



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** Community Development

**MEETING DATE:** April 3, 2012

**PREPARED BY:** Ili Lobaco, Associate Planner

**AGENDA LOCATION:** PH-2

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**TITLE:** Tentative Tract Map No. 71889, Conditional Use Permit CUP2012-02/Variance V2012-02 for Property Located at 212-216 West Olive Avenue; Bowden Development, Inc , Applicant

**OBJECTIVE:** To approve a Tentative Tract Map, Conditional Use Permit, and Variance for a 4-unit Planned Unit Development

**BACKGROUND:** The applicant is requesting approval of a detached, 4-unit Planned Unit Development (PUD) with the construction of three, two-story units and the rehabilitation of an existing single-story unit. The rehabilitation of the existing unit will include the construction of a detached two-car garage with a side yard setback encroachment. The subdivision of the property requires the approval of a tentative tract map, as the original two lots are being subdivided into five lots (each unit will be on a lot, and the driveway is a separate lot). The construction of a planned unit development requires approval of a conditional use permit (CUP) and the side yard setback encroachment requires approval of a variance.

At its March 14, 2012, meeting, the Planning Commission recommended approval of the project to the City Council.

**ANALYSIS:** The property is located on the south side of Olive Avenue west of Primrose Avenue. The subject site is the consolidation of two lots that total 16,000 square feet (50' wide by 160' deep each). The two lots are currently improved with single-family residences. The property at 212 West Olive Avenue is zoned RH (Residential High) Density and the property at 216 West Olive Avenue is zoned RM2500 (Residential Medium 2500) Density. Based on the current zoning for the properties, 216 West Olive Avenue would be permitted to be developed with up to three units and the property at 212 West Olive Avenue could have up to four units. The applicant has instead submitted a proposal to develop the properties at a lower density (four units vs seven units) than permitted by code.

The subject property is located on a residential block improved with a mix of both single-family and multiple-family residential developed properties.

### **Site Plan**

The four detached units will be served by a 12' wide driveway that is accessed from Olive Avenue. The average front yard setback on Olive Avenue is 27.5'. The front setbacks for the two front units will exceed the average. The existing unit has a 28.5' front yard setback and the new unit to the east will be built with a 28.5' setback. The two additional units will be located to the rear of the two front units. A detached two-car garage will be constructed directly behind the existing front unit. A common driveway will provide access to each of the four garages and thereby create a courtyard area in the center of the parcel that will provide vehicle maneuverability.

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A minimum 10' side yard setback (10% of 100' lot width) is required for the three new units. The existing unit will remain with an 8' side yard setback. The two rear units will have the minimum 20' rear yard setback. A walkway will be located between the two rear structures that will lead to a trash receptacle area in the alley. A Knox box allowing emergency access will be required by the Fire Department if this gate is to be remained locked.

### ***Private Open Space***

Although the property is zoned RM on the west parcel and RH on the east parcel, the applicant has chosen to provide the private recreational space requirement of the RM Zone for the entire property thereby providing more recreational space than required on the RH zoned property. The RM zoning requires that 40% of the unit size be provided in privately enclosed recreational space for each unit. All four units provide more than the minimum amount required with private yard areas ranging in size from 626 to 1,671 square feet.

### ***Building Elevations/Floor Plan***

The existing unit is described as a mass plan Vernacular style. The three new units incorporate several of the same design features of the existing unit but are two-story. Architectural elements include a combination of rounded columns that support the porches, horizontal siding, wood surrounds encasing the windows and doors, and roofs that have decorative dormers and flared eaves. The maximum height proposed for the two-story units is approximately 26'.

The project features three different floor plan configurations for the new units. Each unit has a dining room, kitchen, living room, bathroom and bedroom on the first floor. The second floors each have three bedrooms, two bathrooms and a loft. The unit in the southeast corner has a second story balcony over its entry porch area. Each will have an attached two-car garage with a laundry area. The new units vary in size from 1,807 to 1,878 square feet.

### ***Historic Preservation Review***

At its October 2011 meeting, the Historic Preservation Commission (HPC) reviewed the request by the applicant for the demolition of the house at 212 West Olive Avenue. Section 17.12.050 of the Monrovia Municipal Code requires the HPC to provide advisory review when a pre-1940's residential structure is going to be demolished. Due to its lack of architectural integrity and no known affiliation with people significant in local or regional history, the HPC determined that the 1921 structure be assigned a California Historic Resource (CHR) Status Code of 6Z. A 6Z status is assigned to properties that do not meet any of the criteria required for landmark designation thereby allowing demolition without any additional review.

Additionally, Section 17.12.060 of the Monrovia Municipal Code allows deviations from the development standards such as setbacks and separation requirements if pre-1940s eligible structures are retained and preserved and if the Historic Preservation Commission determines that there is value in the structure's preservation.

At its October 2011 HPC meeting, the Commission determined that a 6L status code be assigned to the structure at 216 West Olive Avenue, which was built in 1907. A 6L status means that the property is determined ineligible for local landmark status, however, it "may warrant special consideration in local planning." This "special consideration" can provide relief from certain zoning requirements as an incentive to preserve structures that have historic or architectural character.

