Hearing Officer Transmittal Checklist	Hearing Date January 19, 2010 Agenda Item Number 4

Project Number: R2004-00104-(5)
Case(s): Community Standards District Modification No. 200900002
Contact Person: Mi Kim mkim@planning.lacounty.gov, x46443

Included	NA/None	Document
☒	☐	Factual
☒	☐	Property Location Map
☒	☐	Staff Report
☒	☐	Draft Findings
☒	☐	Draft Conditions
☒	☐	DPW Letter
☒	☐	FD Letter
☐	☒	Other Department's Letter(s)
☒	☐	Burden Of Proof Statement(s)
☐	☐	Environmental Documentation (IS, MMP, EIR)
☒	☐	Opponent And Proponent Letters
☒	☐	Photographs
☐	☒	Resolution (ZC Or PA)
☐	☒	Ordinance with 8.5 X 11 Map (ZC Or PA)
☐	☐	Land Use Radius Map
☐	☐	Site Plan And Elevations
☒	☐	Applicant's PowerPoint presentation

Reviewed By: _____

Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) **PROJECT NUMBER R2004-00104 – (5)** **COMMUNITY STANDARDS DISTRICT** **MODIFICATION 20090000** 2	PUBLIC HEARING DATE December 1, 2009	AGENDA ITEM
	RPC CONSENT DATE	CONTINUE TO

APPLICANT	**OWNER**	**REPRESENTATIVE**
Saint Anthony Greek Orthodox Church	Saint Anthony Greek Orthodox Church	HMC Architects

PROJECT DESCRIPTION

The project consists of the demolition of the existing community center and the construction of a new community center with 22,420 total floor-area consisting of a dining hall, office space, kitchen, storage, food service, lobby area and a utility room, 93 parking stalls will be provided. The project is proposing drought tolerant landscaping, new improved lighting system, better storm water management and gray water system, ADA ramps, new paving and a better security system.

REQUIRED ENTITLEMENTS

The applicant is requesting a community standards district modification to reduce the 15 feet setback requirement to 5 feet on the north side.

LOCATION/ADDRESS

778 S Rosemead Blvd. Pasadena

SITE DESCRIPTION

The site plan depicts the existing church having a maximum occupancy load of 457, the proposed 35' high community center. There are 47 on-site parking and 46 off-site parking spaces. The access is shown through Locksley Drive through a private alley.

ACCESS Locksley Drive	**ZONED DISTRICT** East Pasadena
ASSESSORS PARCEL NUMBER 5378-012-018 and 5378-012-021	**COMMUNITY** East Pasadena San Gabriel
SIZE 1.13 Acres	**COMMUNITY STANDARDS DISTRICT** East Pasadena Community Standards District

	EXISTING LAND USE	**EXISTING ZONING**
Project Site	CHURCH	R-3 (Limited Multiple Residence)
North	CHURCH	R-3 (Limited Multiple Residence)
East	RESIDENTIAL	R-1-20,000 (Single Family Residence)
South	APARTMENT BUIDINGS	R-3 (Limited Multiple Residence)
West	RESIDENTIAL	R-1-20,000 (Single Family Residence)

GENERAL PLAN/COMMUNITY PLAN	**LAND USE DESIGNATION**	**MAXIMUM DENSITY**
Los Angeles	3-Medium Density Residential	12-22 du/acre

ENVIRONMENTAL DETERMINATION

Category 3

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON:		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor

gis NET department of regional planning

Output from GIS-NET

Printed On: Jan 11, 2010

Legend

- Parcel Boundary
- Arterial Street
- Highway
- Freeway

Master Plan of Highways
- Expressway - (e)
- Expressway - (p)
- Ltd. Secondary Highway - (e)
- Ltd. Secondary Highway - (p)
- Parkway - (e)
- Parkway - (p)
- Major Highway - (e)
- Major Highway - (p)
- Secondary Highway - (e)
- Secondary Highway - (p)
- (e)-Existing (p)-Proposed

Railroad or Rapid Transit
- Railroad
- Rapid Transit
- Underground Rapid Transit

Significant Ridgelines
- Castaic CSD Primary
- Castaic CSD Secondary
- SMMNA Significant

- Census Tract (2000)
- Assessor Map Book (AMB) Bdy
- Zoning Index Map Grid
- Zoning Map Grid
- USGS Quad Sheet Grid
- The Thomas Guide Grid
- TB Internal Page Grid
- Very High Fire Hazard Serverity Zone
- Community Standards District (CSD)
- CSD Area Specific Boundary
- ESHA (Coast Only)
- Significant Ecological Area (SEA)
- Section Line
- Township and Range
- National Forest
- Equestrian District (EQD)
- Transit Oriented District (TOD)
- Setback District
- Zoned District (ZD)
- Supervisorial District Boundary

Safety Related Stations (From TB)
- Fire Station
- Highway Petrol
- Police Station
- Ranger Station
- Sheriff Station

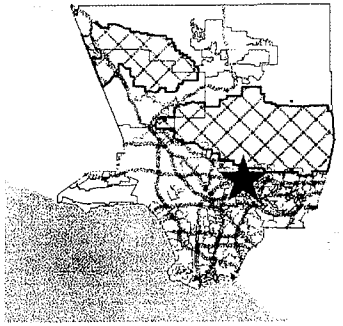
- Zoning (Boundary)

Zoning
- Zone A-1
- Zone A-2
- Zone B-1
- Zone B-2
- Zone C-1
- Zone C-2
- Zone C-3
- Zone C-H
- Zone C-M
- Zone CPD
- Zone C-R
- Zone D-2
- Zone IT
- Zone M-1
- Zone M-1.5
- Zone M-2
- Zone M-3
- Zone MPD
- Zone MXD
- Zone O-S
- Zone P-R
- Zone R-1
- Zone R-2
- Zone R-3-(*)U
- Zone R-4-(*)U
- Zone R-A
- Zone RPD
- Zone R-R
- Zone SP
- Zone SR-D
- Zone W

Landuse Policy (Not in Comm/ Area Plan)
- 1 - Low Density Residential (1 to 6 du/ac)
- 2 - Low/Medium Density Residential (6 to 12 du/ac)
- 3 - Medium Density Residential (12 to 22 du/ac)
- 4 - High Density Residential (22 or more du/ac)
- C - Major Commercial
- I - Major Industrial
- O - Open Space
- P - Public and Semi-Public Facilities
- RC - Rural Communities
- R - Non-Urban
- TC - Transportation Corridor

Inland Waterbody
- Perennial
- Intermittent
- Dry

Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.



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Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET. The map should be interpreted in accordance with the disclaimer statement of GIS-NET.

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LOS ANGELES COUNTY LETTERGRAM

TO	Pat Hachiya Hearing Officer	**FROM**	Mi Kim Zoning Permits I

SUBJECT: Additional Material **DATE:** January 11, 2010
CASE NUMBER: R2004-00104-(5)/ RCSD200900002

The attached hearing package does not include the plot plan as the applicant will be submitting a revised plot plan tomorrow afternoon along with the occupancy load analysis by Building and Safety. The revised plot plan and parking analysis based on the certified occupancy load will be forwarded to you this Thursday, January 14, 2010. Thank you for your patience.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

January 19, 2010

TO: Patricia Hachiya
Hearing Officer

FROM: Mi Kim
Principal Regional Planning Assistant
Zoning Permits I Section

SUBJECT: AGENDA ITEM NO. 4.
PROJECT NO. R2004-00104-(5)
COMMUNITY STANDARDS DISTRICT MODIFICATION NO. 200900002

BACKGROUND

The applicant, Saint Anthony's Greek Orthodox Church, is requesting relief of the rear yard setback requirement in the East Pasadena – San Gabriel Community Standards District ("CSD") (Los Angeles County Code Section 22.44.135 D.2) from 15 feet to five feet.

This request is made in relation to a plot plan proposal to demolish an existing community hall and construct a new community center with a five feet rear yard setback instead of the required 15 feet.

The subject property is located at 788 S. Rosemead Boulevard subject to the East Pasadena – San Gabriel CSD. The property is zoned R-3 (Limited Multiple Residence), which allows a church with an administrative plot plan review, but for the CSD modification request.

The modification request is being processed in accordance with the procedure set forth in the CSD (Section 22.44.135 C.4). Property owners within 200 feet radius of the project site were notified of the modification request on June 25, 2009. The CSD procedure provides that if there are three or more requests for a public hearing within 15 days of notification of the request, the director must deny the request. Eight letters of opposition and request for public hearing were received within the comment period. Accordingly, the request was denied. The applicant appealed the director's denial and the matter is set for a public hearing.

The hearing was originally scheduled for December 1, 2009; however, the hearing was continued to January 19, 2010 pending Fire Department and Public Works Department comment letters, and revised plot plan. Staff has since received the clearance letters from Fire and Public Works with recommended conditions. The comment letters are attached as conditions of approval.

PROJECT DESCRIPTION

The subject property consists of three parcels, Assessor's Parcel Numbers 537802023, 5378012021, and 5378011032. The project site of the modification request and proposed community hall are two parcels north of Locksley Drive, APN 5378012023 and 5378012021. The third parcel, APN 5378011032 is located to the south of Locksley Drive. It is developed with additional parking for the church. No new construction is proposed for this parcel.

CSD Modification

Parcels north of Locksley Drive are developed with the main sanctuary, community hall, and parking. The project proposes to demolish the existing community hall and build a new community center along the northern property line with a 5 feet rear yard setback instead of the 15 feet required by the East Pasadena – San Gabriel CSD.

Plot Plan

The CSD modification request with a public hearing includes the plot plan review of the proposed community center. The project site for the new community center (two parcels north of Locksley Drive) has a lot area of 49,311 square feet. It is currently developed with a sanctuary (6, 388 square feet), a community hall, and parking. The sanctuary is to remain, but the community hall is to be demolished. In its stead, a new two-story community center with a basement and total floor area of 19,352 square feet is proposed along the northern property line with reconfigured parking.

Base Zone Development Standards. The subject property is zoned R-3. The development standards for structures in this zone include height limits, dwelling unit density, yard and parking requirements. These standards are superseded by CSD standards. A matrix of CSD development standards are provided below.

CSD Development Standards. The following table provides an analysis of the CSD development standards and the project's compliance.

Development Standards	Standards	Compliance
Minimum Rear Yard Depth	15 feet.	CSD modification requested to provide for 5 feet instead of the 15 feet.
Minimum Side Yard Width	5 feet.	Need to verify on revised plot plan.
Minimum Reverse Corner Side Yard	10 feet.	Need to verify on revised plot plan.
Minimum Front Yard Depth	Average depth of front yards on the same side of the street on the same block or 20 feet.	Nonconforming due to standards. The front yard setback is existing. The existing sanctuary was built in 1965 within the 20 feet setback required by current standards.
Front Yard	Minimum 20 percent of the	Nonconforming due to standards. 1,085

Landscaping	required front yard shall contain softscape landscaping.	square feet of landscaping is provided in the existing front yard.
Structure Height and Setback	Adjacent to a single-family residential zone, height at five feet from the property line shall be 10 fee; any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height.	Need to verify at height near residential.
Maximum Height	Maximum 35 feet except chimneys and rooftop antennas.	Need to verify that height adjacent to residential is stepped back.
Maximum Grade	Maximum grade shall be the average grade of adjoining lots or parcels of land.	Subject property and surrounding lots are flat.
Maximum Floor Area	100 percent of the net lot area. Floor area shall include all enclosed buildings except cellars or garages.	Yes. Total floor area, including the existing sanctuary is 25,740 square feet or 52 percent of the lot area.
Maximum Lot Coverage	Maximum 75 percent of the net lot area.	Yes. Total lot coverage, including the sanctuary is 17,791 or 36 percent of the lot area.
Parking	As required by Part 11 of Chapter 22.52.	Need occupancy load and revised plot plan to determine parking compliance. Handicap parking space... 2 if 41-80; 3 if 81-120. 2.a. Side and Rear Yards. Where parking facilities are located on land adjoining a residential or agricultural zone, a solid masonry wall not less than five feet nor more than six feet in height shall be established along the side and rear lot lines adjoining said zones (22.52.1060 D.2) E. Landscaping. 1. Where a wall is required to be set back from a lot line, the area between said lot line and such wall shall be landscaped with a lawn, shrubbery, trees and/or flowers, and shall be continuously maintained in good condition. 2. At least two percent of the gross area of the parking lot shall be landscaped. Landscaping shall be distributed throughout the parking lot, so as to maximize the aesthetic effect and compatibility with adjoining uses. This regulation shall not apply to parking areas on the roofs of buildings, nor to parking areas within a building.

Street Lighting	To be consistent with the neighborhood pattern except where the department of public works determines that a different street lighting configuration is required for the protection of public health and safety.	

Green Building Program. The proposed project is subject to the Green Building Program Ordinances as follows

Drought Tolerant Landscaping

- Minimum 75 percent of all landscaping must be drought-tolerant.
- Grass or turf must be maximum of 25 percent of all landscaping, 5,000 square feet, water efficient, and at least five feet in width.
- Plants with similar water needs are to be grouped together.

Staff received a notarized copy of the convenant agreeing to landscape and maintain the property in accordance with the Drought Tolerant Ordinance.

Green Building

- One 15-gallon tree per 10,000 square feet of developed area. At least 65 percent of the trees must be from the Drought Tolerant Plant List.
- Project must comply with Green Building requirements unless waived or modified by Los Angeles County Department of Public Works.
- Third party LEED Certification or equivalent is required.

Low Impact Development

- Project must comply with Low Impact Development requirements unless waived or modified by Public Works.

EXISTING ZONING

Subject Property: R-3
Surrounding Properties:
North: R-3
East: R-1-20,000 (Single Family Residence – 20,000 Square Feet Minimum Required Lot Area)
South: R-3
West: R-1-20,000

The subject property's zoning is consistent with the properties to the north and south, which are zoned R-3. To the east, the R-3 Zone properties front Rosemead Blvd and buffer R-1 Zones from the major highway. To the west, R-1 Zones immediately front Rosemead Blvd.

EXISTING LAND USES

Subject Property: Church

Surrounding Properties:
North: Church
East: Single-family residences
South: Apartments
West: Single-family residences

The property immediately to the north is developed with a church and is compatible with the subject property. The property to the south is developed with an apartment, a more land intensive use, which is compatible with the church. The properties immediately to the east and to the west are developed with single-family residences. Draft conditions of approval are recommended to mitigate potential impacts of the church's newly proposed community center to the single-family residential neighborhood.

PREVIOUS CASE/ZONING HISTORY

The original plot plan cannot be found, but there is indication that the existing sanctuary was first approved in 1964. A revised plot plan for the sanctuary and an accessory shed was approved in 1970. Another revised plot plan in 1975 indicates that the sanctuary and community hall are existing.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that a Categorical Exemption (Class 3–New Construction or Conversion of Small Structures) is the appropriate environmental documentation under CEQA reporting requirements.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Per Section 22.44.135 C.4.b of the County Code concerning the CSD modification request, a notice of public hearing was advertised in the Pasadena Star News and La Opinion on October 29, 2009. The case factual and notice were also sent to the Live oak Library on October 26, 2009. Additionally, the public hearing notification was sent to property owners within 1,000 feet radius of the subject project site, and the notice was posted on site at least 30 days prior to the hearing.

PUBLIC COMMENTS

There were eight letters of opposition or request for a public hearing in response to the CSD modification request. As a result, the request was denied. Since then, staff received two letters withdrawing the opposition. One of the withdrawal letters is from the Michillinda Park Association, the area homeowner's association.

Subsequent to the denial, the applicant held two community outreach meetings in September 2009. The applicant informs staff that all but one neighbor withdrew their opposition.

In response to the notice of public hearing, sent to neighbors within a 1,000 feet radius in October, staff received one letter in support requesting a compromise seven feet rear yard setback. This letter is from the immediate neighbor sharing the northern boundary, the site of the rear yard setback modification. The applicant has not yet agreed to the seven feet offered by the neighbor instead of the five feet. (Letter Attached.)

Two letters of opposition were also received. One opposition letter cites problems with traffic and parking. The other opposition letters are from the neighbor immediately east of the project site who opposes the setback modification because the construction of the new community center is an intensification of land use which "will cause more noise, traffic, glaring light, and otherwise exacerbate the nuisance [...]" (Letters attached)

STAFF EVALUATION

The subject property is located in an R-3 Zone. A church is allowed in this zone with a director's review, that is, with a plot plan administrative review. The scope of this request is not whether the new community center can be constructed, but whether it can be constructed with a 5 feet rear yard setback instead of the 15 feet required in the CSD. The opposition to this request initiated the public hearing process.

The substance of the opposition however focuses on the construction of the new community center, concerned that demolition of the existing community center and the construction of the new one along the northern property line with the requested 5 feet setback will exacerbate traffic and cause parking and other problems. Per County Code Section 22.52 1095, one parking space is required for each five persons based on the occupant load of the largest assembly area as determined by the county engineer. The largest assembly area is the existing sanctuary, which is to remain as is. Thus the occupancy load of the church will remain the same.

To address the neighbor's concern about increased occupancy and parking, staff recommends the approval of a condition, which prohibits the concurrent use of facilities that would exceed the occupancy load established by the sanctuary without a special permit.

Also in response to neighbors' concern, staff recommends additional conditions of approval, which limit hours of operation and which require hooded lighting, maintenance of property, and special or temporary use permits outside of normal operating hours or special events.

The scope of the CSD modification request is the rear yard setback; however, staff also reviewed a draft plot plan for the proposed community center for compliance with the zoning code. The plot plan will be required to comply with the zoning code except as modified by this request.

STAFF RECOMMENDATION

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

If the Hearing Officer agrees with staff's evaluation above, staff recommends that the Hearing Officer close the public hearing, find that the project is Categorically Exempt, and **approve** CSD Modification Request No. 200900002 with the attached findings and conditions.

Attachments:

- Factual
- Draft Findings and Conditions
- Fire Department Letter Dated November 30, 2009
- Department of Public Works Letter Dated November 25, 2009
- Correspondence
- GIS-NET Map
- Thomas Brothers Guide Map Page
- Photos

MM:Mk
1/6/09

FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
COMMUNITY STANDARDS DISTRICT MODIFICATION NO. 200900002

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Community Standards District Modification No. 200900003 ("CSD Modification") on January 19, 2010.

2. The subject property is located at 778 S. Rosemead Blvd, Pasadena , within the East Pasadena Zoned District.

3. The permittee, St. Anthony, requests the CSD Modification to authorize the modification of the required rear yard in the East Pasadena – San Gabriel Community Standard District ("CSD") from 15 feet to five feet to accommodate the construction of a new community center at an existing church.

4. The subject property is presently zoned R-3 (Limited Multiple Residence). A church is allowed in the R-3 Zone with a director's review.

5. The plot plan for the proposed community center has been reviewed concurrently with the CSD Modification request, for compliance with the Zoning Code except for the modification allowed by this approval.

6. The surrounding properties are zoned as follows:

   North: R-3;
   South R-1-20,000 (Single Family Residence – 20,000 Square Feet Minimum Required Lot Area);
   West: R-3; and
   East: R-1-20,000.

7. The land use designation for the subject property in the Los Angeles Countywide General Plan ("General Plan") is "3"- Medium Density Residential (12 to 22 Dwelling Units Per Acre). The intent of this designation is to identify land suitable for multiple unit development including garden apartments and multiplex development in addition to high density townhouse developments. Such areas are typically located along major transportation corridors. The church fronts a major transportation corridor and is compatible with the intended higher density land use.

8. The subject property consists of three parcels: Assessor's Parcel Numbers 537802023, 5378012021, and 5378011032. The project site of the modification request and proposed community hall are two parcels north of Locksley Drive, APN 5378012023 and 5378012021. The third parcel, APN 5378011032 is located to the south of Locksley Drive. It is developed with additional parking for the church. No new construction is proposed for this parcel.

9. The subject property is currently developed with a church consisting of the main sanctuary, community hall, and parking. The project proposal is to demolish the

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existing community hall and build a new community center along the northern property line with a 5 feet rear yard setback instead of the 15 feet required by the East Pasadena – San Gabriel CSD.

