024  
**TO:** Planning Commission  
**FROM:** Angelica Frausto-Lupo, Community Development Director  
**PREPARED BY:** Matt Chang, Planning Manager  
**SUBJECT:** Potential Zoning Code Amendments

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## Recommendation

It is recommended that the Planning Commission (Commission) receive staff's presentation and provide initial feedback.

## Discussion

On July 17, 2024, the City Council adopted a Resolution initialing Zoning Code Amendments to explore and analyze potential updates to the South Pasadena Municipal Code (SPMC), specifically Chapter 2 (Administration) and Chapter 36 (Zoning). The intent of these amendments is to streamline application review process, simplify code language, and to reflect recent changes in State Law to be consistent with the goals, policies, and programs of the City's General Plan and Housing Element.

The July 17, 2024 City Council staff report is provided (Attachment No. 1) and the Exhibit A listed several potential amendments to the SPMC. Staff recommends that the Commission provide initial feedback regarding staff's suggestions and discuss other potential code amendments.

## Attachment

1. July 17, 2024 City Council Staff Report

# **ATTACHMENT 1**

July 17, 2024 City Council Staff Report





# City Council Agenda Report

ITEM NO. 20

**DATE:** July 17, 2024

**FROM:** Sheila Pautsch, Acting City Manager

**PREPARED BY:** Ben Jarvis, Interim Senior Planner

**SUBJECT:** **CONSIDERATION OF A RESOLUTION OF INTENTION TO AMEND SOUTH PASADENA MUNICIPAL CODE (SPMC) CHAPTER 2 (ADMINISTRATION) AND CHAPTER 36 (ZONING), PURSUANT TO THE PROCEDURES SET FORTH IN SPMC 36.620 (AMENDMENTS) TO REVISE SECTIONS OF THE ZONING CODE FOR CONSISTENCY WITH STATE HOUSING LAW AND TO IMPLEMENT POLICIES OF THE CITY'S GENERAL PLAN AND HOUSING ELEMENT GOALS AND PROGRAMS**

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## Recommendation

It is recommended that the City Council initiate a Zoning Text Amendment pursuant to SPMC 36.620.030 (Initiation of Amendments) and direct staff to prepare an ordinance that includes, but is not limited to, the following amendments to the Zoning Code:

1. Chapter 2 (Administration) and Section 36.620.030 (Initiation of Amendments): potentially revise the Municipal Code to allow the Community Development Director to initiate Zoning Text and Zoning Map amendments;
2. Section 2.65 (Certificate of Appropriateness—Alteration and Demolition), Section 36.350.200 (Residential Uses—Accessory Dwelling Units), and Section 36.410.040 (Design Review): potentially revise the Municipal Code to simplify the ADU approval process by allowing Chair Review or Staff Review for simple projects instead of CHC/DRB approval;
3. Section 36.300.030.D (Table 3-1 Note), Section 36.300.070 (Screening), and Section 36.300.080 (Mechanical Equipment): revise code language to make the Municipal Code internally consistent;
4. Section 36.310.040 (Number of Parking Spaces Required) (Table 3-6): update code language to remove the Second Unit reference and potentially replace the term with Accessory Dwelling Unit;
5. Section 36.320.030 (Sign Permit Requirements): streamline and simplify the sign-approval process;
6. Section 36.350.200 (Residential Uses—Accessory Dwelling Units (ADUs)): revise language to in the Municipal Code to be consistent with updated State ADU regulations;
7. Section 36.410.040 (Design Review): potentially revise code language to simplify the development review process;
8. Section 36.420.040 (Time Limits and Extensions): potentially extend the expiration date of all Entitlements to 24 months; and
9. Various sections in Article 5, including Sections 36.500.050 (Advisory Agency),

36.500.060 (Authority for Subdivision Decisions), Section 36.500.070 (Type of Subdivision Approval Required): to streamline development projects and to revise the SPMC to be consistent with State Law.

10. Section 36.630 (Public Hearings): Consider requiring a project site to be posted with a Public Hearing Notice sign.
11. Section 36.700.020 (Definitions): update the list of definitions to include routine changes.