This is the first time that an applicant has proposed using this provision in the code to incorporate an existing building into a new multi-family development and Staff and the Development Review Committee believe that the retention of the house will help maintain the character of the neighborhood.

### ***Variance***

With the retention of the existing unit, a new, two-car detached garage will be constructed behind the unit. The Code requires that if a detached garage is located closer than 80' from the front property line, then it must have the same setback from the side property line as required for the house. In this case, the lot is 100' so the garage should be setback 10' from the west property line. The applicant is requesting a variance for a 5' setback. Staff looked at the option of relocating the garage so that a 10'

side yard setback could be provided. This option was not feasible because the garage would create a compromised backup access for the garage of the unit located in the southwest section of the lot.

If the applicant were to build a two-car garage on the existing parcel right now, they would be allowed to build with a 5' side yard setback (10% of 50' wide lot). It is because of the consolidation of the lots that the side yard setback increases to a 10' side yard setback.

With the incentives allowed for the retention of eligible pre-1940s residential structures, the request for the variance is further justified. Each unit is required to provide a two-car garage and this garage will provide the necessary parking for the unit being retained.

**ENVIRONMENTAL IMPACT:** The development proposes no adverse environmental impact and is not affected by the Monrovia Environmental Accords Pursuant to the California Environmental Quality Act (CEQA), this project is exempt as a Categorical Exemption Class 3

**FISCAL IMPACT:** There is no direct fiscal impact associated with the approval of this application.

**CONFLICT OF INTEREST:** Due to potential conflicts of interest affecting a majority of the Councilmembers, and because there is no other body of the City that can make the decision, in accordance with the Rule of Legally Required Participation, the affected Councilmembers will draw straws prepared by the City Attorney in order to determine who will participate.

**OPTIONS:** The following options are presented for consideration:

1. Approve the proposed project as presented with the conditions of approval.
2. Deny the variance and recommend that the project be redesigned to eliminate the setback encroachment. However, Staff, the Development Review Committee, and the Planning Commission believe that the setback encroachment is justified based on the setback flexibility option for preservation of the unit at 216 West Olive Avenue, and that the site configuration allows for better vehicle maneuverability for access to and from all the garages.
3. Deny the entire application.

**RECOMMENDATION:** The Planning Commission and Staff recommend that the City Council approve Tentative Tract Map No. 71889, Conditional Use Permit CUP2012-02 and Variance V2012-02 for the 4-unit Planned Unit Development with a side yard setback encroachment.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to.

1. Find that pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City Council in the exercise of its independent judgment finds that Tentative Tract Map No. 71889/Conditional Use Permit CUP2012-02/Variance V2012-02 is categorically exempt under Class 3
2. Find that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016
3. The City Council in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for Tentative Tract Map No. 71889/Conditional Use Permit CUP2012-02/Variance V2012-02, which are incorporated herein by this reference
4. The City Council approves Tentative Tract Map No. 71889/Conditional Use Permit CUP2012-02/Variance V2012-02 subject to the attached Planning Conditions on Data Sheet No. 1, Public Works Conditions on Data Sheet No. 2, and recommendations in the Staff Report, all of which are incorporated herein by this reference.



Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans for TTM 71889, CUP2012-02 and V2012-02, a tentative subdivision map and 4 unit Planned Unit Development (PUD) with setback variance submitted by the applicant, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval.

## DEVELOPMENT STANDARDS

1. A final materials board shall be submitted to the Planning Division Manager for review and approval prior to building permit issuance. The final materials board shall include a breakdown by unit of materials to be used and samples/examples of siding, stucco, stone veneers, windows, exterior doors, garage doors, roofing, color schemes and exterior light fixtures.
2. A decorative block wall shall be provided by the Applicant adjacent to the rear and side property lines but outside of the front setback area. The property line wall must be a minimum of five feet above the subject property's finished grade and a minimum of five feet and a maximum of six feet above the adjacent property's grade, measured in accordance with the Monrovia Municipal Code. The walls shall be installed before building construction begins.
3. The Applicant shall make a good faith effort to work with adjacent property owners (that have existing walls/fences) to avoid a double wall condition, and provide a single wall along the project's perimeter. The applicant shall notify by mail all contiguous property owners at least 30 days prior to the removal of any existing walls/fences along the project's perimeter.
4. If a driveway gate is proposed at a later date the Development Review Committee shall consider the request after providing written notification to property owners within a 300' radius of the site. The cost of such notification shall be paid in advance by the Applicant.
5. All private recreation areas must be enclosed by 5' to 6' high wood fence or decorative block wall or approved alternative. All proposed fences shall be shown and indicated on the submitted site plan.
6. A decorative trash enclosure shall be constructed per City specifications and/or an area for storage of individual trashcans shall be provided on a paved surface and screened and shall be shown and indicated on the submitted site plan.
7. A level concrete patio shall be provided for each unit in the private recreation area and shall be indicated on the grading plan and approved by the Development Review Committee prior to the start of grading.