10. In the R-3 Zone, a church is allowed with a director's review. Without the request for the rear yard setback modification, the proposed construction of the new community center would have been allowed with an administrative plot plan review.

11. The CSD Modification request with a public hearing included the plot plan review of the proposed community center. Except for the requested modification, the project is required to comply with all base zone and CSD development standards.

12. The project is subject to the Drought Tolerant Landscaping, Green Building, and Low Impact Development ordinances of the Green Building Program.

13. Regional Planning determined that the project was categorically exempt under the California Environmental Quality Act ("CEQA"), finding that the CSD modification is a minor alteration in land use limitations.

14. The modification request was processed in accordance with the procedure set forth in the CSD (Section 22.44.135.C.4). Property owners within 200 feet radius of the project site were notified of the modification request on June 25, 2009. The CSD procedure provides that if there are three or more requests for a public hearing within 15 days of notification of the request, the director must deny the request. Eight letters of opposition and request for public hearing were received within the comment period. Accordingly, the request was denied. The applicant appealed the director's denial and the matter was set for a public hearing to be considered by the Hearing Officer.

15. In accordance with public hearing procedures, the project was duly noticed to property owners within 1,000 feet radius of the subject property, advertised in the Pasadena Star News and La Opinion, and the notice was posted on site at least 30 days prior to the public hearing.

16. At the Hearing Officer's January 19, 2010 public hearing on the project, the Hearing Officer heard a presentation from staff, testimony from the permittee's representative, and testimony from project opponent (s).

17. [Insert testimony and HO action/ discussion]

18. On January 19, 2010, after hearing all testimony, the Hearing Officer closed the public hearing and took the following action [insert].

19. That the proposed addition of the new community center is in conformance with development standards except for the modification requested.

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20. The proposed project is compatible with the character of the community since the use is an existing use that is permitted by right. The requested rear yard setback modification adjoins the neighboring property to the north, which is also developed with a church.

21. The approval of this modification does not establish a precedent for approval of other modifications within the East Pasadena-San Gabriel Community Standards District.

22. The requested rear yard setback modification for the addition of a community center for the existing use will not change the existing occupancy load established by the sanctuary on the subject property; therefore, the proposed modification will not have a negative effect on neighboring property, traffic, and public health, safety and general welfare.

23. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in the Los Angeles County Code.

THEREFORE, THE HEARING OFFICER:

1. Certifies that it found the project to be categorically exempt under CEQA at the conclusion of the public hearing on the project; and,

2. Approves Community Standards District Modification Number 200900002-(5), subject to the attached conditions.

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This grant authorizes a modification to the East Pasadena-San Gabriel Community Standards District for the construction of a community building accessory to an existing church with a side yard setback of five (5) feet in lieu of the required 15 feet, as depicted on the approved Exhibit "A", and subject to all of the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition Number 6, and until all required monies have been paid pursuant to Condition Number 8.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

7. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **$450**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **three annual** inspections. Inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be $150.00 per inspection, or the current recovery cost, whichever is greater.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

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10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.

14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

17. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A." All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, or by the approved Exhibit "A," or the revised Exhibit "A" approved by the Director.

    a. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval of the CSD Modification Request.

    b. In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) for such revision.

18. The construction, operation and maintenance of the proposed use shall be further subject to all of the following conditions:

    a. A minimum of xx parking spaces shall be maintained on site at all times. An additional xx spaces shall be available on the auxiliary lot.

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b. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter all areas of the premises under which the permittee has control.

c. Outdoor storage is expressly prohibited.

d. All on-site lights shall be shielded in such a way so as to minimize glare from the site. Any lighting adjacent to residences shall be hooded and directed away from neighboring residences to prevent direct illumination and glare.

e. Concurrent events at the sanctuary and community center or on site shall not exceed the total occupancy load for the sanctuary as established by this permit, unless otherwise authorized by a Temporary Use Permit for a "Special Event."

f. "Special Event" is any activity outside normal hours of operation established by this permit or any activity that exceeds occupancy load of the sanctuary as established by this permit. A Temporary Use Permit must be obtained from the Department of Regional Planning prior to any such event. Operating hours for such an event, appropriate parking arrangements, or other requirements may be established by the Temporary Use Permit especially for the "Special Event."

g. The permittee's operating hours shall be from 7 a.m. to 10 p.m. unless otherwise authorized by a Temporary Use Permit for a "Special Event," except said limitations may not include Christmas Eve, Christmas Day, Greek Orthodox Easter Sunday, and three days preceding Greek Orthodox Easter Sunday.

h. Upon approval of this grant, the permittee shall contact the County Fire Department to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department. In addition, the permittee shall comply with all requirements set forth in the letter dated November 30, 2009 by the County Fire Department, attached hereto, except as otherwise required by said department.

i. The subject property shall be developed and maintained in compliance with requirements of the County Department of Public Health. Water and sewer facilities and/or service shall be provided for the project to the satisfaction of said department.

j. All structures related to the permittee's use shall comply with the requirements of County Department of Public Works' ("Public Works") Division of Building and Safety. In addition, the permittee shall comply with all requirements set forth in the letter dated November 25, 2009 by Public Works, attached hereto, except as otherwise required by said department.

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k. The permittee shall post a sign at the entrance to the church parking encouraging parishioners to park on church premises and away from neighboring residential streets.

l. Within 90 days following the approval date of this grant, the permittee shall submit to the Director for review and approval a covenant running with the land for the benefit of the County showing that the permittee agrees to hold the following parcels as one parcel: Assessor Parcel Numbers 5378011032, 5378012023, and 5378012021. Once said covenant is approved, it shall be recorded in the office of the County Registrar-Recorder/County Clerk and shall remain in effect for the life of this grant or for as long as otherwise provided for in said covenant.

m. All trash receptacles shall be placed within a masonry or concrete block enclosure of adequate height to preclude view of the receptacle. Said enclosure shall have a wooden or other type of opaque gate.

n. The permittee shall comply with Drought Tolerant Landscaping Ordinance requirements as follows:

- Minimum 75 percent of all landscaping must be drought-tolerant.
- Grass or turf must be maximum of 25 percent of all landscaping, 5,000 square feet, water efficient, and at least five feet in width.
- Plants with similar water needs are to be grouped together.

o. The permittee shall comply with Green Building Ordinance as follows:

- One 15-gallon tree per 10,000 square feet of developed area. At least 65 percent of the trees must be from the Drought Tolerant Plant List.
- Project must comply with Green Building requirements unless waived or modified by Los Angeles County Department of Public Works.
- Third party LEED Certification or equivalent is required.

p. Three copies of a landscape plan shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscaping may be incorporated into the revised Exhibit "A" described above, showing the size, number, type, and location of all plants, trees, and watering facilities to be installed at the site. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary. Landscape watering facilities, if any, shall consist of a permanent water-efficient irrigation system, such as "bubbler" or drip irrigation, to irrigate all landscaped areas, except for turf or other ground cover.

q. The permittee shall comply with Low Impact Development Ordinance requirements unless waived or modified by Public Works.

DRAFT

December 29, 2009

Ms. Mi Kim
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Re: St. Anthony Greek Orthodox Church
Project No. R2004-00104-(5)

Dear Ms. Kim:

Thank you for your revised conditions set forth in your email of December 23, 2009. We have carefully reviewed your requested conditions to be attached to the Request for CSD Modification and have provided our responses below. We have accepted many of your conditions and either request clarification or propose revised language for others. If our proposed changes are acceptable, please indicate so in writing. Otherwise, we request the opportunity to meet with you the week of January 4th 2010 to discuss our responses in further detail.

Conditions w/ Responses

1. Unless otherwise apparent from the context, the term [redacted] shall include the applicant and any other person, corporation, or other entity making use of this grant.

   St. Anthony Response:

   Unless it would delay the process leading to the Public Hearing and approval of the Request for CSD Modification, we would prefer that St. Anthony be reflected in the documentation as the [redacted]

   Staff Recommendation:

   Staff does not recommend any changes. This is DRP's standard condition and language.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, [redacted] of this grant.

   St. Anthony Response:

Please amend the condition per the following: 2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept [redacted] of this grant.

<u>Staff Recommendation:</u>

Staff does not recommend any changes. This is DRP's standard condition and language.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul [redacted], which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

<u>St. Anthony Response</u>:

Please amend the condition per the following: "3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul [redacted], which ..."

Additionally, we are conferring with our insurance carrier to confirm that this condition is currently permissible under our policy. Further revisions to this condition may be required by our carrier and thus proposed by St. Anthony.

<u>Staff Recommendation:</u>

Staff does not recommend any changes. This is DRP's standard condition and language.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within [redacted] of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit.

There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

St. Anthony Response:

Please amend the condition per the following: "4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within [redacted] of the filing..."

Additionally, we are conferring with our insurance carrier to confirm that this provision is currently permissible under our policy. Further revisions to this condition may be required by our carrier and thus proposed by St. Anthony.

Staff Recommendation:

Staff does not recommend any changes. This is DRP's standard condition and language.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.

St. Anthony Response:

This condition is acceptable.

6. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the grant shall be suspended and the privileges granted shall lapse; provided that the property owner has been given written notice of such violation and has failed to correct the violations for a period of thirty [redacted]

St. Anthony Response:

Please amend this condition per the following: 6. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the grant shall be suspended and the privileges granted shall lapse; provided that the

property owner has been given written notice of such violation and has failed to correct the violations for a period of thirty [redacted].

7. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

   <u>St. Anthony Response</u>:

   This condition is acceptable.

8. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.

   <u>St. Anthony Response</u>:

   This condition is acceptable.

9. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.

   <u>St. Anthony Response</u>:

   The Project has received clearance from Los Angeles County Fire and thus we request this condition be removed as being redundant and potentially confusing.

   <u>Staff Recommendation:</u>

   This condition may be removed as Condition No. 21 addresses the issue .

10. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.

    <u>St. Anthony Response</u>:

    We have not yet received a copy of the document you refer to as Exhibit "A." Please provide us with a copy as soon as possible.

    <u>Staff Recommendation:</u>

    Exhibit "A" is the plans and maps considered at the hearing. The applicant will receive a copy of the approved map after the end of the appeal period and upon submission of the Affidavit of Acceptance.

10.5 In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within [redacted] of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

St. Anthony Response:

We propose the following minor revisions to the portion of the condition immediately above: "In the event of graffiti or other extraneous markings occurring on the St. Anthony site, the permittee shall remove or cover said markings, drawings, or signage within *a* [redacted]. Paint utilized in covering such markings shall be of a color that matches, as closely as *practical*, the color of the..."

Staff Recommendation

This is DRP's standard condition and Staff's recommended condition; however, if the Hearing Officer would like to amend this condition to 48 hours, Staff has no objections.

11. A minimum of xx parking spaces shall be maintained on site at all times. An additional xx spaces shall be available on the auxiliary lot.

St. Anthony Response:

Please amend this condition per the following: 11. A total of 92 parking spaces shall be provided by the Church- a combination of the Locksley lot and the Church site unless approved pursuant to processes established by the County of Los Angeles.

Staff Recommendation

The occupancy load determination is pending. Parking will be determined once staff receives occupancy load certified by Building and Safety.

12. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises under which the permittee has control.

St. Anthony Response:

Please remove the first sentence "The permittee shall maintain the subject property in a neat and orderly fashion." **from this condition since the interpretation of "neat and orderly fashion" is subjective. The second sentence is acceptable.**

Staff Recommendation

This condition has been revised to: "The permittee shall maintain the subject property in a neat and orderly fashion, such that the premises under which the permittee has control free is of litter, trash and debris.

13. Outdoor storage is expressly prohibited.

St. Anthony Response:

Please amend the condition per the following: "13. Permanent outdoor storage is expressly prohibited unless approved pursuant to processes established by the County of Los Angeles.

Staff Recommendation

Staff has no objections to the proposed language.

14. All on-site lights shall be shielded in such a way so as to minimize glare from the site. Any lighting adjacent to residences shall be hooded and directed away from neighboring residences to prevent direct illumination and glare.

St. Anthony Response:

Please amend this condition per the following: 14. Parking lot lighting shall be designed and installed per governing code requirements.

Staff Recommendation

Staff does not recommend any changes, unless the change more clearly specifies the lighting type and standard suggested by Staff.

15. Church worship services and religious classes or meetings should not be held so as to create undue demand on available parking.

St. Anthony Response:

The County has a right to regulate building occupancy limits not religious uses. This concern is addressed in conditions 16 and 18 below. Please delete this condition.

Staff Recommendation

Staff agrees that this condition can be removed.

16. Concurrent events at the sanctuary and the community center shall not exceed the total occupancy load established by this permit, unless otherwise authorized by a Temporary Use Permit

St. Anthony Response:

Please revise this condition as follows: "Concurrent events at the sanctuary and the community center shall not exceed the total occupancy load for the Sanctuary, unless otherwise authorized by a Temporary Use Permit or available parking spaces. Personnel supporting each event shall not be included in the occupancy load calculation for the purposes of this condition."

Staff Recommendation

This condition has been revised to: "Concurrent events at the sanctuary and community center or on site shall not exceed the total occupancy load for the sanctuary as established by this permit, unless otherwise authorized by a Temporary Use Permit for a "Special Event."

17. The permittee's operating hours shall be from XX to XX unless otherwise authorized by a Temporary Use Permit for a "Special Event."

St. Anthony Response:

Please revise the condition as follows: ***The permittee's scheduled event hours of operation shall be from 7 am to 12:00 (midnight), unless otherwise authorized by a Temporary Use Permit. Time periods not subject to said limitations include Christmas Eve, Christmas Day, the Sunday of Greek Orthodox Easter, and the three days preceding Greek Orthodox Easter Sunday.***

Staff Recommendation

Staff recommends hours of operation be limited to 7 a.m. to 10 p.m. similar to other churches, unless the Hearing Officer modifies these hours pursuant to testimony given at the public hearing.

18. "Special Event" is any activity other than a regularly scheduled church service, which leads to need for parking in excess of the required number of parking spaces. A Temporary Use Permit must be obtained from the Department of Regional Planning prior to any such event, and the operating hours for such an event may be established by the said permit.

St. Anthony Response:

We object to this condition as currently phrased.

The County has a right to regulate occupancy limits and thus we propose the following alternative language: "Special Event" is any activity other than a church service or a reception immediately following such service, which leads to an occupancy load level exceeding 460 people on the premises or an occupancy load level on the premises in excess of the number supported by available parking. A Temporary Use Permit must be obtained from the Department of Regional Planning prior to any such event, and the operating hours for such an event may be established by the said permit. Personnel supporting each event shall not be included in the occupancy load calculation for the purposes of this condition."

Staff Recommendation

This condition has been revised to, "Special Event" is any activity outside normal hours of operation established by this permit or any activity that exceeds occupancy load of the sanctuary as established by this permit. A Temporary Use Permit must be obtained from the Department of Regional Planning prior to any such event. Operating hours for such an event, appropriate parking arrangements, or other requirements may be established by the Temporary Use Permit especially for the "Special Event."

19. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, or by the approved Exhibit "A" or the revised Exhibit "A" approved by the Director.

St. Anthony Response:

Please provide us with a copy of the referenced Exhibit "A". Please revise this condition as follows: 19. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant *or subsequent grants*, as set forth in these conditions, or by the approved Exhibit "A" or the revised Exhibit "A" approved by the Director.

Staff Recommendation:

Exhibit "A" is the plans and maps considered at the hearing. The applicant will receive a copy of the approved map after the end of the appeal period and upon submission of the Affidavit of Acceptance.

20. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) for such revision.

St. Anthony Response:

Please provide us with a copy of the referenced Exhibit "A". This condition is generally acceptable and we anticipate this condition will be confirmed acceptable after our review of Exhibit "A".

Staff Recommendation:

Exhibit "A" is the plans and maps considered at the hearing. The applicant will receive a copy of the approved map after the end of the appeal period and upon submission of the Affidavit of Acceptance.

21. Upon approval of this grant, the permittee shall contact the County Fire Department to determine the requirements that must be satisfied for fire protection purposes related to the permittee's use. All such requirements shall be satisfied to the satisfaction of and within the timeframe set by said department. In addition, the permittee shall comply with all requirements set forth in the letter dated November 10, 2009 by the County Fire Department, attached hereto, except as otherwise required by said department.

St. Anthony Response:

This condition is generally acceptable. St. Anthony has proposed modifications to the department's last correspondence and awaits confirmation of acceptance of those modifications. A follow-up mtg with the Fire Dept. prior to the Public Hearing may be necessary to address the proposed modifications.

22. The subject property shall be developed and maintained in compliance with requirements of the County Department of Public Health. Water and sewer facilities and/or service shall be provided for the project to the satisfaction of said department.

St. Anthony Response:

This condition is acceptable.

23. All structures related to the permittee's use shall comply with the requirements of County Department of Public Works' ("Public Works") Division of Building and Safety. In addition, the permittee shall comply with all requirements set forth in the letter dated xxxxxx by Public Works, attached hereto, except as otherwise required by said department.

St. Anthony Response:

This condition is generally acceptable. St. Anthony has proposed modifications to the department's last correspondence and awaits confirmation of acceptance of those modifications. A follow-up mtg with Public Works prior to the Public Hearing may be necessary to address the proposed modifications.

24. Within [redacted] following the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which complies with Green Building Program Ordinances. The landscaping may be incorporated into the revised Exhibit "A" described above, showing the size, number, type, and location of all plants, trees, and watering facilities to be installed at the site. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary. Landscape watering facilities, if any, shall consist of a permanent water-efficient irrigation system, such as "bubbler" or drip irrigation, to irrigate all landscaped areas, except for turf or other ground cover.

St. Anthony Response:

Please revise this condition per the following: 24. Within [redacted] following the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which complies with Green Building Program Ordinances. The landscaping may be incorporated into the revised Exhibit "A" described above, showing the size, number, type, and location of all plants, trees, and watering facilities to be installed at the site. ***The permittee shall maintain landscaping per governing codes and ordinances.***

Staff Recommendation:

Staff recommended revision: **"Three copies of a landscape plan shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscaping may be incorporated into the revised Exhibit "A" described above, showing the size, number, type, and location of all plants, trees, and watering facilities to be installed at the site. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, and shall properly prune, weed, remove litter, fertilize, and replace plants when necessary. Landscape watering facilities, if any, shall consist of a permanent water-efficient irrigation system, such as "bubbler" or drip irrigation, to irrigate all landscaped areas, except for turf or other ground cover."**

25. The permittee shall post a sign at the entrance to the church parking [redacted] parishioners to park on church premises and away from neighboring residential streets.

St. Anthony Response:

Please revise this condition per the following: 25. The permittee shall post a sign at the entrance to the church parking [redacted] parishioners to park on church premises and away from neighboring residential streets.

Staff Recommendation:

Staff has no objections to the applicant's proposed change.

26. Within [redacted] following the approval date of this grant, the permittee shall submit to the Director for review and approval a [redacted] running with the land for the benefit of the County showing that the permittee agrees to hold the following parcels as one parcel: Assessor Parcel Numbers 5378011032, 5378012023, and 5378012021. Once said [redacted] is approved, it shall be recorded in the office of the County Registrar-Recorder/County Clerk and shall remain in effect for the life of this grant or for as long as otherwise provided for in said [redacted].

St. Anthony Response:

Please revise this condition per the following
Within [redacted] following the approval date of this grant, the permittee shall submit to the Director for review and approval a [redacted] running with the land for the benefit of the County showing that the permittee agrees to hold the following parcels as one parcel: Assessor Parcel Numbers 5378011032, 5378012023, and 5378012021. Once said [redacted] is approved, it shall be recorded in the office of the County Registrar-Recorder/County Clerk and shall remain in effect for the life of this grant or for as long as otherwise provided for in said [redacted].

Staff Recommendation:

No change is recommended.

Thank you for you professional assistance. Please call me on my cell at (626) 319-2333 if you have any questions.

Best regards,

John Patzakis
President, St. Anthony
Greek Orthodox Church

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: November 30, 2009

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CSD R2004-00104

LOCATION: 778 S. Rosemead Blvd., Pasadena (Co.)

☒ The required fire flow for this development is **2000** gallons per minute for **2** hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☒ The required fire flow for private on-site hydrants is **2500** gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing **1250** gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☒ Verify **1** 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ **Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.