### **Executive Summary**

Staff is seeking City Council direction to initiate amendments to Chapters 2 and 36 of the South Pasadena Municipal Code in an effort to streamline the development review process, simplify code language, and to reflect recent changes in State Law, consistent with the goals, policies, and programs of the City's General Plan and Housing Element.

### **Background**

City codes and development review practices are periodically reviewed to ensure that regulations remain fresh, relevant, and consistent with State Law. With the adoption of the Housing Element and General Plan, the City has committed to removing barriers to housing development and to support the production of affordable housing, adopting various code changes supporting the implementation of the Housing Element and streamlining the City's development review process.

Housing Element Program 3.f supports the development of Accessory Dwelling Units (ADUs) and requires the City to update its ADU Ordinance to remain in compliance with State Law (Government Code Sections 63310-66342). Housing Element Program 3.n (Zoning Changes) identifies the need to update the City's development standards, process, and procedures to address constraints and to improve the City's review process. As the City has moved forward with implementing Housing Element programs and policies of the General Plan, the State of California has continued to adopt new housing regulations. In order for certain sections of the South Pasadena Municipal Code (SPMC) to remain consistent with State Law, amendments are needed.

The Zoning Code (SPMC 36.620.30, Initiation of Amendments) sets forth procedures for Zoning Text Amendment (ZTA) initiation. The Planning Commission or City Council may initiate the process through a Resolution of Intention (ROI). Once initiated through the ROI, staff prepares the amendments and schedules Public Hearings for the Planning Commission, which makes a recommendation to the City Council (SPMC 36.620.040—Hearings and Notice). The City Council then considers the Planning Commission's recommendation on the proposed amendments in a Public Hearing, and potentially approves the project. Should the City Council adopt the Resolution of Intention, staff would then proceed with drafting the code amendments and commence with the formal adoption process.

### **Analysis**

City staff has identified areas where language in the SPMC could be improved. Some of the revisions are straight-forward and are in response to changing regulation at the State level, such as the recent change to Accessory Dwelling Unit (ADU) regulations that were relocated within the Government Code. Other amendments involve routine updates to the City's code, such as removing references to Second Units (which are now known as ADUs), or changes to the Definitions section to reflect new terms that have come into use or to clarify definitions that are confusing or that could be written more effectively. An example of this would be revising the definition of a building's gross-square footage or Floor Area Ratio (FAR) to specifically

include words like stairwells, hallways, and elevator shafts. While the Municipal Code infers that such items are included in the gross building area and FAR calculations, they are not expressly called out, resulting in questions from applicants. Revising the code language to better explain what is included in FAR and gross building area will make the Municipal Code easier to understand and will address common questions before they are asked.

Staff is also looking at ways to streamline the development review process in an effort to remove barriers to housing production. There is also the need to revise certain sections of the SPMC to ensure that ministerial approval for eligible affordable housing projects is consistent with State Law. Upon Council direction, staff will review the City's approval procedures to see what can be done to improve the development review process to better serve residents and businesses. One option may include allowing the Community Development Director to initiate Zoning Code and Zoning Map amendments, which would save time and allow staff to be more responsive to the needs of the community. This would be particularly useful for the periodic text revisions that are necessary to reflect changes to State Law, code references, and in response to community suggestions.

Housing Element Program 3.d (Enable Parcel Assemblage) supports the concept of merging smaller parcels into larger ones that would be easier to develop. This is in keeping with the City's effort to streamline development procedures. The SPMC could be updated to streamline the subdivision/condominium map process for eligible projects.

A draft Resolution of Intention is attached. The Resolution represents the starting point of the amendment process, not the amendments themselves. Should the City Council direct staff to move forward with the project, staff will prepare the amendments and take them to the community for review and feedback. Public participation is an important component of the code amendment process because the Municipal Code affects everyone in the community. Having community buy-in is vital to keeping the Zoning Code relevant and practical. Once public input is received, the proposed amendments would be finalized and submitted to the City Attorney for review. The Planning Commission would then consider the amendments and make a recommendation to the City Council. That recommendation would then be presented to the City Council for consideration and a decision. This process also provides the opportunity for the Planning Commission and City Council to suggest other amendments that may be timely.