8. Placement and design of mailboxes shall be reviewed and approved by both the U.S. Postal Service and the Planning Division prior to installation.
9. No roof mounted mechanical equipment shall be permitted.
10. Ground level mechanical equipment shall be placed a minimum of 5' from the interior property lines and shall be completely screened with landscaping. Ground level mechanical equipment shall not be located within the front setback.
11. Electrical power lines, telephone lines, and any other transmission lines (including, without limitation, cable television lines, data transmission lines, communication lines, other utility lines, etc.) to and from the development, and within the development, shall be placed underground and provided to each unit
12. All utilities and structures such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall be noted on the plans with provisions for appropriate screening.
13. Plans showing all exterior lighting shall be submitted to the Planning Division for review prior to building permit issuance and no exterior lighting shall be installed without the approval of the Planning Division Manager. All exterior lighting shall be designed, arranged, and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures.

## **LANDSCAPING**

14. The Applicant shall submit plans which show all on-site trees to remain (the "Tree Retention Plan"). The Tree Retention Plan shall be submitted simultaneously with the grading plan, and be drawn to the same scale as the grading plan. The Tree Retention Plan shall be prepared or reviewed by a licensed Landscape Architect or Certified Arborist and recommendations of the licensed Landscape Architect or Certified Arborist shall be incorporated into the Tree Retention Plan prior to submittal to the City. The Tree Retention Plan shall be subject to the review and approval of the Planning Division Manager. After reviewing the Tree Retention Plan, the Planning Division Manager may require site design alterations to accommodate trees that will be preserved. Recommendations in the approved Tree Retention Plan shall be incorporated into the Landscape and Irrigation Plan.
15. The Tree Retention Plan shall include all trees that are to remain on-site (the "Retained Trees"). The Tree Retention Plan shall incorporate any necessary measures needed to mitigate the potential impacts of the construction or post-construction periods on Retained Trees. The Tree Retention Plan shall include at minimum the following:
  - a. Tree protection fencing requirements. Each Retained Tree shall have a protective fence installed, surrounding the base of the tree at the drip line, prior to the start of construction. Such fencing shall remain in place during construction. Grading operations within the drip line of the Retained Trees shall be prohibited to prevent soil compaction around the trees and to protect them from damage.

- b. Mitigation Measures. Any mitigation measures needed for the protection and preservation of the Retained Trees and all trees on adjacent properties on or near common property lines of the subject site, including any City parkway trees, shall be included in the Tree Retention Plan.
  - c. Recommendations on anticipated pruning of trees. Pruning shall be under the direction of a certified arborist if pruning occurs as part of the construction process.
16. A Landscape and Irrigation Plan prepared by a licensed Landscape Architect shall be submitted to the Planning Division for plan check showing the size, type, and location of all planting areas and shall incorporate the Tree Retention Plan and the following conditions of approval.
- a. Landscaping shall be a combination of 24" and 36" box trees, shrubs, groundcover, and turf.
  - b. All landscaping shall be maintained by a permanent automatic irrigation sprinkler system.
  - c. Any unimproved City right-of-way contiguous with the property shall be landscaped by the Applicant and incorporated into the required landscape plan.
  - d. Hardscape improvements shall be provided in common areas.
17. A landscape documentation package as required by Chapter 17.20 Water Efficient Landscaping and Landscape Irrigation System of the Monrovia Municipal Code (MMC) shall be submitted to the Planning Division at the same time the Landscape and Irrigation Plan is submitted. A Certificate of Substantial Compliance shall be submitted at the completion of the project.

## **PARKING**

18. All paved parking and driveway areas shall be surfaced with Portland cement concrete (3-1/2" minimum thickness).
19. All driveway surface areas shall incorporate accent treatment throughout the design. Accent treatment shall include stamped concrete or other approved treatment.

## **CONSTRUCTION SITE REQUIREMENTS**

20. Applicant shall provide temporary perimeter fencing with view obscuring material during construction. If graffiti is painted or marked in any way upon the premises or on an adjacent area under the control of the Applicant (including without limitation, any temporary perimeter construction fencing or the permanent wall), the graffiti shall be removed or painted over by Applicant within twenty-four hours, unless any law in effect at that time imposes a shorter time period for eradication.
21. One waterproof sign (36" x 48") in both English and Spanish noting construction hours and a phone number for contact shall be posted at the front of the site prior to grading or construction.