☒ **Water:** THE FOLLOWING ITEM(S) SHALL BE COMPLETED DURING THE BUILDING PLAN CHECK PHASE AND PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:
1. Verify and flow the nearest existing public fire hydrant to the property line.
2. Install (1) new public fire hydrant on the address side (Rosemead Blvd.) of the new building. Final location to be determined by the Fire Prevention Engineering Section during building plan check.
3. Relocate (1) existing private fire hydrant that is located in the center of the rear parking lot. Final location to be determined by the Fire Prevention Engineering Section during building plan check.

☒ **Access & Bldg.** 1. With building heights below 35 feet, fire apparatus access shall be paved and maintain a minimum width of 26 feet clear to sky. Said access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route.
2. Proposed building wall(s) adjacent to the side yard shall meet all fire and building code requirements for wall and opening protection.

☒ **Special Requirements:** THE FOLLOWING ITEM(S) SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR REVIEW AND APPROVAL DURING THE BUILDING PLAN CHECK PHASE AND PRIOR TO ISSUANCE OF A BUILDING PERMIT:
1. An original Fire Flow Availability form (Form 196) for the public and private fire hydrants.
2. A revised Site Plan.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: ***SCOTT JAEGGI***

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

DEC - 2 2009

November 25, 2009

IN REPLY PLEASE REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

Attention Jeantine Nazar

FROM: Steve Burger
Land Development Division
Department of Public Works

PROJECT NO. R2008-02340
778 SOUTH ROSEMEAD BOULEVARD
UNINCORPORATED COUNTY AREA OF PASADENA

☒ Public Works recommends approval of this CUP.

☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the project located at 778 South Rosemead Boulevard. The proposed project consists of the demolition of an existing 7,350-square-feet community hall and constructing a new 16,030-quare-feet community center.

Upon approval of the site plan, we recommend the following conditions:

1. Road Conditions

   1.1 Pay a nonrefundable cash contribution in the amount of $30,000.00 for the construction/reconstruction of curb ramps, curb returns, cross-gutter, and street trees along the property frontage on Rosemead Boulevard.

   1.2 Close any unused driveways with standard curb, gutter, and sidewalk along the property frontage on Rosemead Boulevard to the satisfaction of Public Works.

1.3 Repair any displaced, broken, or damaged curb, gutter, sidewalk, driveway apron, and pavement along the property frontage on Locksley Drive to the satisfaction of Public Works.

1.4 Construct/reconstruct all driveway approaches to meet current Americans with Disabilities Act requirements to the satisfaction of Public Works.

1.5 Plant street trees on Locksley Drive. Existing trees in dedicated right of way shall be removed and replaced if not acceptable as street trees.

1.6 Repair any improvements damaged during construction to the satisfaction of Public Works.

1.7 Underground all new service lines and distribution lines that are less than 50 KV and new utility lines (on Locksley Drive) to the satisfaction of Public Works and Southern California Edison. Please contact Public Works' Construction Division at (626) 458-3129 for new location of any above-ground utility structure in the parkway.

1.8 Restrict parking along the south side of Locksley Drive between Rosemead Boulevard and the private alley/firelane to the satisfaction of Public Works. The applicant shall initiate proceedings with Public Works to process the parking restriction. Applicant shall be responsible for and shall pay all costs associated with the processing of the parking restriction.

1.9 Provide a line-of-sight exhibit from the existing alley driveway on Locksley Drive demonstrating there is adequate sight distance for a design speed of 25 mph (150 feet) along the curved section of the street approaching the existing alley driveway. If adequate sight distance cannot be obtained under the existing street condition, due to obstructions from fixed objects or parked vehicles, the applicant will identify that portion of the street frontage along the north side of Locksley Drive that will need to have restricted parking. If parking restrictions are required, the applicant shall initiate proceedings with Public Works to process the parking restriction. Applicant shall be responsible for and shall pay all costs associated with the processing of the parking restriction.

1.10 Acquire street improvement plan approval or direct check status before obtaining a grading/building permit.

1.11 Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the items above, please contact David Esfandi at (626) 458-4921 or by e-mail at mesfandi@dpw.lacounty.gov.

2. Drainage

2.1 A Standard Urban Stormwater Mitigation Plan (as part of the drainage concept) is required prior to grading approval when any of the following conditions exist:

- Redevelopment projects (creation, addition, or replacement of 5,000-square-feet of impervious surface area);
- Parking lot with 5,000-square-feet or more of surface area or with 25 or more parking spaces;

2.2 A Low-Impact Development plans (as part of the drainage concept) is required prior to grading approval of the map.

- Per County Code Section 12.84.460 comply with Low-Impact Development requirements and provide calculations in accordance with the Low-Impact Development Standards Manual, which can be found at http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf

2.3 Submit a drainage concept showing the extent of drainage impacts and provide mitigation acceptable to Public Works. The analysis should address increases in runoff, any change in drainage patterns, debris producing areas, and the capacity of existing storm drain facilities. Provide line identification of all proposed drainage facilities. Preliminary soils and geology reports related to debris, retention, and detention basins may be required based on geographic and adverse geotechnical conditions. Provide engineering calculations to support sizing of debris, retention, and detention basins. Provide approximate flood hazard and bank erosion setbacks and lot identifications (as needed). Show slopes for existing and proposed streets. Provide a drainage/grading covenant for any off-site work.

For questions regarding the items above, please contact Christopher Sheppard at (626) 458-4921 or by e-mail at csheppard@dpw.lacounty.gov.

3. Soils and Geology

3.1 All or portion of the site is located within both an Alquist-Priolo Earthquake Fault Zone and a potentially liquefiable area per the State of California Seismic Hazard Zones Map–Mount Wilson Quadrangle. Both of these potential hazards were addressed in reports dated November 19, 2007, and June 16, 2008, prepared by the J. Byer Group, Inc. These reports found that the subject property is not subject to fault rupture or liquefaction hazard.

For questions regarding the items above, please contact Jeremy Wan at (626) 300-4925 or by e-mail at jwan@dpw.lacounty.gov.

4. Grading

4.1 Submit a grading plan (as applicable) to Public Works' Land Development Division, Road and Grading Section, for review and approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan devices if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder(s) approvals.

4.2 Submit covenant/soils report and other documents as may be required prior to approval of grading plan.

For questions regarding the items above, please contact David Esfandi at (626) 458-4921 or by e-mail at mesfandi@dpw.lacounty.gov.

5. Water

5.1. Provide Will Serve letter from the water purveyor indicating that the water system will be operated by the purveyor, that under normal conditions the system will meet the requirements for the project, and that water service will be provided to the additional building.

For questions regarding the items above, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at tkhalkh@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Toan Duong or Ruben Cruz at (626) 458-4910 or by e-mail at tduong@dpw.lacounty.gov or rcruz@dpw.lacounty.gov.

RC:la
P:\ldpub\SUBMGT\CUP\Project R2004-00104_778 South Rosemead Blvd-finals (rev1).docx

04-00104

Los Angeles County Department of Regional Planning

REQUEST FOR MODIFICATION OF STANDARDS IN THE EAST PASADENA- SAN GABRIEL COMMUNITY STANDARDS DISTRICT (CSD)

320 W. Temple St., Los Angeles, CA 90012 Phone: (213) 974-6411 Fax: (213) 974-0434 Web site: http:planning.la.county.gov

Los Angeles County Zoning Ordinance Section 22.44.135 authorizes the Director of Planning to consider requests for modifications of standards in the East Pasadena-San Gabriel Community Standards District if there is no concurrent application requiring a public hearing. Notification is required to property owners and residents within 200 feet of the subject property and to the Homeowner's Association whose boundary includes the subject property. If at least three written requests for a public hearing are received from the public and/or the burden of proof is not met, the application shall be denied. The applicant may then request a public hearing with submittal of the additional hearing fee. If there is a concurrent application requiring a public hearing, only this form and items # 4 and 5 are required with the application fee; the modification request and related permit, land division, etc. will be considered concurrently.

The application for a modification of the standards in the East Pasadena-San Gabriel CSD shall contain the following:

1. One (1) copy of the Zoning and Subdivision Application.
2. One (1) Ownership Map showing properties located within 200 feet of the exterior boundaries of the subject property.
3. One (1) Ownership List and two (2) sets of mailing labels providing mailing addresses of property owners and residents of properties on the ownership map, with one-to-one correspondence, and the mailing address of the Homeowner's Association. One (1) affidavit certifying that this information is correct.
4. Four (4) site plans (24" X 36" size) drawn to scale and one (1) site plan (8.5" X 11" size) indicating: (a) Location, dimension, height and use of all structures on the subject property, (b) Table listing each front yard setback of all residentially-zoned properties on the same side of the street, on the same block, (c) Zoning of adjacent properties, (d) Softscape landscaping.
5. Application fee (make check payable to L.A. County). If a public hearing is requested, then an additional hearing fee and nine copies of the 24" X 36" site plan will be required. Please refer to the latest Fee Schedule for the required fees.

Modification Request and Burden of Proof (If necessary, attach additional pages.)

1. Specify each modification requested.

REDUCE REAR YARD SETBACK TO 5'-0" FROM 15'-0"

2. What topographic features, lot design or other conditions justify the modification?

WITH THE EXISTING LOT CONFIGURATION, THE LOT FRONT IS CONSIDERED TO BE ALONG LOCKSLEY DRIVE. THIS WOULD PLACE A ~~[illegible]~~ 15' "ALLEY" AT THE NORTH END OF THE PROPERTY THAT WOULD OUTLET TO ROSEMEAD BLVD. THAT COULD BECOME A MAINTAINANCE AND SUPERVISION ~~NIGHTMARE~~ NUISANCE. THE AREA WOULD BECOME A SAFETY NIGHTMARE.

3. Are other nearby properties enjoying modifications similar to what you propose? If so, please list address, relevant setback, height, floor area/lot coverage, etc. and description of the structure involved. Include photos and sketches if necessary.

NO

04-0104

#3

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

EAST PASADENA-SAN GABRIEL COMMUNITY STANDARDS DISTRICT (CSD) MODIFICATION BURDEN OF PROOF

Pursuant to Zoning Code Section 22.44.135.C.4, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

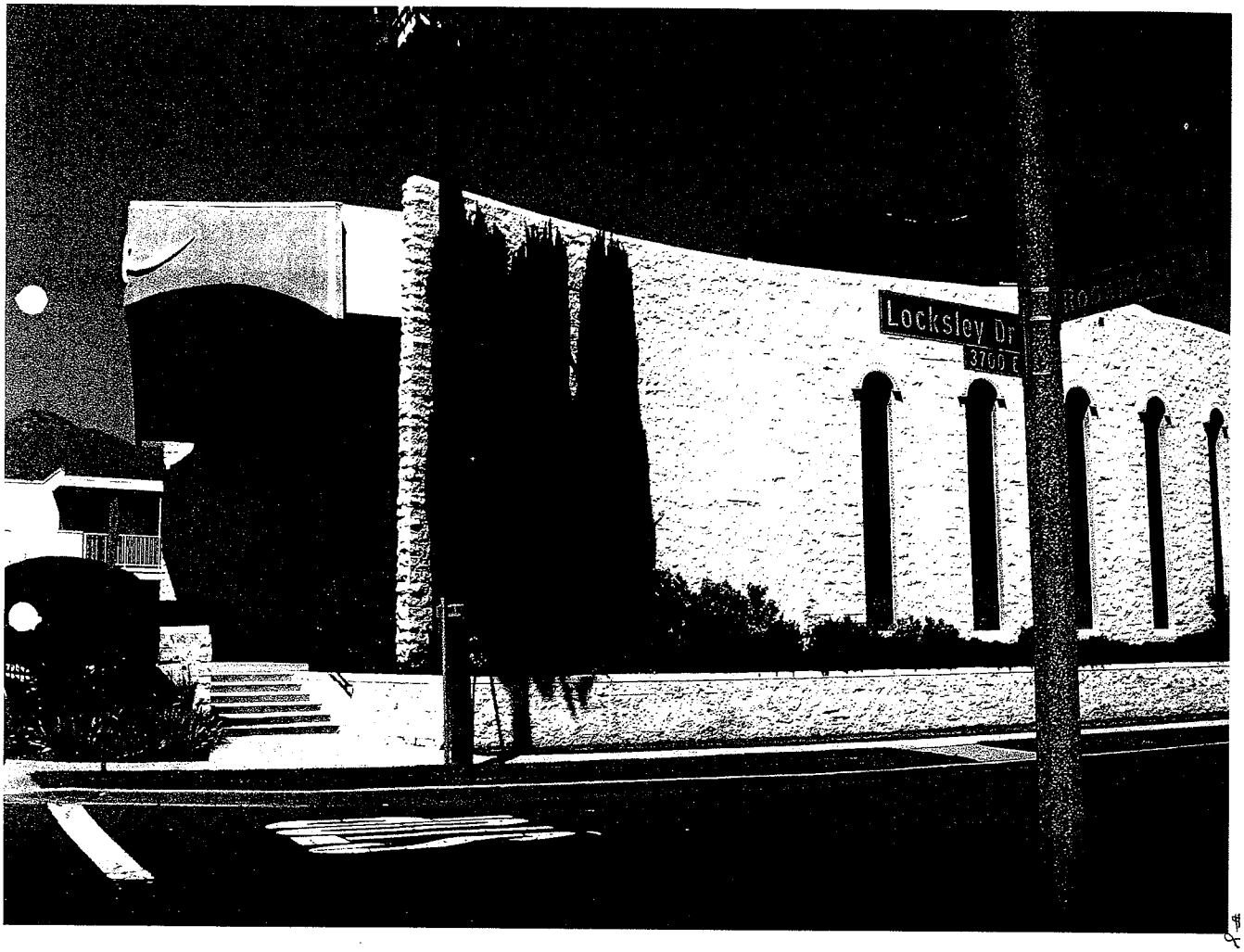
A. Address how the principles and standards of Section 22.56.1690 are met, which are that the use, development of land and/or application of development standards are:

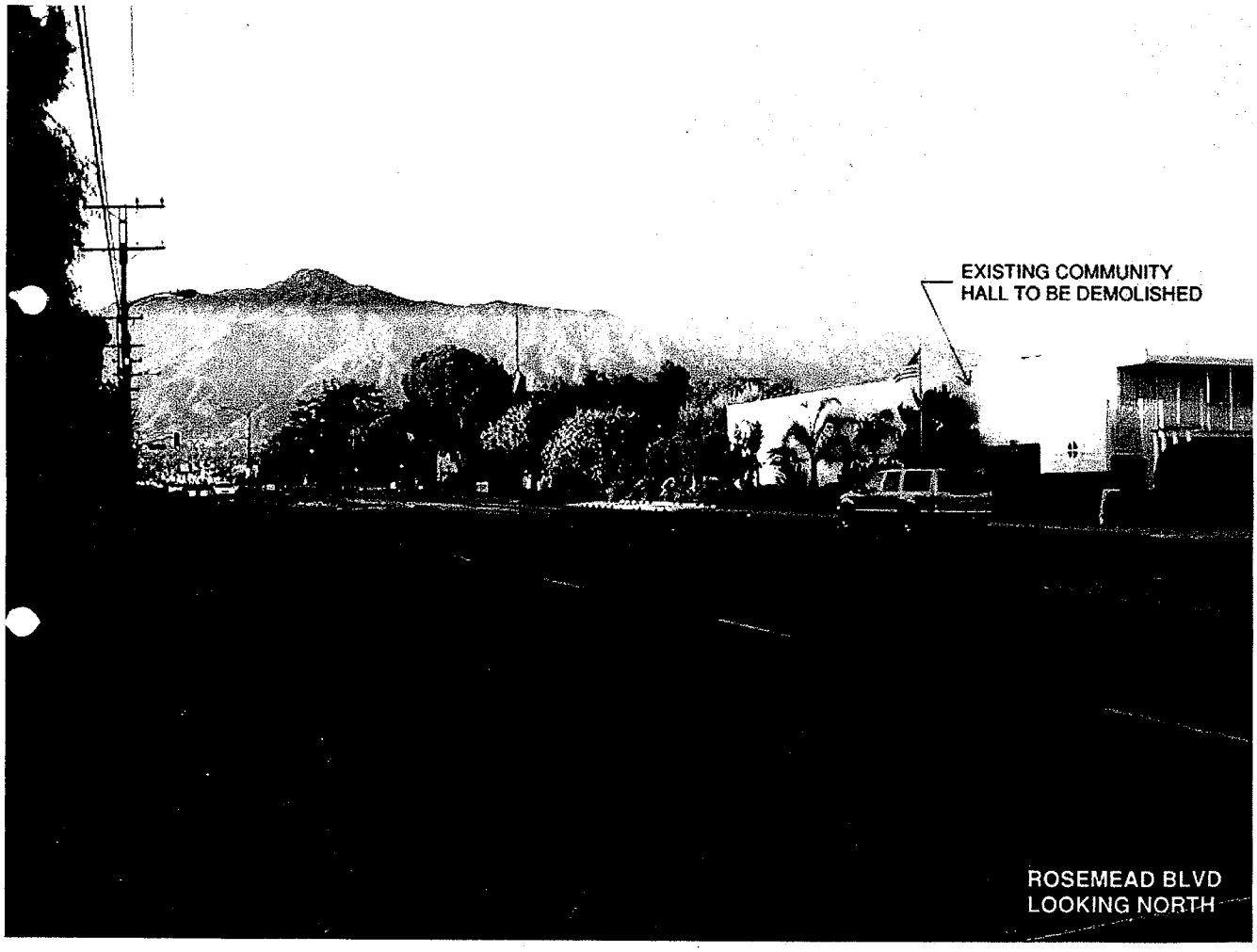
1. In compliance with all applicable provisions of Title 22;
2. When considered on the basis of suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property, and is in conformity with good zoning practice; and
3. Is suitable from the standpoint of functional developmental design.

THE REQUESTED MODIFICATION MEETS THE PRINCIPLES AND STANDARDS, BECAUSE THE 15' SETBACK IS ~~INTEND~~ INTENDED FOR THE REAR OF THE PROPERTIES. THE NORTH BOUDARY OF THE SITE WHILE TECHNICALLY THE REAR OF THE PROPERTY FUNCTIONS MORE AS A SIDE BOUNDARY BECAUSE OF ITS RELATIONSHIP TO THE NORTH ADJACENT PROPERTY, THE EXISTING CHURCH STRUCTURE AND ROSEMEAD BLVD.