#### **Alternatives (if applicable)**

The City Council may give direction per the recommended action, choose to broaden or narrow the scope of the proposed amendments, or provide other direction.

#### **Fiscal Impact**

There are no direct fiscal impacts associated with this item. Indirect costs would include staff time to review and draft the amendments, time associated with the public workshop, the Public Hearings, and other meetings, as well as ancillary legal costs associated with the City Attorney reviewing the proposed amendments. A filing fee of \$75 will be required when the Notice of Exemption is filed with the Los Angeles County Clerk/Recorder.

#### **Key Performance Indicators and Strategic Plan**

This item supports Priority 5 of the City's Strategic Plan: Plan for Affordable Housing to Comply with State Mandates and Respond to Community Needs. This item also supports Priority 6 of the City's Strategic Plan: Enhance Customer Service through Innovation

to More Effectively Respond to Community Priorities.

### **Commission Review and Recommendation**

The Planning Commission has not reviewed the Resolution of Intention. Should the City Council adopt the Resolution of Intention, the Planning Commission will conduct a future Public Hearing on the proposed amendments and then make a recommendation to the City Council.

### **Public Notification**

Public noticing for a Resolution of Intention is not required. The Public will be involved in this project through a future public workshop as well as Public Hearings before the Planning Commission and the City Council. Public Hearings will be noticed as required by SPMC Section 36.620.040 (Hearings and Notice).

### **Environmental Analysis**

The proposed amendments are considered routine and are not expected to have any impact on the environment. As such, they would qualify for the Common Sense exemption from the California Environmental Quality Act (CEQA) (CEQA Section 15061(b)(3)) that pertains to projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” Given that the proposed amendments would be administrative in nature, are not tied to a specific project, would not create any direct or indirect environmental impacts, and would not change the CEQA process for future projects, Section 15061(b)(3) would therefore apply and the proposed amendments would not be subject to CEQA review.

### **Next Steps**

Should the City Council initiate the Zoning Text Amendment, staff would draft the amendments, conduct public outreach efforts, and return to the City Council in winter 2024/2025 for adoption.

**EXHIBIT A**  
**POTENTIAL AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE**

TOPIC	DESCRIPTION	SPMC SECTIONS TO BE REVIEWED AND/OR AMENDED, INCLUDING BUT MAY NOT BE LIMITED TO:
Zoning Code and Zoning Map Amendment Initiation	Potentially revise the Municipal Code to allow the Community Development Director to initiate Zoning Text and Zoning Map amendments.	Chapter 2 Section 36.620.030
Historic Resources Evaluation (HRE)/ADU/CHC/DRB Streamlining	Potentially revise the Municipal Code to simplify the ADU approval process by allowing Chair Review or Staff Review for simple projects instead of CHC/DRB approval.	Section 2.65 Section 36.350.200 Section 36.410.040
Equipment Setbacks	Revise code language to make the Municipal Code internally consistent.	36.300.030.D (Table 3-1 Note) Section 36.300.070.C Section 36.300.080.A
Second Unit Parking	Update code language to remove the Second Unit reference and potentially replace the term with Accessory Dwelling Unit.	Section 36.310.040 (Table 3-6)
Sign Approval Streamlining	Streamline and simplify the sign-approval process.	36.320.030
Accessory Dwelling Units	Revise language in the Municipal Code to be consistent with updated State ADU regulations.	36.350.200
Development Streamlining	Potentially revise code language to simplify the development review process.	36.410.040
Expiration Dates for Entitlements	Potentially extend the expiration date of all Entitlements to 24 months	Section 36.420.040
Development Streamlining	Potentially revise subdivision procedures and the ministerial approval process for eligible affordable housing projects.	Article 5 (Subdivisions) (Various Sections)
Public Hearing Signs	Consider requiring a project site to be posted with a Public Hearing Notice sign.	36.630
Definitions	Update the list of definitions to include routine changes.	36.700