## GENERAL REQUIREMENTS

22. A draft copy of the Conditions, Covenants, and Restrictions (CC&R's) shall be provided in electronic form to the Planning Division for review. The CC&R's, acceptable in form and substance to the City Attorney, must meet the approval of the Planning Division Manager prior to the City granting approval of the Final Map, and be recorded against each unit with the Los Angeles County Recorder's office concurrent with or prior to the filing of the Final Map. No Certificate of Occupancy will be issued by the City until the CC&R's are approved and recorded. The CC&R's shall include that a homeowner's fee be collected by the Board of Governors of the Homeowners Association (HOA) for maintenance of the front yard and common landscaping, walls/fences, the driveway, and all exterior finishes and roofing. Additionally, the CCR's shall incorporate all of the provisions listed in MMC §17 44.050(C)(4)(a) as well as provisions imposing and enforcing the following conditions of approval:
- a. The CC&R's shall not be modified or revoked without the prior written approval of the City of Monrovia.
  - b. All trees indicated on the approved Landscape and Irrigation Plan and/or Tree Retention Plan shall be retained. Removal of any trees requires the approval of the Planning Division Manager.
  - c. The pruning of the oak trees shall be under the direction of a certified arborist.
  - d. Garages shall be used for the storage of vehicles only and shall not be converted for livable, recreational or storage usage in a way that would prohibit its primary use as a two-car garage.
  - e. Maintenance of common landscaping and irrigation includes all areas not in enclosed private yard areas
  - f. Trash cans shall be stored in private yard areas
  - g. All lot owners shall have reciprocal ingress and egress access over and use of the commonly owned driveway and common areas.
23. Title to the driveway lot must be transferred to the Homeowner's Association and recorded with the Los Angeles County Recorder's office concurrent with or prior to the filing of the Final Map, and title to the driveway shall not be transferred except as expressly provided for in the CC&R's.
24. The exterior materials of the unit that will remain shall be retained including, but not limited to roofing, siding, windows, exterior doors, other materials, except for the rear addition that shall be removed.
25. A Covenant and Agreement, provided by the City, shall be filed for the unit that will remain, indicating that said unit will not be demolished or altered without City approval.
26. In addition to Planning (Data Sheet No. 1) and Public Works (Data Sheet No. 2) conditions of approval the Applicant shall also comply with all requirements of the Monrovia Municipal Code, Building Division and Fire Department that are directly applicable to the project.
27. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies

and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.

28. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit and subdivision map.
29. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written consent to all of the conditions of approval contained in Data Sheet Numbers 1 and 2. Tentative Tract Map No. 71889, Conditional Use Permit CUP2012-02, and Variance V2012-02 shall be void and of no force or effect unless such written consent is submitted to the City within the 30 day period.
30. The Final Map for the proposed subdivision shown on this Tentative Map No. 71889 must satisfy the requirements of Section 16.16.010 et seq. of the Monrovia Municipal Code and be filed with and deemed a complete filing by the City Engineer, and the use or development to which the Conditional Use Permit and Variance applies must begin, within twenty-four months after the Tentative Map was conditionally approved, or TTM71889, CUP2012-02, and V2012-02 will expire without further action by the City.
31. All of the above conditions shall be complied with prior to issuance of the Certificate of Occupancy, unless an earlier compliance period is specified as part of a condition.
32. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning TTM71889, CUP2012-02, and V2012-02 and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses (including, but not limited to, interest, attorneys' fees and expert witness fees), or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding in accordance with the Subdivision Map Act.



## DATA SHEET 2

## Public Works Conditions

TTM71889/CUP2012-02/V2012-02

212-216 West Olive Avenue

The Applicant shall submit a tentative tract map and final tract map per the requirements of the City's Municipal Code. Development on each parcel created by Tentative Tract Map 071889 shall be subject to the conditions of approval listed below, and if so indicated, the condition shall be satisfied before the Final Tract Map is filed in the Department of Public Works for review and approval by the Council. The term "Applicant" shall include, without limitation, the applicant, the property developer, the property owner, and all subsequent owners of each parcel.

### Engineering Conditions

1. The Applicant shall provide the following:
  - a. Geotechnical Report
  - b. Hydrology Report
  - c. Tract Map
  - d. Site Plan
  - e. Grading Plan
  - f. Drainage Plan
  - g. Utility Plan
  - h. SUSMP Plan
  - i. Local SWPPP Plan
2. Submit existing site plan, topographic map of the project site, grading, drainage and utility plan to Public Works Department for review and approval. The plans shall indicate existing and proposed structures, miscellaneous facilities if applicable and all utilities applicable within the project site. The plans shall be prepared on a maximum 24" x 36" sheets with City standard title block stamped and signed by a Registered Professional Civil Engineer in the State of California. The submittal of the plans shall include: a hydrology report, a geotechnical report, required design calculations, a cost estimate, a plan check fee, and an inspection fee. The final submittal for final approval shall include a mylar of the approved grading, drainage and utility plans. The applicant shall use the assigned drawing number G-829 for this project. Partial or incomplete submittals will not be accepted.
3. All site plans, grading plans, drainage plans and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.
4. Construction, Demolition and improvements along Olive Avenue, shall require a construction and encroachment permit from the City of Monrovia Public Works Department prior to construction of any improvements. All work adjacent to or within the public right of way shall be subject to review and approval of the Public Works Department.
5. The applicant shall obtain a permit for driveway approach to the satisfaction of the City Engineer.
6. The City requires the restoration of the existing pavement (the street and alley) after utility installation. Restoration is required from the outer limits of the area covering and

encompassing all the utility cuts, limits shall be determined out in the field by the City Engineer. Restoration of asphalt pavement shall be 2-inch pavement grind and 2-inch asphalt overlay