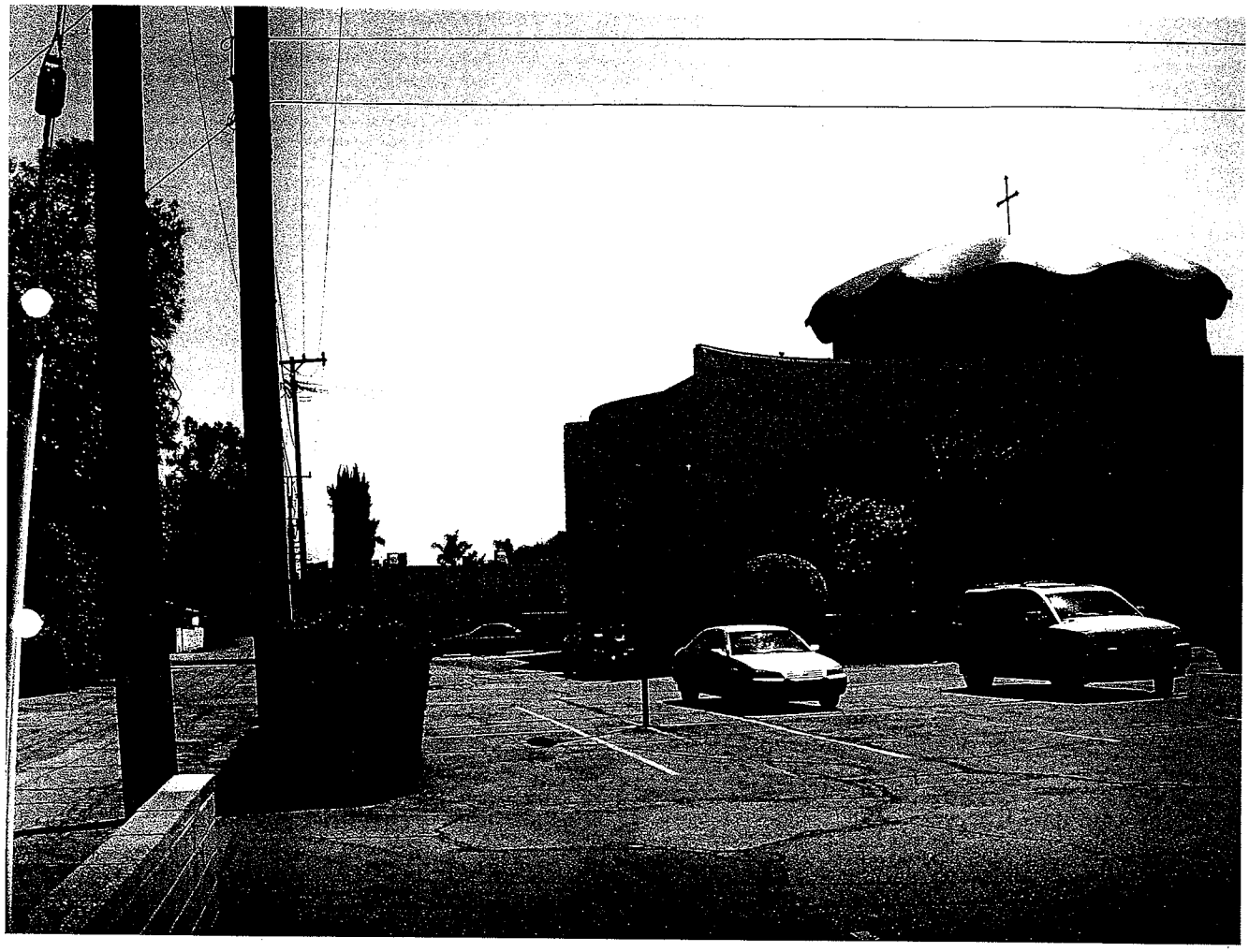
B. Describe how each modification request is consistent with the unique characteristics of the neighborhood in which the site is located (i.e. topographic features, lot design, setbacks, height, floor area, lot coverage, etc.). Please include addresses, specific description of the structure(s) and circumstances involved. Include photos and sketches if necessary.

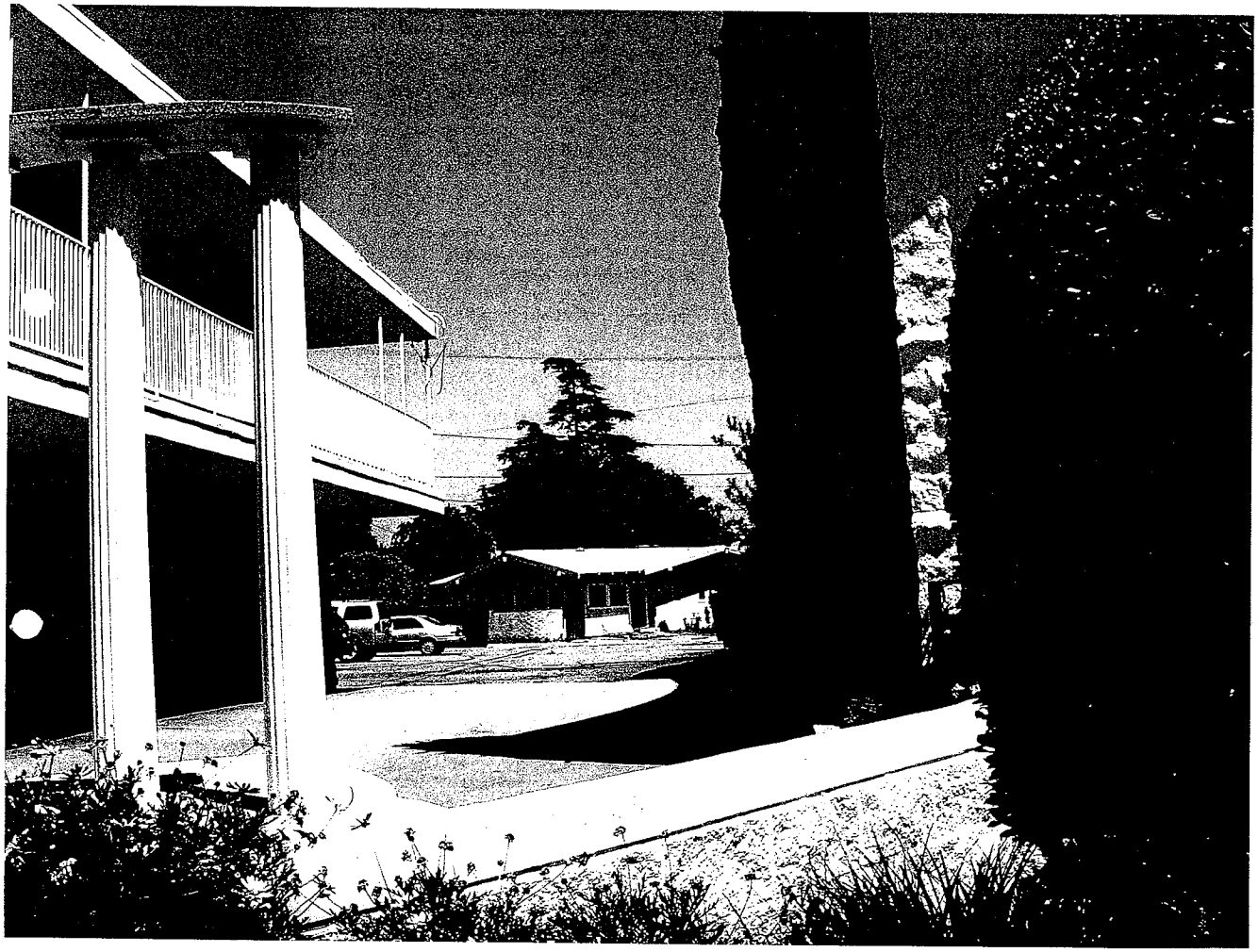
THE MODIFICATION IS CONSISTENT WITH THE OTHER CHURCH PROPERTY TO THE IMMEDIATE NORTH, 700 SOUTH ROSEMEAD BLVD. THAT PROPERTY HAS A 5' SETBACK @ THE SHARED PROPERTY LINE.





ROSEMEAD BLVD
LOOKING NORTH





OPPOSITION LETTERS

November 6, 2009

NOV - 9 2009

Hearing Officer
The Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Ref: Community Standards District Modification Request for 778 S. Rosemead Blvd.

Dear Sir or Madame:

I am unable to attend the hearing scheduled for December 1st, but wish to submit the following comments for your use at that hearing.

I have several significant concerns regarding the church's proposed construction of a community center with the revised setback. My primary concern is the deleterious affect of the added volume of traffic and spillover parking that will result in the surrounding neighborhood.

The volume of traffic on our street increases substantially every time the church holds any kind of significant religious service or community event. This creates a dangerous situation for the many pedestrian walkers, the pets, and the wildlife that occupy the neighborhood. Further, parking on the street is severely impacted, particularly due to the narrow width of Locksley which encourages people to park instead on Michigan Blvd. For example, every year during the Greek Festival held at the church, my driveway ends up being encroached by someone attending the festival who attempts to squeeze into too narrow of a parking space. We have put up with it, because the festival occurs only one weekend a year and it is a major fundraiser for the church. However, we greatly object to **any** development which would result in this circumstance becoming a more frequent occurrence.

My second concern is that reducing the setback will inevitably negatively impact the architectural sense of openness that is a strong positive for the Michillinda Park community. Overbuilding on lots and any reduction to setbacks negatively impacts sightlines and is a detriment to the surrounding area.

Sincerely,

Douglas Graff
810 Michigan Blvd.
Pasadena, CA 91107

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ALAN ABERGEL, P.C.

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Encino, California 91436
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November 30, 2009

SENT VIA E-MAIL AND HAND DELIVERED:
Jeantine Nazar: jnazar@planning.lacounty.gov
Maria Masis mmasis@planning.lacounty.gov

Jeantine Nazar
Maria Masis
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Project No. R2004-00104-(5)
Community Standards District Case No. 200900002
Project Address: 778 South Rosemead Boulevard
December 1, 2009 Hearing Officer

Dear Ms. Nazar and Masis:

This letter is written in opposition to the captioned proposed project. I am the attorney for the owner of 3745 Locksley Dr., East Pasadena, CA, Eleanor Walker and the Eleanor C Walker Living Trust and am submitting the following on her/its behalf. As you can see from the GIS-Net map attached as **Exhibit "A"**, my client's property (the **"Abutting Property"**) is adjacent (directly next door East) to the property subject to this hearing located at 778 South Rosemead Boulevard, and owned by St. Anthony's Greek Orthodox Church. (the **"Subject Property"**). The proposed project therefore adversely affects my client's property more than any other property in the neighborhood.

The hearing agenda for December 1, 2009 describes the purpose of this hearing (Item #6) as,

> "to authorize the demolition of the existing community center in order to construct a new community center in conjunction with the operation of an existing church in the R-3 (Limited Multiple-Residence) zone."

Also, the Notice of Public Hearing concerning this matter describes the subject haring as,

> "COMMUNITY STANDARDS DISTRICT MODIFICATION REQUEST: TO authorize the construction, operation and maintenance of a community center with 5' feet setback

on the north side of the lot while 15' is required in conjunction with the operation of an existing church."

On July 21, 2009, a letter was sent by Jeantine Nazar, Zoning Permits II Section, informing the project applicant, HMC Architects, that its application was **denied**, and further stating that,

> "Pursuant to Section 22.56.1690 the proposed project does not meet the required standards. The director, in acting upon any site plan offered for review shall deny the proposed use, development or modification as requested in the application and as indicated in the required site plan based on the following principles and standards:
>
> A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22;
>
> B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice;
>
> C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional development design.

The Department of Regional Planning ("**DRP**") was correct in denying the applicant's application and in stating that the proposed project does not meet the required standards.

The following provides further analysis to prove that pursuant Section 22.56.1690 the proposed project does not meet the required standards.

A. THE USE, DEVELOPMENT OF LAND AND/OR APPLICATION OF DEVELOPMENT STANDARDS IS *NOT* IN COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THIS TITLE 22;

i. ***The subject property owner has been violating conditions imposed on the subject property.***

Zone Exception Case No. 8351- (5) conditions is attached herein as **Exhibit "B."** **Exhibit "B"** also includes the 1991 property Exchange Agreement between St. Anthony's Church and the former Michillinda Presbyterian Church. The conditions stated in connection with Zone Exception Case No. 8351- (5) were imposed by DRP and run with the land; therefore,

when St. Anthony's church took over the triangular lot and joined it with their previous lot to create their existing lot, St Anthony's is bound by the same conditions. These conditions run with the land and therefore cannot be revoked by a contract between the Exchange Agreement parties.

Conditions numbers 2, 3, 4, 6, 10, and 12 have been violated or not complied with. The required walls are not in place and were previously removed with no permission from DRP; access way to the church's parking area is not chained or closed, as required, to vehicular access when the facilities are not in use; and lights used in the parking areas are not shielded and directed away from adjacent residences. My client and her daughter, Alberta Walker, have made many complaints to the DRP about these violations. Attached as **Exhibit "C"** are 3 letters showing the conditions violations and inspection citations issued by DRP.

Accordingly, the use, development of land and/or application of development standards is *not* in compliance with all applicable provisions of this title 22. Therefore, the applicant's application does not meet the required standards and should be **denied.**

B. THE PROPOSED PROJECT WILL *NOT* AVOID TRAFFIC CONGESTION, WILL *NOT* INSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, WILL *NOT* PREVENT ADVERSE EFFECTS ON NEIGHBORING PROPERTY AND IS *NOT* IN CONFORMITY WITH GOOD ZONING PRACTICE;

The owner of the Abutting Property and her family (the "**Walker Family**" or the "**Walkers**") has complained many times to DRP regarding the use of the alley adjacent to her home as a driveway to St. Anthony's Church parking lot. The Walker family has indicated to DRP that the close proximity of their house to the main parking lot entrance/exit has caused them considerable distress and inconvenience. The Walkers have complained to DRP on numerous times that the church's attendees, who attend day and evening functions at the Church, enter and exit the parking lot which faces into their home. The attendees' vehicles generate intolerable noise and the vehicles' headlights shine directly into their home.

The Walkers have complained to DRP on numerous times that there is also bright illumination of the parking lot and Hellenic Center which stays lighted until 6:00 am and is intrusive to the surrounding residences and that the "stadium" light is sometimes illuminated for several days. The church has been conducting early morning and late at night activities, creating more nuisances to the Walkers. The church has frequently rented its parking lot, with obtrusive activities at all times of day and night. The St. Anthony's congregation has been growing and because the church parking lot has inadequate parking, it has caused overflows into all neighboring streets, and has made Locksley Drive an extension of the Church's parking lots with every Church activity.

In addition, in many events occurring at the Subject Property, the attendees left a considerable amount of trash in the parking lot, which has created substantial health hazards to the Walker Family and other neighbors. This obstruction of the quiet and peaceful use of the Walker Family private property has worsened in recent years. Attached as **Exhibit "D"** are photographs showing the adverse effects and nuisance the Walker Family and other neighbors have been experiencing.

The proposed community center will accommodate more attendees, will be larger in size than the existing one, and therefore will cause more noise, traffic, glaring light, and otherwise will exacerbate the nuisance experienced by the Walker Family and other neighbors.

The St. Anthony's church has been engaged in many commercial activities that are not customarily incidental to the operation of a church such as, the Greek Festival, rental of the premises to film production companies, and operation of the community center. The proposed community center will increase the church's commercial activities which are not customarily incidental to the operation of a church; thereby violating the zoning classification and use granted to the Subject Property.

In summary, considering the fact that the church is adjacent to the Walker Family's property, and is also located near other single family residential homes zoned R-1-20,000, the church's activities create a nuisance to the Walker Family and other neighbors and are otherwise incompatible use for the surrounding neighborhood. The proposed community center may provide beneficial services to its attendees (most of them do not reside in the neighborhood). However, the St. Anthony's church and its proposed community center (and other commercial activities) is located in the wrong place.

C. THE PROPOSED COMMUNITY CENTER WILL VIOLATE THE PURPOSES OF THE EAST PASADENA-SAN GABRIEL COMMUNITY STANDARDS DISTRICT

Section **22.44.135 (A) states that,**

> "Purpose. The East Pasadena-San Gabriel Community Standards District is established to protect the light, air, and privacy of existing residences, enhance aesthetics and community character, and ensure that new and expanded development is compatible with the unique identity of each neighborhood throughout the district."

As explained above, the proposed community center will exacerbate the nuisance experienced by the Walker Family and other neighbors, and will exacerbate the adverse effects of galring light,

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air, and privacy to existing residences. The Walker Family property and other neighboring homes are zoned R-1-20,000. The new community center as well as the expanding commercial activities of the church will not be compatible with the residential nature of the neighborhood. Therefore, the proposed community center will violate the purposes of the East Pasadena-San Gabriel Community Standards District.

The Abutting Property owner is therefore requesting that the proposed community center and the applicant's application for Community Standards District Modification Request be denied.

Respectfully submitted,

LAW OFFICES OF ALAN ABERGEL, P.C.

By: _____
Alan Abergel, Esq.
Attorney for Abutting Owner

Enclosures:

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Email - alan@abergellaw.com

JAN - 4 2010

December 31, 2009

SENT VIA E-MAIL, BY U.S. MAIL, AND HAND DELIVERED:
Jeantine Nazar: jnazar@planning.lacounty.gov
Maria Masis mmasis@planning.lacounty.gov

Jeantine Nazar
Maria Masis
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Project No. R2004-00104-(5)
Community Standards District Case No. 200900002
Project Address: 778 South Rosemead Boulevard
December 1, 2009 Hearing Officer

Dear Ms. Nazar and Masis:

On November 30, 2009, I submitted a letter behalf of my Client in opposition to the captioned project (the "First Letter"). My Client's son, daughter and I attended the Hearing Officer's hearing on December 1, 2009, which hearing was continued to January 19, 2010 by the Hearing Officer, pursuant to the request of the staff planner Jeantine Nazar. My Client's son, daughter and I filled the speakers cards, so we could testify in opposition to the project. However, because the hearing was continued we were not allowed to provide oral testimony.

Since December 1, 2009, more findings were discovered by my Client, and so this second letter is submitted to you to supplement the First Letter. This letter is also written in opposition to the captioned proposed project. I am the attorney for the owner of 3745 Locksley Dr., East Pasadena, CA, Eleanor Walker and the Eleanor C Walker Living Trust and am submitting the following on her/its behalf. My client's property (the **"Abutting Property"**) is adjacent (directly next door East) to the property subject to this hearing located at 778 South Rosemead Boulevard, and owned by St. Anthony's Greek Orthodox Church. (the **"Subject Property"**). The proposed project therefore adversely affects my client's property more than any other property in the neighborhood.

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I. Section 22.56.1690 BURDEN OF PROOF FOR CSD MODIFICATION HAS NOT BEEN MET BY THE PROJECT'S PROPONENTS.

The following is written in addition to the arguments stated in the First Letter. Pursuant to Section 22.56.1690, the proposed project does not meet the required standards. The director, in acting upon any site plan offered for review shall deny the proposed use, development or modification as requested in the application and as indicated in the required site plan based on the following principles and standards:

A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22;

B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice;

C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional development design.

The following provides further analysis to prove that pursuant Section 22.56.1690 the proposed project does not meet the required standards:

A. THE USE, DEVELOPMENT OF LAND AND/OR APPLICATION OF DEVELOPMENT STANDARDS IS *NOT* IN COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THIS TITLE 22;

i. The Proposed Project Does Not Comply With The Parking Requirements

Attached to this letter is the New Site Plan submitted to DRP by the project's representatives, HMC Architects (attached herein as **Exhibit "A."**) As the "PARKING" section in the table located in Exhibit "A" shows, the required parking pursuant to Section 22.52.1095 is 1 parking space per 5 occupants. In the same "PARKING" section, it is stated that the **community center** occupancy is **458 people** and that the 1:5 ratio requires 458/5=91 minimum parking spaces. In the "RESPONSE" section in the same table, it is stated that,

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"THE COMMUNITY CENTER IS USED AS A SUPPORTING FACILITY TO THE CHURCH, BOTH BUILDINGS WILL NOT BE OCCUPIED AT THE SAME TIME. THE MAXIMUM NUMBER OF OCCUPANCY WILL NOT EXCEED 458. 92 PARKING SPACES PROVIDED."

Stating that the church and community center will not be occupied at the same time is obviously untrue and is contract to common sense. Each building (church and community center) has its own operating hours and accommodates different activities. Both buildings, obviously, will be occupied at the same time by different people. The same table states that the **Church** building occupancy is 457 and that the 1:5 ratio requires 92 minimum parking spaces. So, the total parking spaces required are: 92 (church) + 91 (community center) = **182.**

By looking at Exhibit "A," and actually counting the parking spaces described, the following is shown:

- Parking lot located on Locksley and Rosemead, owned by St Anthony's Greek Orthodox Church. ("GOC"). 19+18=37 parking spaces
- Parking Lot located behind the church building: 13+13=26 parking spaces → 45
- Additional parking lot (shared with New Hope Church): 7+3+5=15 parking spaces

Total: 78 parking spaces

So, the **actual** parking spaces provided are **78**, which is much less than the 182 required. Therefore, Section 22.56.1690 is violated and the proposed project and the request for CSD modification should be denied because "the use, development of land and/or application of development standards is *not* in compliance with all applicable provisions of this title 22."

ii. The church building does not have a 15 foot front setback area as required.

As stated in the second page e-mail dated June 2, 2009, between Jeantine Nazar to Janet Suen from HMC Architects (the project's representative), "the front setback of the existing church is pre-existing and is non-complaint to current zoning code." This e-mail is attached herein as **Exhibit "B."**

So, the church building does not have a 15 foot front setback area as required. Therefore, Section 22.56.1690 is violated and the proposed project and the request for CSD modification should be denied because "the use, development of land and/or application of development standards is *not* in compliance with all applicable provisions of this title 22."