7. The owner shall provide a current title report for the project site located in the City of Monrovia. The title report and guarantee is required and such documents shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders.
8. All easements at the time of the Final Map approval must be accounted for on the approved tentative tract map. This includes the location, owner, purpose and recording reference for all existing easements.
9. A Final Map prepared by or under the direction of a Licensed Land Surveyor or a Licensed Civil Engineer legally authorized to practice land surveying in the State of California must be reviewed and processed through the City Engineer prior to being filed with the County Recorder.
10. Prior to filing the Final Map with the Department of Public Works for review and processing, the developer's surveyor or engineer shall set durable monuments to the satisfaction of the City Engineer in conformance with Section 66495 of Subdivision Map Act.
11. Improvement plans and necessary letters of credit, cash and/or bonds to secure the construction of all public improvements shall be submitted and approved by the City Engineer prior to the recordation of the Final Map.
12. Prior to filing the Final Map, the applicant shall provide street improvements adjacent to the proposed land division to the satisfaction of the City Engineer. Improvements to include asphalt resurfacing of the street fronting the property (2-inch pavement grind and 2-inch asphalt overlay), repair and resurfacing of the alley at the south side of the property including removal and replacement of broken longitudinal gutter along the alley.
13. Prior to filing the Final map, remove and replace any curb, gutter, sidewalk, driveway approach or pavement found by the City Engineer to be broken, uplifted or damaged. Construct improvements as required, per City standard drawings to match existing improvements on adjacent properties. All ADA requirements shall be satisfied by the applicant. These conditions apply on public right-of-way along property frontage
14. All work such as but not limited to demolition, construction and improvements within the public right-of-way shall be subject to review and approval of the Public Works Department, and will require construction and encroachment permit from the City's Public Works Department, prior to start of any construction. All work within the public right-of-way shall be in accordance with applicable standards of the City of Monrovia, Standard Specifications for Public Works Construction (Green Book, latest edition) and the Manual on Uniform Traffic Control Devices (MUTCD, latest edition), and further that construction equipment ingress and egress be controlled by a plan approved by the City Engineer
15. Obtain applicable permits for all work to be done within the public right-of-way from the Public Works Department. Pay all applicable fees for Engineering Division services

such as plan check fee and construction inspection fee as applicable.

16. The applicant shall remove all existing driveway approaches not used along property frontages and reconstruct sidewalk, curb and gutter per City Standards (if applicable), and shall be inspected by the Public Works Inspector and approved by the City Engineer.
17. Provide a Transportation Plan formalizing the approved truck route, staging areas, radio control points and manpower, street sweeping activities along with loading/unloading of supplies/materials and parking for contractors and employees in/on and around the site.
18. Provide the Engineering Division with a soils and geotechnical report. The soils investigation shall evaluate the soils percolation characteristics for storm drainage considerations. Grading plan shall conform to MMC Chapter 15.28 and be prepared on a maximum 24" x 36" sheets with City title block. Required improvements may be shown on the grading plan along with site drainage.
19. All grading is to be done under the supervision of a licensed engineer qualified in soils field. Upon completion of the grading, the Soils Engineer shall file a certification with the Public Works Department that he/she supervised the grading and that the grading was done pursuant to the City of Monrovia Municipal Code, Chapter 15.28, and the grading plan approved by the City.
20. Provide an analysis and construct required infiltration and/or treatment of storm water from impervious surfaces prior to reaching direct connections leading to the main storm drainage system.
21. All required mitigation measures identified in the soils engineer's and geologist's reports shall be incorporated into the grading/drainage plans and made a part thereof. Drainage devices shall be designed to handle and prevent erosion from damaging the proposed structure and surrounding neighborhood.
22. The lot shall handle its own drainage and the site drainage shall be directed to the existing private way or be handled on site. An alternative shall infiltrate or percolate drainage on site, thereby not impacting off site drainage structures.
23. Prior to issuance of a grading permit, provide geotechnical report that addresses earthwork and foundation recommendations, including but not limited to, earthwork, retaining walls and foundation construction adjacent to the existing structures located on the property. The geotechnical report shall include data regarding the nature, distribution and strengths of existing soils, conclusions and recommendations for grading procedures, design criteria for and identified corrective measures, and opinions and recommendations regarding existing conditions and proposed grading. The report shall also include subsurface geology of the site, degree of seismic hazard if any, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommended design criteria to mitigate any identified geologic hazards including locations of surface and subsurface fault lines in the area as applicable.

24. Submit a utility plan showing all proposed utility cuts for services such as Water, Sewer, Fire Department Stand Pipe, Gas, Edison, Telephone, Cable TV, etc. The Utility plan shall be submitted and approved prior to issuance of grading permits. Private utility plans including sewer, location of grease interceptor, water, gas, including all abandoned, or to be removed facilities, etc. for the proposed development shall be submitted for review and approval by the City Engineer. Pay all applicable fees for Engineering Division services for issuance of Public Works permits.
25. Project must obtain water service from the City of Monrovia. Apply to the City's Utilities Division for new water services and for removal of all unused meters by the City. Construction costs will be based on actual time and material incurred by the City.
26. The developer shall install sanitary sewers to Monrovia's sewer system to serve the entire development within the City of Monrovia to the specifications of the City Engineer.
27. Connect all buildings to the public sewer. The sewer is to be constructed in the common driveways through new 6 inch lateral(s) with clean-out(s) at property line per City standard drawing S-215 and S-225. Cap off all abandoned laterals at the property line to the satisfaction of the City Engineer. Indicate on the Site/Utility Plan the work to be done by the developer.
28. The applicant/owner shall comply with the requirements of MMC Section 13.12 015 Non-Storm Water Discharges, Section 13 12 02 Deposit or Discharge of Specified Substances Prohibited, Section 13.12.030 Grease Traps Required and Section 13 12 040 Maintenance of Sewer Laterals. All sewer laterals shall be maintained by the owner of the property served by such lateral in a safe and sanitary operating condition so that there is no seepage of waste at any point up to and including the junction of the sewer lateral and sewer main so that passage of waste through the lateral to the sewer main is free from stoppage and obstruction; all devices and safeguards required for the operation of sewer laterals shall be maintained in good working order. The applicant shall provide the Department of Public Works a copy of a closed circuit television inspection report of the condition of the existing sewer lateral. If the sewer lateral needs repair, it shall be completed to the satisfaction of the City Engineer prior to commencement of the applicant's operation.
29. For projects one (1) acre or greater, project must be covered under the General Construction Activity Stormwater Permit (GCASP). Developer must submit a Notice of Intent and Waste Discharge's Identification (WDID) number as evidence of having applied for a GCASP before the City will issue a grading permit.
30. A CCTV video of the existing and proposed sewer lateral connecting to the City mainline is required for the project, a copy of the video in digital format shall be submitted to Public Works. Prior to CCTV please notify the Department of Public Works requesting to have the Public Works Inspector on-site to witness the inspection.

## **Environmental Conditions**

Based upon the requirements of the City's Stormwater Management Ordinance, MMC 12.36 and the Los Angeles County Municipal Storm Water National Pollutant Discharge Elimination System (MS4 NPDES) Permit issued by California Regional Water Quality Control Board, Los Angeles Region, the following shall be incorporated into the project application.

The owner within his own lot of the Development shall be responsible for the following:

- Minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies in accordance with requirements under the California Environmental Quality Act (California Public Resources Code Section 21100), Section 13369 of the California Water Code, Sections 319, 402(p), and 404 of the Clean Water Act, Section 6217(g) of the Coastal Zone Act Reauthorization Amendments, Section 7 of the Environmental Protection Act, and local governmental ordinances
- Maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.
- Minimize the amount of storm water directed to impermeable surfaces.
- Minimize pollution emanating from parking lots through the use of appropriate treatment control using best management and good housekeeping practices.

## **General Conditions/Package Information**

Based on the Development Planning Program and Storm Water Program Planning Priority Checklist (Form PC), this project is **NON-exempt**, and the applicant **SHALL prepare a Standard Urban Stormwater Mitigation Plan (SUSMP)** and demonstrate mitigation of the following options.

- The project shall require that post-construction Treatment Control BMP's incorporate, a volumetric treatment control design standard, or both, to infiltrate, filter or treat storm water runoff from the project to capture the first ¼ inch of storm runoff.
- SUSMP must determine and provide pervious and impervious for pre-development and post development created by the project.
- Control of Impervious Runoff
- Roof down spouts must not be directed to trash enclosures or material storage areas. Down spouts should be discharged to gravel or heavily vegetated areas whenever possible
- Trash containers shall be enclosed to prevent discharge of trash, and be equipped with lids, or screened, roofed or walled, and runoff should be diverted around trash areas to avoid flow through.
- Trash enclosure drainage should be directed to vegetative areas whenever feasible.
- Storm drains should be stenciled. All yard drains and catch basins to the street or storm drain system must be stenciled or labeled with the "No Dumping – Drains to Ocean" logo or equivalent.
- Outdoor storage must be equipped with adequate secondary containment or other equivalent measures to reduce contamination of runoff. This applies to storage of both hazardous and non-hazardous materials (solids or liquids).
- The project shall provide verification of maintenance provisions for structural and treatment control BMP's, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and or conditional use permits.
- Provide a trash generation study in compliance with the requirements of AB939 and AB 2176 for proposed site uses. Trash enclosures shall be adequately sized based on the

results of the trash generation study and as approved by Environmental Services. Show locations of trash/recycling bins on the grading plan. Include public trash/recycling receptacle locations on the grading plan. The trash generation study shall be coordinated with the City's permitted trash hauler and Public Works Environmental Services.