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iii.. The proposed project will be in violation of the height setback requirements.

Pursuant tot, Sec 22.44.135 East Pasadena-San Gabriel Community Standards District, in connection with R-3 zoning (project is located in R-3 zoning)

> "Structure Height and Setback
> For structures that exceed 17 feet in height and are located on a lot or parcel of land adjacent to a single-family residential zone, the maximum height of the structure at five feet from the property line adjacent to the single-family residential zone shall be 10 feet and any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height."

As shown in the New Site Plan attaché herein as Exhibit "A," the distance between the alley leading to the GOC's parking lot (zoned R-1) to the proposed community center is 15' + 14' = **29.'** The proposed height of the new community center is 35'. According to the requirements stated above (Sec 22.44.135), the set back should be **30'** (10' height allowed for 5' setback PLUS an additional 25' setback because of the additional 25' in height).

HMC has submitted a letter to DRP dated July 2, 2008 claiming that the alley zoning classification is not applicable because the alley cannot be used for single family residential construction; that the alley is owned by the Michillinda Park Association for "public use"; and that the alley should not be classified as parcel or lot.

The arguments provided by HMC above are flawed because: A) the alley is zoned R-1 and only the owner of the alley, Michillinda Park Association, Inc. has standing to apply to change the zoning of the alley. Zone changes require separate applications and hearings procedures and can only be done by the owner Michillinda Park Association, not HMC or GOC. B) The Michillinda Park Association, Inc. is a homeowners association. It owns the alley (as well all other alleys in the neighborhood) as a vacant parcel of land for the benefit of its member homeowners. This is not a general "public use" as claimed by HMC. The alley should only be used by homeowners/members of the Michillinda Park Association, Inc. ("MPI"). The current and future use of GOC's parishioners is at best, a revocable license from MPI. Even if GOC claims to be a beneficiary (as a member of MPI, if it is), GOC's use of the easement is "excessive" and is therefore revoked by law. It is my Client's position that GOC's parishioners should stop using the alley for ingress and egress to the church and community center. As described in the First Letter such excessive use is a nuisance to my Client. (C) The alley is classified a parcel or lot because that is what the alley is, a vacant parcel of land owned separately by MPI.

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In short, for the 35' height proposed, it is required that the new community center will be located 30' from the alley (zoned R-10). The proposed 29' is in therefore in violation of the regulatory requirements. Accordingly, Section 22.56.1690 is violated and the proposed project and the request for CSD modification should be denied because "the use, development of land and/or application of development standards is *not* in compliance with all applicable provisions of this title 22."

B. THE PROPOSED PROJECT WILL *NOT* AVOID TRAFFIC CONGESTION, WILL *NOT* INSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, WILL *NOT* PREVENT ADVERSE EFFECTS ON NEIGHBORING PROPERTY AND IS *NOT* IN CONFORMITY WITH GOOD ZONING PRACTICE;

i.. The proposed community center will overlook the Walkers' property and its reflective glass will cause more light and glare to disturb the Walker family.

In addition to the argument presented in the First Letter and above, as shown by a picture of the proposed community center (attached herein as **Exhibit "D"**), the building will contain reflective glass. This reflective glass will exacerbate the light and glare problems my Client experiences (see First Letter). Moreover, the 35' community center will overlook my Client's property and further infringe on her privacy.

Therefore, the proposed project should be denied because it will *not* avoid traffic congestion, will *not* insure the protection of public health, safety and general welfare, will *not* prevent adverse effects on neighboring property and is *not* in conformity with good zoning practice.

C. THE PROPOSED COMMUNITY CENTER WILL VIOLATE THE PURPOSES OF THE EAST PASADENA-SAN GABRIEL COMMUNITY STANDARDS DISTRICT

Section **22.44.135 (A) states that,**

> "Purpose. The East Pasadena-San Gabriel Community Standards District is established to protect the light, air, and privacy of existing residences, enhance aesthetics and community character, and ensure that new and expanded development is compatible with the unique identity of each neighborhood throughout the district."

As explained above, the proposed community center will exacerbate the nuisance experienced by the Walker Family and other neighbors, and will exacerbate the adverse effects of glaring light,

15915 Ventura Blvd., #301
Encino, California 91436
Tel. (818) 578-5005 Fac. (818) 235-0159
Email - alan@abergellaw.com

air, and privacy to existing residences. The Walker Family's property and other neighboring homes are zoned R-1-20,000. The new community center as well as the expanding commercial activities of the church will not be compatible with the residential nature of the neighborhood. Therefore, the proposed community center will violate the purposes of the East Pasadena-San Gabriel Community Standards District.

II. THE PROJECT SHOULD NOT BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW.

The Agenda for the December 1, 2009 hearing stated that, "this project is categorically exempt under Class 3 Categorical Exemption (New Construction) pursuant to the CEQA reporting requirements."

The project should not be categorically exempt from environmental review and an EIR report should be prepared for the following reasons:

A. The project is <u>not</u> a "small structure."

The applicable language of CEQA regarding categorical exemptions states as follows:

> "Class 3. New Construction of Small Structures.
> Class 3 consists of construction and location of limited numbers of new, <u>small facilities</u> 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."

As the New Site Plan (**Exhibit "A"**), states the new community center will include **18,500 square feet** (first and second floor). That is <u>not</u> a small structure. There are also 17 examples stated under Class 3 that qualify as "small structures." Example number 17 states as follows:

> "17) Projects involving less than 35 dwelling units or <u>15,000 square feet</u> of commercial, industrial, governmental or institutional floor space."

So, 15,000 square feet (under all other conditions stated in this example) qualify as a small structure. Here, 18,500 square feet (first and second floor) are offered, which is more than the allowed 15,000. Therefore, the proposed community center is NOT a "small structure," and therefore, the project is not categorically exempt from environmental review.

LAW OFFICES OF
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III. DRP MUST PREPARE AN EIR FOR THIS PROJECT

A public agency must prepare an EIR whenever substantial evidence supports a "fair argument" that a proposed project "may have a significant effect on the environment." Pub. Res. Code §§ 21100, 21151; 14 CCR §§ 15002(f)(l), (f)(2); No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68,75. The fair argument test is a "low threshold" test for requiring the preparation of an EIR. No Oil, supra, 13 Cal. 3d at 84. This standard reflects a preference for requiring an EIR to be prepared, and a preference for resolving doubts in favor of environmental review. Mejia v. City of Los Angeles (2005) 130 Cal. App. 4th 322, 332. "Where the question is the sufficiency of the evidence to support a fair argument, 'deference to the agency's determination is not appropriate. County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern (2005) 127 Cal. App. 4th 1544,1579 (quoting Sierra Club v. County of Sonoma (1992) 6 Cal. App. 4th 1307, 1317).

Courts have repeatedly affirmed that the fair argument standard is a low threshold test. League for Protection of Oaklands's Historic Resources v. City of Oakland (1997) 52 Cal. App. 4th 896. Evidence supporting a fair argument of a significant environmental impact will trigger preparation of an EIR, even if the record contains contrary evidence. Sundstrom v. County of Mendicino (1 988) 202 Cal. App. 3d 296, 3 10. Petitioners have presented a fair argument of significant environmental impacts. Therefore, the petition for writ of mandate is granted.

In this letter and the First Letter as well as will be testified to at the hearing, there is substantial evidence in the record to support a fair argument that an Environmental Impact Report is necessary. The evidence presented includes but not limited to, adverse effects of noise, light and glare, health hazarded, privacy infringement, and safety hazards.

Therefore, because of the "low threshold" set by the courts, DRP MUST prepare an EIR for this project and the project is not categorically exempt.

IV. DRP AND GOC ARE IN VIOLATION OF THE BROWN ACT BECAUSE NO ADEQUATE DESCRIPTION OF THE PROPOSED PROJECT WAS PROVIDED IN THE NOTICE TO THE PUBLIC, AND NO ADEQUATE NOTICE WAS PROVIDED TO THE PUBLIC.

The notice to the public about the December 1, 2009 hearing stated as follows:

> "COMMUNITY STANDARDS DISTRICT MODIFICATION REQUEST: TO authorize the construction, operation and maintenance of a community center with 5' feet setback

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on the north side of the lot while 15' is required in conjunction with the operation of an existing church."

"This case does not affect the zoning of surrounding property. If you are unable to attend the public hearing but wish to send written comments, please write to the Hearing Officer. 320 West Temple Street, Los Angeles, California 90012."

"This project has been determined to be categorically exempt (Class 3) from the reporting requirements under the California Environmental Quality Act."

This public notice is not sufficient and even misleading, and therefore is in violation of the Brown Act. There is not enough detail to describe the type of project and community center proposed. In addition, the statement that, "this case does not affect the zoning of surrounding property" is misleading because a modification of the East Pasadena Community Standard District will affect all properties zoned R-3 located in that district.

Moreover, no specific reason is given as to why this project is determined to be categorically exempt from the reporting requirements under the California Environmental Quality Act.

The above mentioned violations also constitute violations of the U.S. Constitutional as violations of procedural and substantive due process, and equal protection.

CONCLUSION

For the above mentioned reasons and as stated in the First Letter, the Abutting Property owner is therefore requesting that the proposed community center and the applicant's application for Community Standards District Modification Request be denied.

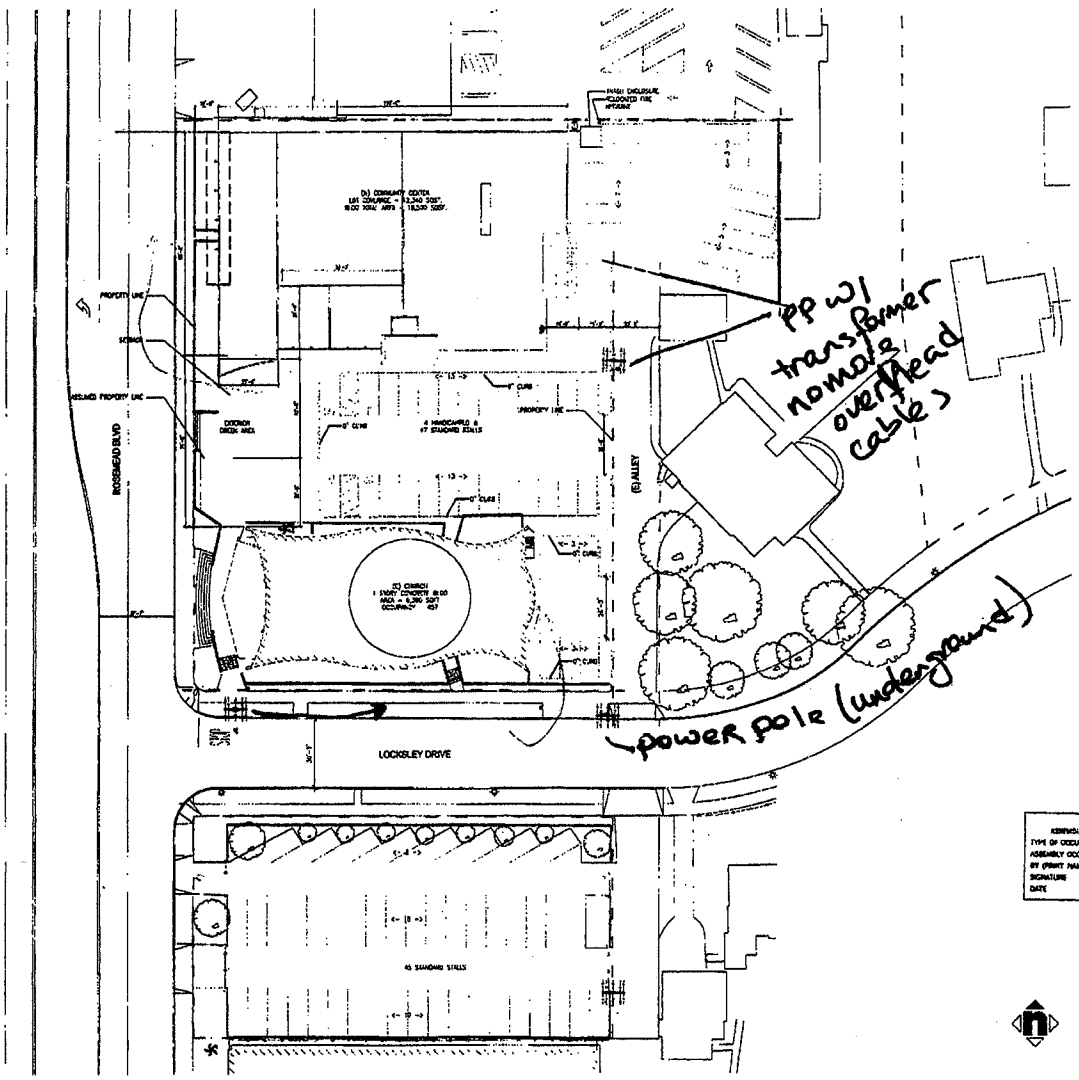
Respectfully submitted,

LAW OFFICES OF ALAN ABERGEL, P.C.

By: _____
Alan Abergel, Esq.
Attorney for Abutting Owner

Enclosures:

EXHIBIT "A"



PROJECT DATA

A. EXISTING BUILDING DESCRIPTION
1. FACILITY NAME: ST. ANTHONY GREEK ORTHODOX CHURCH / HALL
2. LOCATION: 779 S. ROSEMEAD BLVD, PASADENA, CA 91107

B. PROJECT DESCRIPTION
1. PROJECT NAME: ST. ANTHONY GREEK ORTHODOX CHURCH COMMUNITY CENTER (AKA: SANNIO HALL)
2. OCC. CLASSIFICATION: GROUP A-3
3. CONSTRUCTION TYPE: TYPE V-B, FULLY SPRINKLER PUBLIC/CHURCH
4. PROPOSED BUILDING GROSS AREA: 1ST FLOOR = 12,240 SQFT.; 2ND FLOOR = 6,340 SQFT.; TOTAL = 18,580 SQFT.
5. REQUIRED PARKING SPACES: 93 SPACES
6. PROVIDED PARKING SPACE: (E) PARKING = 45 SPACE; (N) PARKING = 47 SPACE; TOTAL = 92 SPACE

C. APPLICABLE CODES AND REGULATIONS:
ALL WORK PERFORMED TO AND A.I. BUILDING SHALL COMPLY WITH CURRENT AND COMPLETE AND CONTRACT SHALL COMPLY WITH PROVISIONS SPECIFIED IN THE CONTRACT DOCUMENTS AND WITH APPLICABLE LAWS, REGULATIONS, AND ORDINANCES GOVERNING WORK INCLUDING, BUT NOT NECESSARILY LIMITED TO THOSE OF THE FOLLOWING:

TITLE 19, CALIFORNIA STATE FIRE MARSHAL REGULATIONS

TITLE 24, CALIFORNIA CODE OF REGULATIONS:
- PART 1 = 2007 CALIFORNIA ADMINISTRATIVE CODE.
- PART 2 = 2007 CALIFORNIA BUILDING CODE. (BASED ON THE 2006 INTERNATIONAL BUILDING CODE (IBC))
- PART 3 = 2007 CALIFORNIA ELECTRICAL CODE. (BASED ON THE 2005 NATIONAL ELECTRICAL CODE (NEC))
- PART 4 = 2007 CALIFORNIA MECHANICAL CODE. (BASED ON THE 2006 UNIFORM MECHANICAL CODE (UMC))
- PART 5 = 2007 CALIFORNIA PLUMBING CODE. (BASED ON THE 2006 UNIFORM PLUMBING CODE (UPC))
- PART 6 = 2007 CALIFORNIA ENERGY CODE
- PART 7 = RESERVED
- PART 8 = 2007 CALIFORNIA HISTORICAL BUILDING CODE
- PART 9 = 2007 CALIFORNIA FIRE CODE. (BASED ON THE 2006 INTERNATIONAL FIRE CODE (IFC))
- PART 10 = 2007 CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2006 INTERNATIONAL EXISTING BUILDING CODE (IEBC))
- PART 11 = NOT USED
- PART 12 = CALIFORNIA REFERENCED STANDARDS CODE

NFPA SAFETY CODE 101 (LIFE SAFETY CODE)

ASSEMBLY, CALIFORNIA BUILDING CODE CHAPTER 11B

(E) CHURCH:		RESPONSE
PARKING	ASSEMBLY PARKING (NO 9 SHALL BE AT LEAST 1 PARKING PER 3 OCCUPANTS. OCCUPANCY FIXED SEATING = 457 MIN. PARKING REQUIRED CALCULATION: 457 OCCUPANCY / 3 = 93 PARKING SPACES	NO PARKING SPACES PROVIDED.

(N) COMMUNITY CENTER	ZONE R-3 (L.A. COUNTY CODE TITLE 22)	RESPONSE
MINIMUM FRONT YARD DEPTH	AVERAGE DEPTH OF ALL RESIDENTIALLY ZONED FRONT YARDS ON SAME SIDE OF STREET, ON SAME BLOCK (22.20.320)	15 FEET FROM YARD DEPTH PROVIDED (AVERAGE DEPTH OF ALL RESIDENTIALLY-ZONED FRONT YARDS IS 15 FEET.)
MINIMUM REAR YARD DEPTH	15 FEET OR 20% OF AVERAGE DEPTH OF LOT, NOT LESS THAN 10 FEET (22.20.320)	15 FEET REAR YARD DEPTH PROVIDED
MINIMUM SIDE YARD WIDTH	5 FEET OR 10% OF AVERAGE WIDTH OF INTERIOR LOT, BUT NOT LESS THAN 3 FEET (22.20.320)	5 FEET SIDE YARD WIDTH PROVIDED
MAXIMUM HEIGHT	28 FEET. (SEE MAXIMUM HEIGHT APPLIES TO ALL STRUCTURES EXCEPT TO CHURCHES AND RELIGIOUS INSTITUTIONS, SCHOOLS, HOSPITALS AND NURSING HOMES ON A LOT OR PARCEL NOT GREATER THAN 2 ACRES IN AREA OR A LOT OR PARCEL THAT IS LOCATED OUTSIDE OF THE SAME BLOCK AS THE CHURCH APPROVED BY THE TRUSTEE. THE LOT OR PARCEL NOT GREATER THAN 2 ACRES SHALL BE EXCLUDED FROM THE MAXIMUM HEIGHT RULE. (22.20.320)	MAXIMUM HEIGHT IS 28 OR 35 FEET
PARKING	REQUIRED PARKING YARD SHALL BE AT LEAST 1 PARKING PLA 3 OCCUPANTS. (22.52.1240) SINCE THE NEW COMMUNITY CENTER OCCUPANCY = 458 (NOT SAFETY ALL) MIN. PARKING CODE CALCULATION: 458 OCCUPANCY / 3 = 91 PARKING SPACES	THE COMMUNITY CENTER IS USED AS A SUPPORTING FACILITY TO THE (E) CHURCH, BOTH SHARING THE SAME ACCESS AT THE SAME PARKING AREA. THE NEW COMMUNITY CENTER WILL NOT EXCEED 458. 92 PARKING SPACES PROVIDED.
	4 HANDICAP PARKING AS REQUIRED PER CBC 2007 SECTION 11B-6	4 HANDICAP PARKING PROVIDED

DETERMINATION OF ASSEMBLY OCCUPANT LOAD PURSUANT
TYPE OF OCCUPANCY: A-3, 2, 3
ASSEMBLY OCCUPANCY: 457
BY (PRINT NAME): LARRY SUNDAS
SIGNATURE: [signature]
DATE: 4/20/09

CBC 2007 TABLE 704.3

CLASSIFICATION OF OPENING	FIRE RESISTANCE RATING (FRR)				
	GREATER THAN 10 TO 25	GREATER THAN 25 TO 50	GREATER THAN 50 TO 75	GREATER THAN 75 TO 100	GREATER THAN 100
UNPROTECTED	1.0%	2.0%	4.0%	7.0%	NO LIMIT
PROTECTED	4.0%	7.0%	NO LIMIT	NO LIMIT	NO LIMIT

Agency Approval

Project Title:

St. Anthony
Greek Orthodox Church
779 S. Rosemead Blvd.
Pasadena, CA
91107

HMC Architects
700 E. Colorado Blvd., Suite 200
Pasadena, California 91101
Phone 626-535-0200 • Fax 626-535-0510
www.hmcarchitects.com

No.	Description	Date	No.	Description	Date

Drawing Title: NEW SITE PLAN

Architect's Seal: REGISTERED ARCHITECT GARY M. GITCHEL NO. C-28420 STATE OF CALIFORNIA

Designed: -
Drawn: -
CADD: -
Date: -
Project No.: 4510002000
Scale: 1" = 20'-0"
Drawing No.: A-1.2

Project Navigator: [illegible]

PLEASE RECYCLE

EXHIBIT "B"

From: Janet Suen [mailto:Janet.Suen@hmcarchitects.com]
Sent: Tuesday, June 02, 2009 5:34 PM
To: Nazar, Jeantine
Cc: Hazim Rabadi; Estes, Phillip
Subject: RE: SA - Green Building Submittal

→ landscape plan
→ elevation

Please see ***red responses below***. Thank you.

From: Nazar, Jeantine [mailto:JNazar@planning.lacounty.gov]
Sent: Monday, June 01, 2009 5:22 PM
To: Janet Suen
Subject: RE: SA - Green Building Submittal

Janet,

Here are some issues to check regarding this case.

Are you leasing the lot located at the intersection of Locksley Drive and Rosemead Blvd? It appears the site is providing additional parking spaces? If so, do you have a lease agreement?
HMC response: The lot located at the intersection of Locksley Drive and Rosemead Blvd is owned by the Greek Orthodox Church as well. When we were obtaining our first approval of Determination of Occupancy for parking, the staff told us that we can use the parking stalls at this lot as part of our total parking count. As long as we are not doing any change at this lot, there will be no requirement for any upgrade nor re-stripping.
What is the net versus gross area of the lot?
HMC response: ***Gross lot area: 49,311 s.f.***
Net lot area: 40,627 s.f. (w/ requested 5' rear set back)
How about elevations and floor plan of the proposed community center?
HMC response: We thought that the modification is for site conditions only and no floor plan of the building is required. We are only in design development phase of the project and the floor plans are not final yet. Please let me know if we need to submit a progress floor plan for your review and reference. How many copies would you need?
The revised plans differ from the plans that Building and Safety approved for occupancy load?
HMC response: The plan is still under design. Final plan will be under County Plan Check review.
Please show the proposed walkways on the site plan. What materials would you use to cover the sidewalks?
HMC response: The site is relatively "flat". The landscaped area are patterned and the "white" or "blank" areas are paved. We have further design developed the site plan and can provide you a paving plan if required.
Please provide a landscape plan showing a minimum of 75 percent of all landscaping to be drought tolerant, a maximum of 25 percent of grass/turf or a max of 5000 square feet and a minimum of 5 feet in width.
HMC response: In a telephone conversation with Philip Este after we received the "Notice of Incomplete Application", Philip has stated that a landscaped site plan indicating planting area vs paved area would be sufficient. No particular plant materials need to be selected yet as the project is still being developed. We just need to note that we will comply to the Green Building Requirements. We do show total landscaped area of 4,526 s.f. Most of our landscaped area are low ground cover and not grass or turf. A minimum of 75% of all landscaping are to selected from the drought tolerant

list. We can provide plant material selection if required at this time, but it is my understanding that it's not required till final plan check review.
Please explain how would you determine the 15 foot front setback area?
HMC response: The front setback of the existing church is pre-existing and is non-compliant to current zoning code. We could add an assumed property line 30' from the new community hall if this is what's required.
What type of street lighting exists on the street?
HMC response: There are existing street light poles on both Rosemead and Locksley. Please see photos attached. We have not be given any requirement from anyone at the County that the project will be required to do any public right-of-way improvement.
Please note a minimum of 20 percent of the required front yard shall contain softscape landscaping.
HMC response: 180' (lot width) x 15' (front yard) = 2,700 s.f. x 20% = 540s.f. would needed to be softscape. We have about 1,085 s.f. of softscape along Locksley Drive; even though we don't have the full 15' of front yard.
Also, check the Green Building requirement for additional landscaping standards.
HMC response: Yes we have, and we have listed all items that we are complying as "notes" on sheet SP-1 submitted.

HMC question: Is this a CSD modification review/approval or plot plan approval as well?

Please let me know, if you want to re-schedule an appointment for next Monday? I am available from 8:30 am to 5:00 pm
Confirmed next Monday (6/8/2009) at 11:30 a.m. If there're additional info or drawings that I need to provide, please let me know and I can bring to the meeting. Thank you.

Thank you,

Best regards,

Jeantine Nazar
Regional Planning Assistant II
Zoning Permits II Section
Los Angeles County Department of Regional Planning
Tel: (213) 974-6383 or (213) 974-6435
Fax: (213) 626-0434

From: Janet Suen [mailto:Janet.Suen@hmcarchitects.com]
Sent: Monday, June 01, 2009 11:29 AM
To: Nazar, Jeantine
Subject: RE: SA - Green Building Submittal
Importance: High

Hi Jeantine

I apologize for missing our appointment this morning. I had an accident and didn't have your phone number with me. May I reschedule to see you a.s.a.p.? Thanks.

Janet Suen
Project Manager

EXHIBIT "C"

HMC
Architects

July 2, 2008

Mr. Richard Claghorn
Principal Regional Planning Assistant
Los Angeles County Department of Regional Planning
320 West Tempole Street
Los Angeles California 90012

Regarding: Plot Plan 200800349
778 South Rosemead Boulevard, Pasadena, CA 91107
HMC #4510002

Subject: Response to Planning Correction #2

Dear Mr. Claghorn,

We are writing to you in response to planning correction #2 in your letter dated May 28, 2008. In particular, we are concerned with the point that the adjacent alley is zoned R-1, Single-Family Residence, therefore requiring the height setbacks to start from the shared property line between the alley and St. Anthony's.

We believe that the Single-Family classification is not applicable for the following reasons:

1. The alley immediately to the east of the southeast part of St. Anthony's property is a private alley maintained and "kept open to public use continuously" by the Michillinda Park Association Inc. as explained in the attached letter from that corporation to Supervisor Antonovich. The letter further explains that the Michillinda Park Association maintains the alleys specifically "for vehicular passage" and are "used not only by the civilian populace, but also by governmental and public-utility vehicles (fire, sheriff, rubbish, telephone, etc.) and include easements for water, gas, electrical power and telephone lines."

2. The alley cannot be used for Single-Family construction, because of the following Los Angeles County Code ordinances:

    a. According to section 22.52.100 the minimum required area for an R-1 lot is 5,000 square feet (sf). The alley has an area of 3,640 sf.
    b. Section 22.52.030 indicates that an average width of 50 feet is required for a lot with a required area less than 7,000 sf. The alley has an average width of 20 feet.
    c. Lastly, section 22.52.150 states, "A building or structure shall not be erected, constructed, altered, enlarged, occupied or used in Zones R-1, R-2, R-A, A-1, A-2 or A-2-H on any lot or parcel of land which has less than the required area or the

> average width of which is less than the required width, except that one single-family residence and such other structures as are permitted in Zone R-1 may be erected, constructed, altered, enlarged, occupied and used on a lot or parcel of land in Zone R-2 the average width of which is not less than the required width and has an area of not less than 2,500 square feet."

Based on the above noted Los Angeles County Code sections and the ownership designation registered with the County Assessor:

1. The alley should not be classified as a parcel or lot, therefore that would set the structure height setback restrictions on our project at 35 feet.

2. The intent of the structure height setback restrictions are to protect a potential homeowner from negative impact to his/her single-family residence. Clearly, based on the code sections noted above there could never be a single family residence constructed in the alley and therefore negatively impacted.

Following your opportunity to review the applicable sections, we look forward to hearing from you and are available to further discuss this matter, if necessary.

Sincerely,

HMC Architects

Hazim J Rabadi, RA
Associate

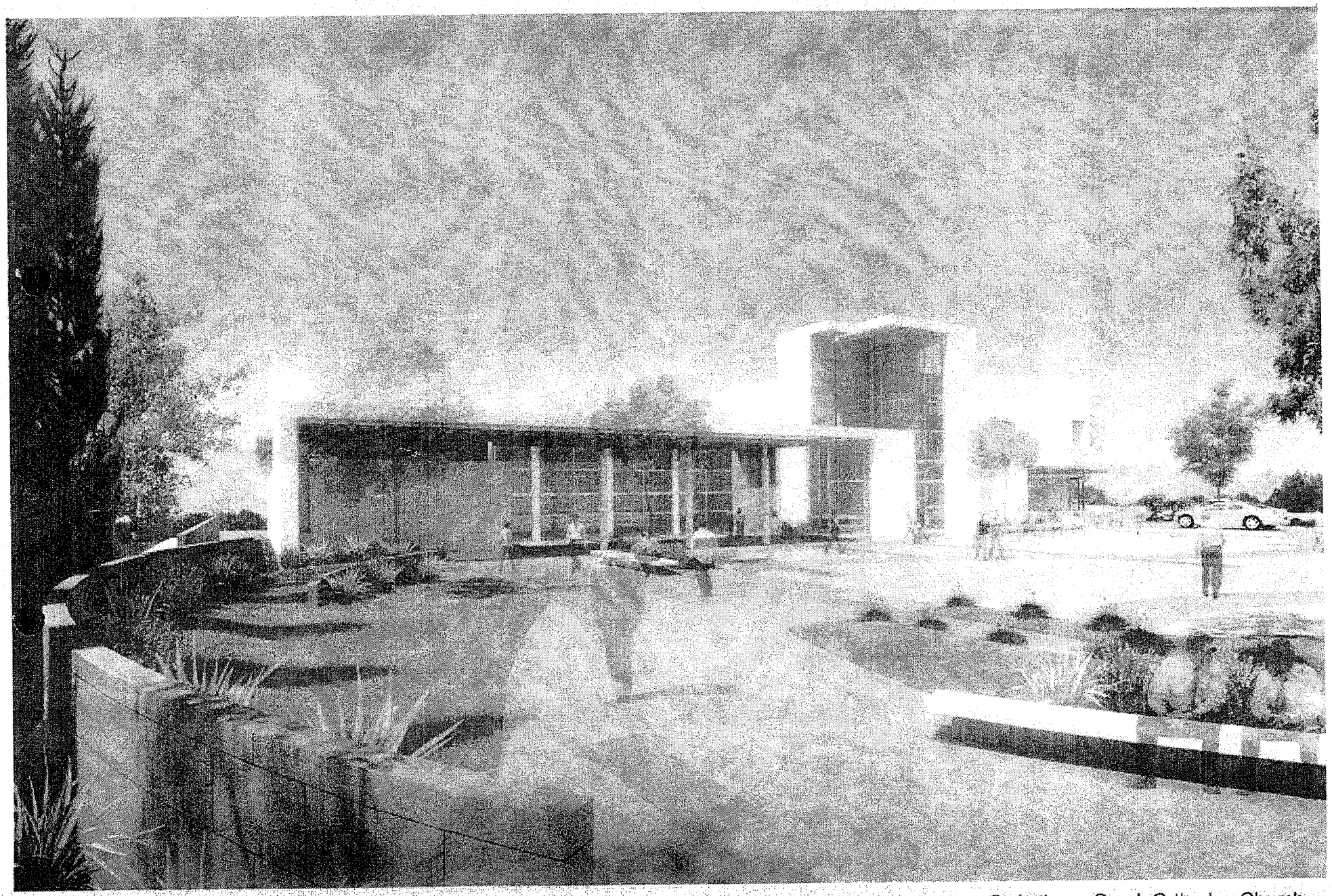
HJR:hjr

Attachment – Michillinda Park Association Letter to Supervisor Antonovich

cc: G. Gidcomb (HMC), W. Choi (HMC), H. Rabadi (HMC)

File: N:\Projects\4510 St_Anthonys\002\03-AG\CA\plot plan\LT-2008-07-02-PlanCheckResponse.doc

EXHIBIT "D"



St Anthony Greek Orthodox Church
New Community Center

EXHIBIT "E"

(PG2)

THE DEPARTMENT OF REGIONAL PLANNING
COUNTY OF LOS ANGELES
NOTICE OF PUBLIC HEARING

PROJECT NO. R2004-00104-(5)
COMMUNITY STANDARDS DISTRICT MODIFICATION 200900002

Notice is hereby given that the Hearing Officer will conduct a public hearing concerning this land use proposal on Tuesday, **December 1, 2009 at 9:00 a.m.** in Room 150, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify. The hearing room will open at 8:50 a.m.

COMMUNITY STANDARDS DISTRICT MODIFICATION REQUEST: To authorize the construction, operation and maintenance of a community center with 5' feet setback on the north side of the lot while 15' is required in conjunction with the operation of an existing church.

LOCATION OF SUBJECT PROPERTY: The subject property is located at 778 S Rosemead Blvd in the unincorporated community of East Pasadena – East San Gabriel, in the East Pasadena Zoned District.

This case does not affect the zoning of surrounding property. If you are unable to attend the public hearing but wish to send written comments, please write to the Hearing Officer, 320 West Temple Street, Los Angeles, California 90012.

If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Hearing Officer at or prior to the public hearing.

This project has been determined to be categorically exempt (Class 3) from the reporting requirements under the California Environmental Quality Act.

Case materials, including the environmental documentation, are available for review between 7:30 a.m. and 5:30 p.m., Monday through Thursday **(closed on Fridays)** in the offices of the Department of Regional Planning, Hall of Records, Room 1346, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also available on the Regional Planning website at http://planning.lacounty.gov/case.htm and at the following location:

Live Oak Library
4153-55 E. Live Oak Avenue,
Arcadia, CA 91006 (626) 446-8803

Additional information concerning this case may be obtained by telephoning **Jeantine Nazar** at (213) 974-6435 between 7:30 a.m. and 5:30 p.m., Monday through Thursday. **Our offices are closed on Fridays.** Callers from North County areas may dial (661) 272-0964 (Antelope Valley) or (661) 253-0111 (Santa Clarita) toll free and then request a connection to 974-6435.

"Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. El proyecto que se considera por el Condado de Los Angeles es un permiso para autorizar la construcción, operación y mantenimiento de un centro comunitario en relación con el funcionamiento de una iglesia existente. Una audiencia pública para considerar el proyecto tendrá lugar el día 1 de Diciembre 2009. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-6435."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

SUPPORT LETTERS

Michillinda Park Association, Inc.

August 12, 2009

Department of Regional Planning
Attn: Jeantine Nazar
320 W. Temple Street, Rm. 1346
Los Angeles, CA 90012

Dear Ms. Nazar,

The Michillinda Park Association Inc. recently (July 09) notified the L.A. County Planning Commission, that the Association opposed the "proposed modification" application request of St. Anthony's Greek Orthodox Church, located at 778 So. Rosemead Blvd., Pasadena, CA 91107.

Issues regarding: traffic, health, safety, street parking and use of the private alleys, owned by the Association have been addressed.. Resolution to those issues, has been successfully achieved through our direct discussions with St. Anthony's. As a result of those discussions, Michillinda Park Association Inc. withdraws its opposition to the request for the modification for the proposed, new assembly hall structure, currently under review by the Planning Department.

Initial opposition stemmed from the county's confusing set-back requirement referencing the rear yard request of 5' from 15'. The conventional address, on L.A. County tax roles placed 778 So. Rosemead Blvd., Pasadena, CA 91107 on the front yard of the property. The rear yard set back would abut approximately 100' of the private alley owned by Michillinda Park Association. The L.A. County reference that the alley would be subject to a side yard definition, originally, confused everyone.

However, after a review of architectural plans defining the placement of the new building and development of the property, in general, the Associations Board determined that any difference between the current existing use of the property by St. Anthony's, and the proposed use of the property regarding traffic, health and safety, and parking, would be little, if any.

Please place this letter withdrawing our opposition in the reference file. If you have any questions, please feel free to call me at (626) 796-7274.

Sincerely,

Gerald Brennan
President
Michillinda Park Association Inc.

AUG 24 2009

새소망장로교회 · New Hope Church (PCUSA)
700 South Rosemead Blvd., Pasadena, CA 91107. Tel.:626.577.0191, Fax.:626.449.3491
http://www.nhcpcusa.org

To : Department of Regional Planning
320 West Temple Street Room 1346
Los Angeles, CA 90012
Attn: Jeantine Nazar

St. Anthony's Greek Orthodox Church
778 South Rosemead Boulevard
Pasadena, CA 91107
Attn: John Patzakis

Re: St. Anthony's Greek Orthodox Church Construction

Our Session of New Hope Church(PCUSA) and the Reverend David J. Pak are pleased to inform you of our decision "to approve your request for a 7 foot set-back modification for the border line between the St. Anthony's Greek Orthodox Church and New Hope Church, with the condition that the Greek Orthodox Church improve the space between the building's on St. Anthony's side of the property for safety, landscaping and reciprocal help with our New Hope construction in the future."

We do value our relationship formed throughout the years and look forward to the revitalized building on these properties enhancing the area.

Sincerely,

Frances Hard

Frances Hard
Clerk of Session

cc: Pastor, St. Anthony's Greek Orthodox Church
Pastor, New Hope Church(PCUSA)

C M C COYE MANAGEMENT COMPANY

6 August 2009

Attn: Jeantine Nazar
Department of Regional Planning
320 West Temple Street, Rm. 1346
Los Angeles, CA 90012

Reference: CSD Mod. Case # RCSD200900002-(5)
Property: 778 S. Rosemead Blvd. East Pasadena, 91107

I am writing in reference to my previous letter of June 28, 2009 regarding the above referenced modification request. After speaking with the President of St. Anthony's, John Patzakis and obtaining a better understanding of the project and its benefits to the neighborhood, I hereby withdraw my objection, and in fact would like to voice my support of the project.

My previous concerns were alleviated when I learned that the sought 5 foot "rear" setback only become necessary after the County determined that Locksley Street was to be considered the front of the Church property. The front of the Church is clearly on Rosemead Boulevard.