**The following forms have been provided to the applicant:**

- A. Brochure: City of Monrovia Planning Developer's Guidelines and Review (Applicant Retains)
- B. Stormwater Best Management Practices (BMPs) – General Construction & Site Supervision
- C. Development/Planning – Minimum Project Requirements (Applicant Retains)
- D. Form PC – Storm Water Program Planning Checklist (Applicant Returns)
- E. Form P1 – General Project Certification (Applicant Returns)
- F. Form OC1 – Minimum BMPs for all Construction Sites
- G. Form LS-1 – Local Storm Water Pollution Prevention Plan (Applicant Returns)
- H. Form LS-2 – Local Storm Water Pollution Prevention Plan, BMP Table (Applicant Returns)
- I. Form LS-F – Sample Project Site Diagram, Local Storm Water Pollution Prevention Plan (Applicant Retains)
- J. Self Inspection Forms (Applicant Retains)
- K. Form LS-3 – Wet Weather Erosion Control Plan (Applicant Returns, if applicable)

31. This project is subject to the MS4 NPDES' Standard Urban Stormwater Mitigation Plan (SUSMP) regulations, applicant must submit a site-specific drainage concept and stormwater quality plan to mitigate post-development stormwater.

32. The applicant shall integrate Best Management Practices to ensure compliance with NPDES guidelines and the City's Stormwater Management Ordinance, MMC 12 36 to the satisfaction of the City Engineer, prior to the issuance of the grading permit. The design, implementation, construction activities and maintenance of the management devices shall mitigate and reduce pollutants in storm water discharges to the maximum extent practicable and shall be identified on a "site specific mitigation plan". Site Specific Mitigation Plan must specifically address and provide best management practices (BMPs) either structural or non structural to mitigate pollutants.

33. The applicant shall obtain the approval of a Drainage BMP plan. The BMP must address run-off and pollutants of concern including, but not limited to trash/litter, fossil fuels, metals, bacteria, toxics, nutrients, and sediment. The Drainage BMP plan shall be reviewed and approved to the satisfaction of the City Engineer prior to the issuance of grading permit. The plans shall be prepared on a maximum 24" x 36" sheets with City title block. The submittal of the plans shall include: a cost estimate for the installation of structural BMP's, a plan check fee, and an inspection fee. The final submittal shall include a mylar of the approved Drainage BMP plan. Partial or incomplete submittals will not be accepted.

34. The applicant shall comply with NPDES guidelines and the City's Stormwater Management Ordinance, MMC 12 36 to the satisfaction of the City Engineer, prior to commencement of the applicant's operation. The design, implementation, construction activities and maintenance of the management devices shall mitigate and reduce pollutants in storm water discharges to the maximum extent practicable and shall be identified on a "site specific mitigation plan". Site Specific Mitigation Plan must

specifically address and provide best management practices (BMPs) to mitigate pollutants from the following activities:

- a. Parking Lot Run-off. A biofiltration, infiltration area, filter (or approved equivalent) should be installed to filter parking lot and site run-off.
- 35 Roof down spouts should be discharged to gravel or heavily vegetated areas whenever possible.
  36. Storm drains must be stenciled. All yard drains and catch basins to the street or storm drain system must be stenciled or labeled with the "No Dumping – Drains to Ocean" logo or equivalent.
  - 37 Outside washing activities are prohibited. Outside wash activities are considered an illegal discharge in violation of the Stormwater Management Ordinance and subject to immediate clean up and cost recovery.
  - 38 The applicant/owner shall maintain the drainage devices such as paved swales, inlets, catch basins, pipes, and water quality devices as applicable that have been constructed within said areas according to BMP plans permitted by the City of Monrovia, in a good and functional condition to safeguard all lots within the development and the adjoining properties from damage and pollution.
  39. The applicant/owner shall conduct annual maintenance inspections by the manufacturer or by a City approved inspector of all structural and/or treatment control storm water devices by following best management practices which shall also verify the legibility of all required stencils and signs which shall be repainted and labeled as necessary. Proof of such inspection shall be retained by the respective owner and a copy submitted to the City of Monrovia on a yearly basis.
  - 40 The applicant shall record a maintenance covenant with the L A County Registrar/Recorder and submitted to the City for the Standard Urban Stormwater Mitigations Plan and other Municipal NPDES Requirements to the satisfaction of the City Engineer prior to the issuance of Certificate of Occupancy
  - 41 For projects which disturb soil during wet season (October 1- April 15),, applicant must submit a signed certification statement declaring that contractor will comply with Minimum Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES), and also submit a Local Storm Water Pollution Prevention Plan/Wet Weather Erosion Control Plan
  - 42 The project demolition activities shall comply with the City's Construction and Demolition Recycling Program (C&D Recycling Program) by filing an application and submit a deposit to Public Works Environmental Services prior to issuance of permits. The C&D Recycling Program requirements are enclosed as an attachment and made part of the Conditions of Approval.
  43. Building, demolition, and grading permits will not be issued until the applicant provides the City with the required forms and the waste management plan has been reviewed and approved by the Environmental Services. If the applicant chooses not to participate in the C&D Recycling Program, then the hauler must be identified on the demolition, building and grading plans. The C&D Recycling Program requirements are enclosed as