Sincerely,

M. Coye

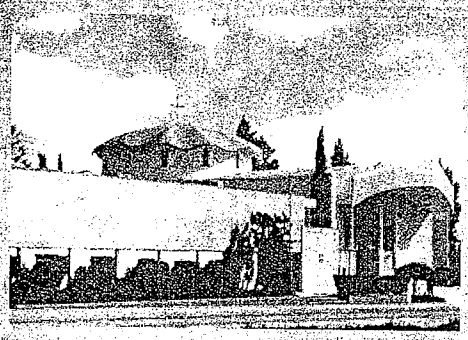
Michael Coye
LA Co Plan Com 6 Aug 09

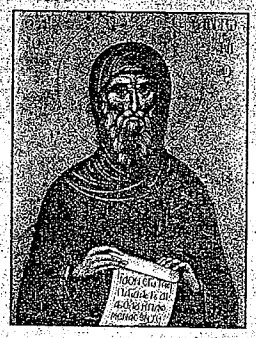
AUG 10 2009

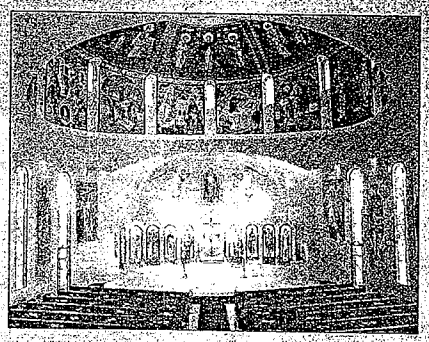
3471 Yorkshire Road Pasadena, CA 91107-5431
626-577-1752 mgcoye@earthlink.net

APPLICANT'S PRESENTATION

Public Hearing for Request for CSD Modification







22.44.135
D.2

St. Anthony Church
Pasadena, California

Preliminary concept subject to detailed design

HMC
December 2009

Discussion

- Opening Remarks
- Timeline
- Community Outreach
- Improvements and Benefits

St. Anthony Church
Pasadena, California

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St. Anthony's Impact on the Community

- Same Pasadena location for 50 years
- Serves 300 parish families
- Provides a home for HOA meetings, polling / elections, planning meetings for the County, etc.
- Fulfilling a vision of the parish to provide our and the communities children with a safe & nurturing environment
- Supports many local charities

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St. Anthony – Supporting the Community

- **Children's Medical Fund** – *Los Angeles*
- **City of Hope** – *Duarte*
- **Families in Transition** – *Pasadena*
- **Friends In Deed Program** – *Pasadena*
- **Harambee Christian Family Center** – *Pasadena*
- **Huntington Memorial Pediatric Unit** – *Pasadena*
- **Journey House** – *Pasadena*
- **Neighborhood Urban Family Center** – *Pasadena*
- **Project Linus** – *Arcadia*
- **Trinity Children's Foundation** – *Colton*
- **Union Station Homeless Center** – *Pasadena*
- **Unity Center** – *Monrovia*
- **Villa Esperanza** – *Pasadena*
- **Various disaster relief efforts (Katrina, Tsunami, Fire Victims, etc.)**

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Discussion

- Timeline

St. Anthony Church
Pasadena, California

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Project History

- Ex. buildings showing their age (40 to 50 years old)
- Ex. hall was built before the Church
- Renovation of existing hall is not financially viable (<u>every</u> system needs to be upgraded to current codes including the structural system)
- New hall design effort began in 2006

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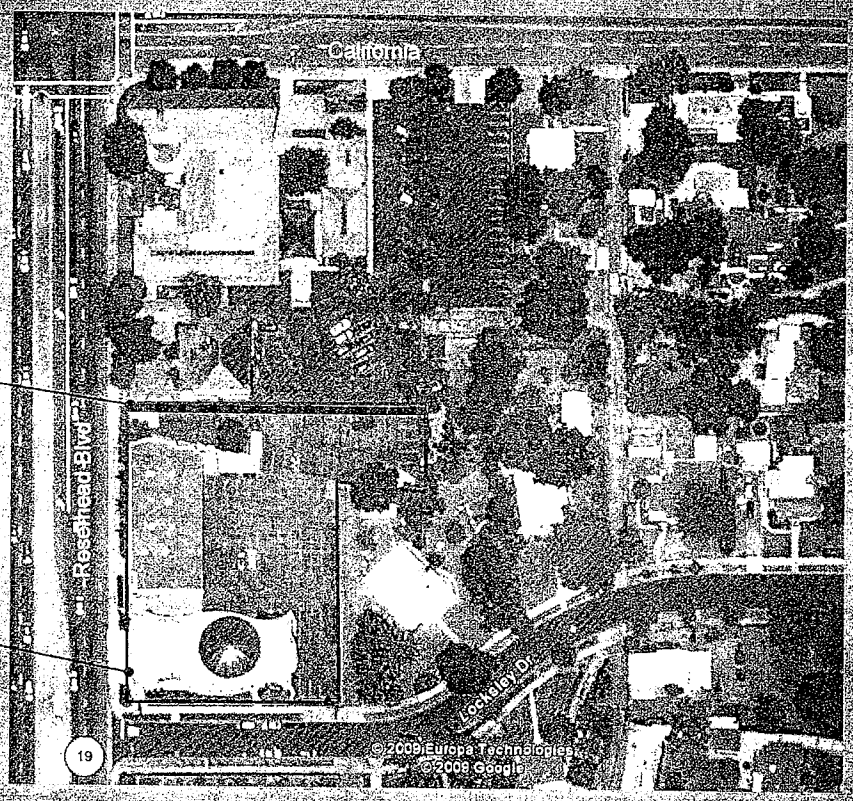

North Property Line
Setback Reduction

Outline of site

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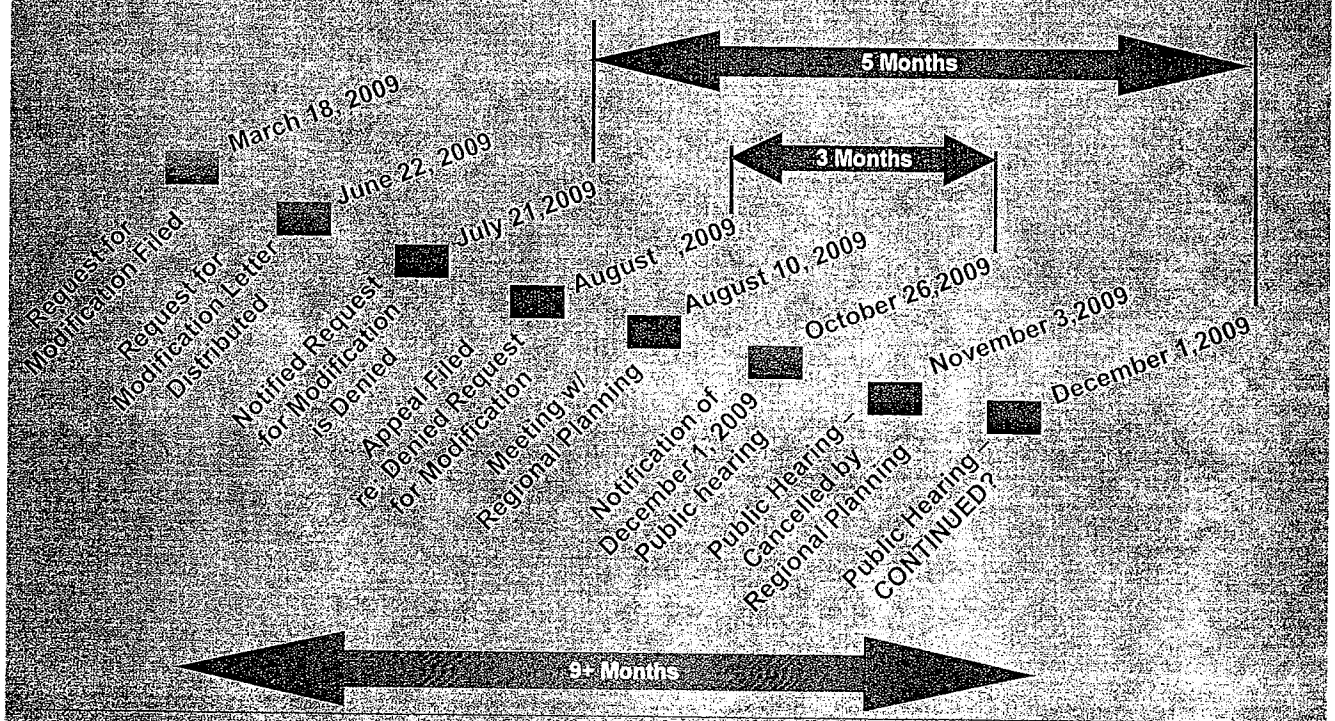
Request for Modification - Timeline



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Requested Modification Timeline

One of the reasons for the delay to get to the Public Hearing may be the misunderstanding by the Fire Dept. and Public Works that the process was to grant a CUP, not a request for a CSD modification of the north property line setback

The applicable code section in title 22 is 22.44.135 (4b.iii).

October 22, 2009

iii. The director shall notify the applicant and all persons specified in subsection C.4.b.i of this section in writing of the action taken on the application. The notification shall indicate that an appeal may be filed with the commission within 10 days after receipt of such notice. Notwithstanding the provisions of Section 22.60.210, the decision of the commission shall be final. In cases where the director denies an application because at least three written requests for a public hearing were received, the director shall also inform the applicant that a request to schedule a public hearing before the hearing officer may be submitted within 30 days after receipt of such notice and payment of the additional fee for site plan review, director's review for modification of development standards in community standards district, as specified in Section 22.60.100. All procedures relative to public hearing and appeal shall be the same as for a conditional use permit. The hearing officer shall approve or deny the proposed modification based on the principles and standards of Section 22.56.1690.

Public hearings in the 5th Sup District requires notification within a 1000' radius, per County policy. Code requirement is 500'.

Discussion

- Opening Remarks
- Timeline
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Community Outreach

- August 4th 2009 (Tuesday) - presentation to *Michillinda Home Owner's Association*
- September 9th 2009 (Wednesday) – *Town Hall Meeting*
- September 14th 2009 (Monday) – *Town Hall Meeting*
- Meetings w/ *New Hope Church* including November 24th 2009 (Tuesday)

SAINT ANTHONY
GREEK ORTHODOX CHURCH

Rev. Peter Stratos, Pastor

August 25, 2009

Dear Michillinda Park Neighbor,

St. Anthony Greek Orthodox church with the assistance of its building committee is in the process of designing a new parish center. We invite you to join us at the existing parish center to learn about our project and meet some of the people involved in the process.

The proposed project shall replace the existing parish center and the adjoining storage buildings with a structure designed by a top architectural firm with roots in Pasadena. The new structure will house the same uses as the current building and will be sited as far north and west as allowed by the County of Los Angeles - moving it away from the neighborhood. The current asphalt parking lot will be replaced with an assortment of paving materials and the site enhanced with additional green space and landscaping.

To learn more about our new parish center, see the proposed designs, and have your questions answered, we invite you to attend one of our town hall sessions to be held in our existing parish center at the following dates and times:

- Wednesday, September 9, 2009 at 7pm.
- Monday, September 14, 2009 at 7pm.

All interested neighbors are welcome. The agenda will include a short presentation followed by a question and answer period and open discussion. Coffee and refreshments will be provided.

Thank you and we hope to see you in September.

Best regards,

John Pazakis
President, St. Anthony
Greek Orthodox Church

Invitation to
Town Hall Meetings

St. Anthony Church
Pasadena, California

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December 2009

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Community Outreach

August 14, 2009

SAINT ANTHONY
GREEK ORTHODOX CHURCH

Rev. Peter Stratos, Pastor

August 14, 2009

Ms. Alberta Walker
3745 Locksley Dr.
Pasadena, CA 91107

Dear Alberta,

As I mentioned on the phone today, I am the new President at St. Anthony's next door. I know that our relationship as neighbors could be much better and the purpose of my call was to offer to sit down and hear your concerns and explore ways we can address them. At St. Anthony there is a new group of leaders who are mostly new to the parish, and as the new President I would very much like to listen to your concerns and see how the Church can be a better neighbor to you and your family.

If you change your mind, Please call me at (626) 319-2333. I would be happy to have a cup of coffee with you at Coco's. I personally do not have any complaints or issues to raise with you. You mentioned on our brief call that you have voiced concerns to the Department of Regional Planning, and that certainly is your right to do so as a property owner. I simply would like to hear your concerns firsthand, discuss our relationship as neighbors going forward, and to see if there is anything the new Church leadership can do to improve our relationship.

Thank you for considering my offer and I hope to hear from you.

Best Regards,

John Pazakis
President
St. Anthony's Greek Orthodox Church

Dear Alberta,

As I mentioned on the phone today, I am the new President at St. Anthony's next door. I know that our relationship as neighbors could be much better and the purpose of my call was to offer to sit down and hear your concerns and explore ways we can address them. At St. Anthony there is a new group of leaders who are mostly new to the parish, and as the new President I would very much like to listen to your concerns and see how the Church can be a better neighbor to you and your family.

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Pasadena, California

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Community Outreach

September 14, 2009

SAINT ANTHONY
GREEK ORTHODOX CHURCH

Rev. Peter Stratos, Pastor

September 11, 2009

Ms. Alberta Walker
3745 Locksley Dr.
Pasadena, CA 91107

Dear Alberta,

Thank you for taking my call yesterday. I hope to be able to speak with you in person to have a more lengthy conversation, and in fact my offer to meet with you as discussed in my letter of August 14 remains open.

Regarding our upcoming Festival, the new leadership at St. Anthony is sympathetic to your concerns. Given your close physical proximity to our grounds (you are in fact our only physical residential neighbor) we understand and appreciate your inconvenience.

To that end, we would like to offer to provide your family accommodations at a hotel of your choice for that weekend for an amount up to $1500 (for two rooms or a suite). While we are advised that we are under no legal obligation to extend this offer, we are doing so because of your sincere concerns and our desire to improve our relations as neighbors. I assure you that there would be no obligation or "strings attached" if you were to accept our offer. Just let us know what hotel you will be staying at and we will pay the hotel $1500 toward your account.

Please call me at (626) 319-2333 if you are interested in such an arrangement. Thank you for considering my offer and I hope to hear from you.

Best Regards,

John Pizzakis
President
St. Anthony's Greek Orthodox Church

To that end, we would like to offer to provide your family accommodations at a hotel of your choice for that weekend for an amount up to $1500 (for two rooms or a suite). While we are advised that we are under no legal obligation to extend this offer, we are doing so because of your sincere concerns and our desire to improve our relations as neighbors. I assure you that there would be no obligation or "strings attached" if you were to accept our offer. Just let us know what hotel you will be staying at and we will pay the hotel $1500 toward your account.

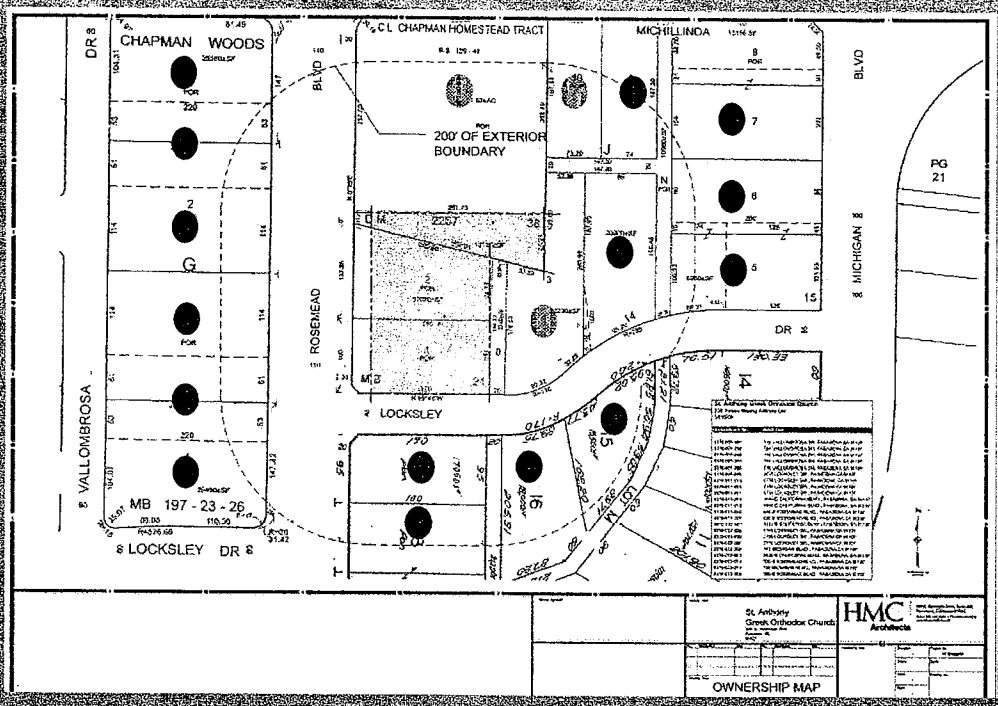
Community Outreach

- Our review of the letters received by the Dept. of Regional Planning indicates 6 authors (not 8) that objected to the request for modification
  - 3 letters were initiated by the neighbor across the alley
- St Anthony representatives reached out to all six authors with three agreeing to meet to discuss the request for modification
- All three authors have since provided letters withdrawing their objections upon reviewing the merits of the request for modification
  - Michillinda Home Owner Association
  - New Hope Church
  - Mr. Michael Coye

My previous concerns were alleviated when I learned that the sought 5 foot "rear" setback only become necessary after the County determined that Locksley Street was to be considered the front of the Church property. The front of the Church is clearly on Rosemead Boulevard.

- Of the three remaining letters of objection only one author is located within the 200 ft radius requirement of the County for the original filing

200 ft Radius Ownership Map



- No objections raised
- Objection raised
- Supporting a Compromise of the Request for CSD Modification (7 ft)

St. Anthony Church
Pasadena, California

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December 2009

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Discussion

- Opening Remarks
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Pasadena, California

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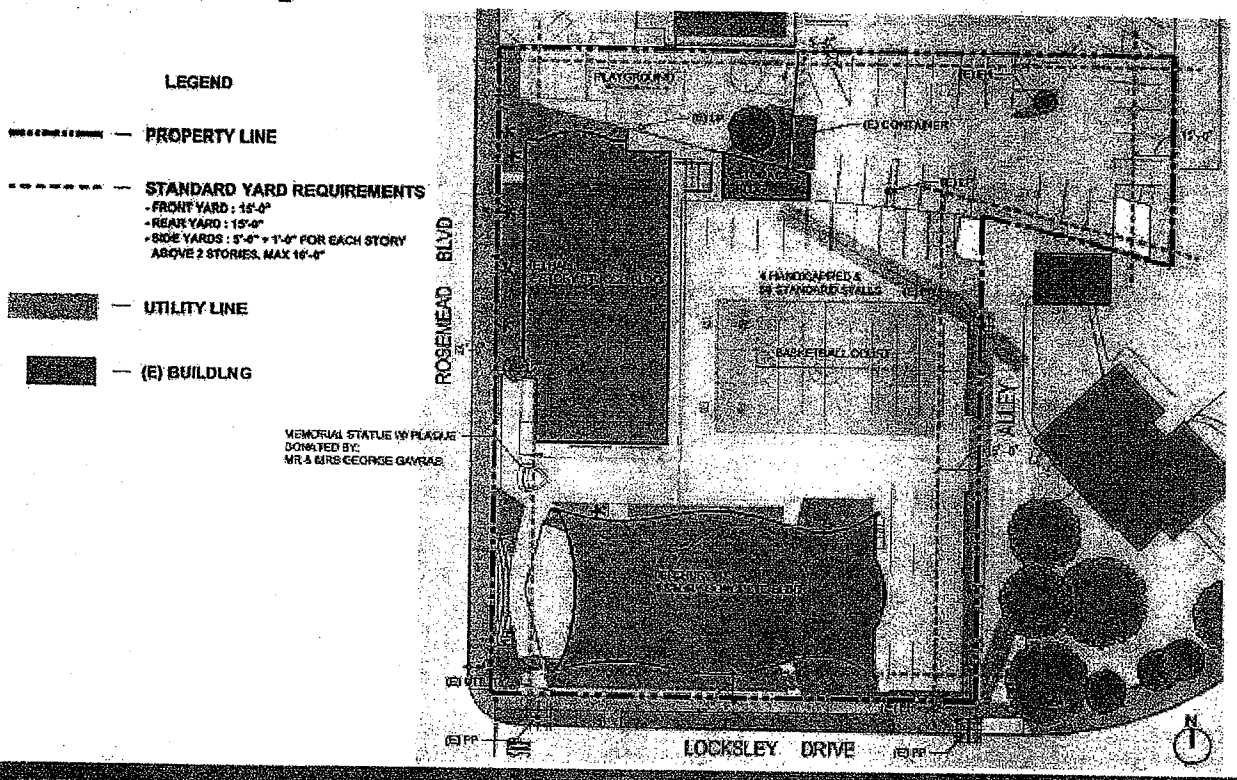
Existing Site Plan



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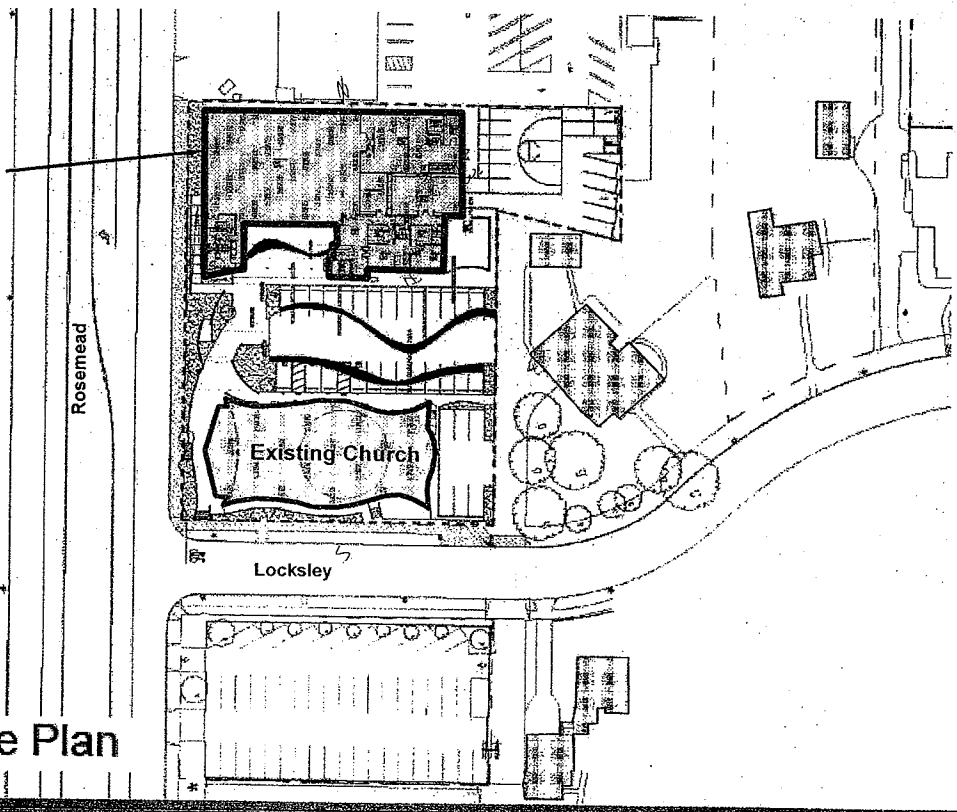
Proposed Site Plan



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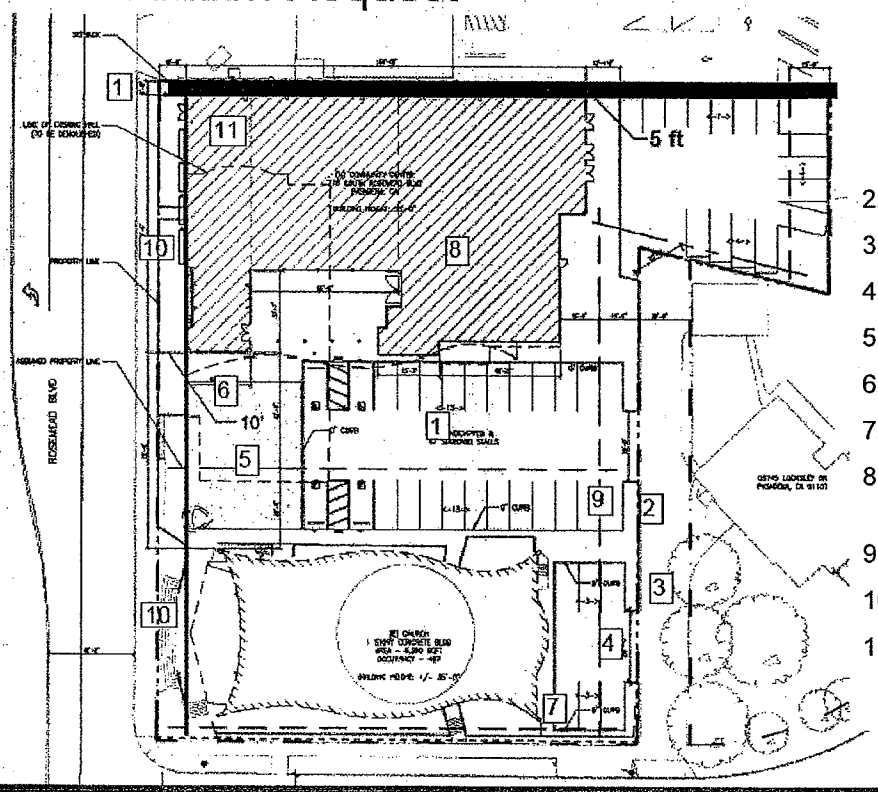
Site Improvements / Benefits

1. Safer
   - Better site supervision, avoiding dangerous un-supervisable zones
   - Improved nighttime lighting
   - Improved pedestrian/parking definition
2. Proposed undergrounding of overhead power lines adjacent to alley
3. Repave existing alley
4. Alley access to adjacent properties will remain
   - Four existing access points along alley reduced to three
5. More landscaping eliminating visible asphalt "field"
6. Drought-tolerant plantings to reduce water consumption
7. Transformer relocated from alley pole to vault on St. Anthony's site along Locksley
   - Improves appearance from neighborhood
   - Allows for two additional parking spaces on site
8. Improved energy efficiency / existing building systems 40+ years old
9. Better stormwater management
10. Entry points along Rosemead improved to encourage pedestrian use
    - Access encourages Rosemead parking
11. New building moved north and west away from neighborhood

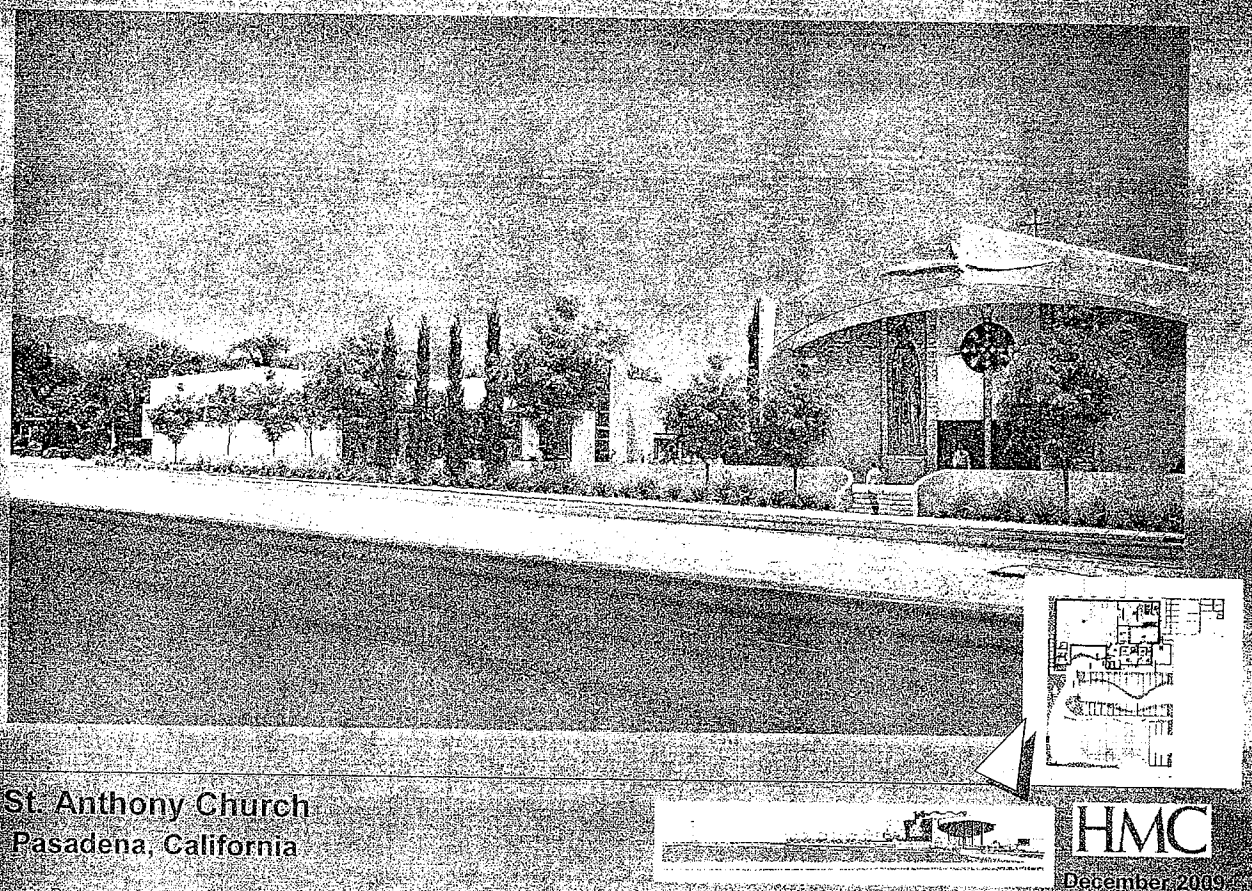
CSD Modification Request



1. Safer

   Improved site supervision, lighting, pedestrian/parking definition
2. Underground at alley
3. Repave alley
4. Alley access points
5. Eliminate asphalt field
6. Drought-tolerant plantings
7. Transformer relocated
8. Improved energy efficiency
9. Stormwater management
10. Pedestrian entry points
11. Proposed hall moved north and west away from neighborhood

Looking North East Along Rosemead Blvd



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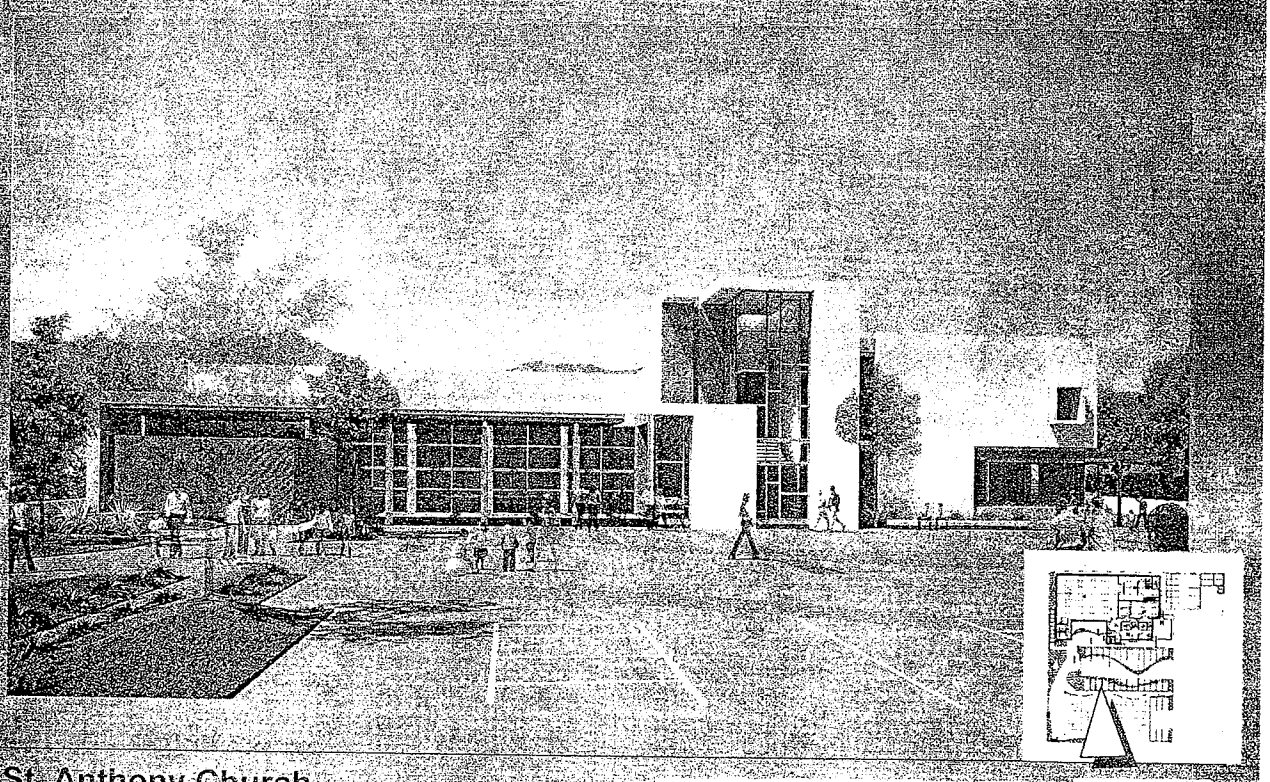
Looking North from the Church



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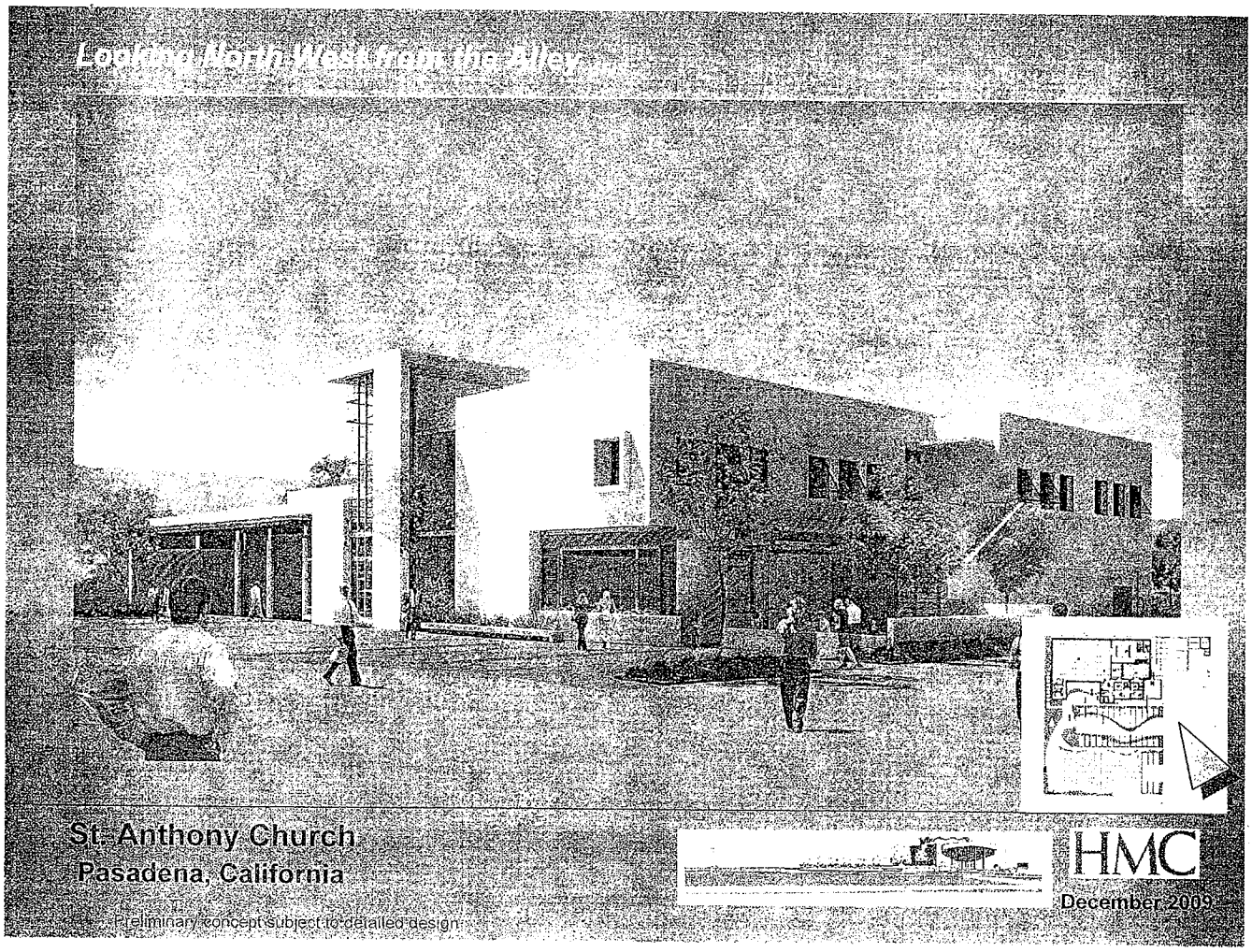

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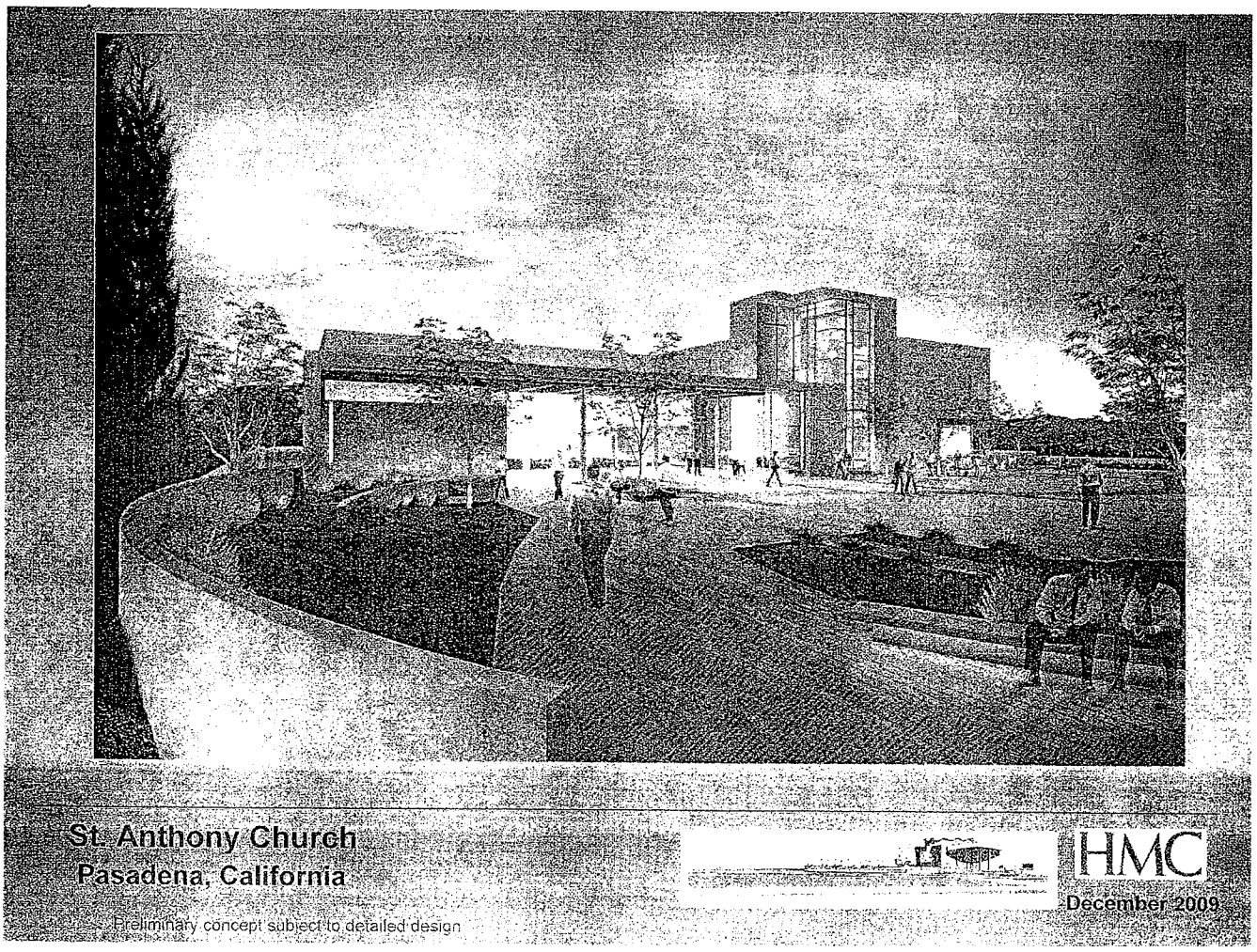

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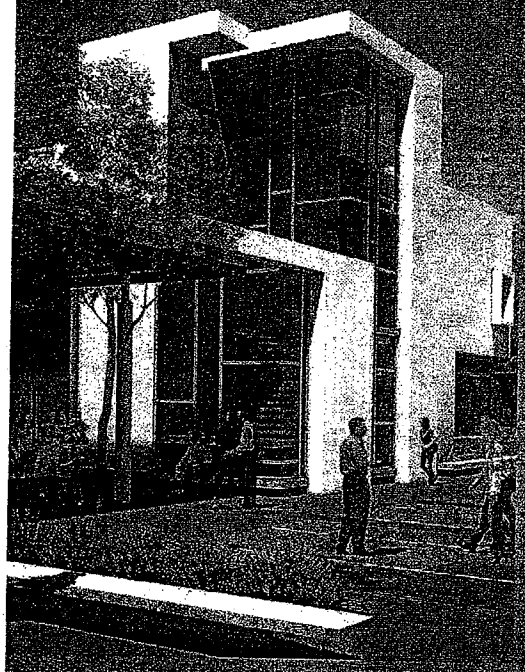

Thank you

for the opportunity to speak today

St. Anthony Church
Pasadena, California

HMC

December 2009