an attachment and made part of the conditions of approval

44. Provide a trash generation study in compliance with the requirements of AB 939 and AB 2176 for the proposed site use. Trash enclosure shall be adequately sized based on the results of the trash generation study and as approved by Environmental Services. Show locations of trash/recycling bins on the site plan and submit to Public Works for review and approval. The trash generation study shall be coordinated with the City's permitted residential trash hauler (Athens Services, 626-934-4624) and Public Works Environmental Services.
45. Trash containers shall be enclosed to prevent discharge of trash, and be equipped with lids, or screened, roofed or walled, and runoff should be diverted around trash areas to avoid flow through. Trash enclosure drainage should be directed to vegetative areas whenever feasible.
46. No permits will be issued until the applicant provides the City with the required forms and the waste management plan has been reviewed and approved by the Environmental Services. If the applicant chooses not to participate in the Construction and Demolition Debris Recycling self-haul program, then a permitted commercial hauler must be used and identified on the demolition, building and grading plans (see attached C&D Recycling Requirements for eligible haulers).
47. Outside washing activities are prohibited. Outside wash activities are considered an illegal discharge in violation of the Stormwater Management Ordinance and subject to immediate clean up and cost recovery.
48. The project demolition activities shall comply with the City's Construction and Demolition Recycling Program (C&D Recycling Program) by either contracting for all solid waste and recycling services (including debris removal) with the City's exclusive residential hauler, Athens Services, or filing an application and submitting a deposit to Public Works Environmental Services for a self-haul permit prior to issuance of permits. The C&D Recycling Program requirements are enclosed as an attachment and made part of the conditions of approval. Building, demolition, and grading permits will not be issued until the applicant provides fulfillment of this condition.



## TENTATIVE TRACT MAP

As required by Sections 66473.5 & 66474 of the California Government Code, the decision for approving Tentative Tract Map No. 71889 for a 4 unit PUD located at 212-216 West Olive Avenue is based on the following findings:

- A. That the tentative tract map subdividing the existing 16,000 square feet of land area for the development of four units, together with the provisions for the subdivision's design and improvement, are consistent with the General Plan and satisfies the requirements of the Map Act and of the Municipal Code. This project will be consistent with the General Plan in that it complies with the requirements of the current General Plan land use designation for the property and preserves the integrity of the residential neighborhood by blending medium density development as a planned unit development. The project is also consistent with other elements of the General plan, such as housing, as it will increase the number of available housing units in the City and is infill that is compatible with the existing neighborhood character. Thus, the project is compatible with the objectives, policies, general land uses, and programs specified in the General Plan. This plan will conform to the Municipal Code and specifically to the current ordinance for Planned Unit Developments and provide the required private and common open space, along with the required garage and parking needed to comply with current development guidelines.
- B. That the site is physically suitable for this type of development, as it is a flat, rectangular lot and can accommodate a four-unit development with the grant of a variance. The variance being requested is for a reduction in the side yard setback for a detached garage.
- C. That the site is physically suitable for the proposed density of development, specifically the 16,000 square foot parcel is zoned RM2500 on the west and RH on the east and is being developed at the permitted density and floor area ratio requirements of the Zoning Ordinance. The proposed development will meet all of the development standards of the Zoning Ordinance except for the side yard setback for a detached garage, and a variance is being requested for the reduction in the side yard setback..
- D. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the site has previously already been developed and is surrounded by developed lots.

- E. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, as it will comply with all City design and safety standards, including fire suppression.
- F. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, as the project will not interfere with the existing sewer easement at the rear of the property and the City is unaware of any other easements that exist on the property and the public sidewalk incorporated into the design will continue to provide access to the public along the street right-of-way.
- G. The City has considered the effect of the subdivision on the housing needs of the region in which the City is situated, and balanced those needs against the public service needs of its residents and available fiscal and environmental resources. The proposed development will not significantly increase the demands on available fiscal and environmental resources. The housing needs will be improved in the region by the addition of two units.
- H. The discharge of waste from the proposed subdivision into an existing community sewer system will not result in violation of existing requirements of the Regional Water Quality Control Board.

## **VARIANCE**

As required by Section 17.52.100 of the Monrovia Municipal Code and provisions of Section 65906 of the California Government Code, the decision for granting Variance No. V2012-02 to allow construction of a detached two-car garage on the property located at 212-216 West Olive Avenue to have a 5' side yard setback (in lieu of a minimum 10') is based on the following findings.

- A. Special circumstances applicable to this property related to the size, shape, topography, location and configuration of the property make strict application of the Zoning Ordinance a deprivation of privileges enjoyed by other property owners in the vicinity and same zone. Because the properties are being consolidated, the width increases from 50' to 100' thereby requiring a 10' (vs. 5') side yard setback for garages located closer than 80' to the front property line. Other garages in the neighborhood are permitted to have a 5' side yard setback if located within 80' of the front property line and granting the reduction in setback will allow a pre-1940 residence to be retained on the property.
- B. Conditions have been imposed to assure that granting the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Other properties with a 50' width are allowed to have a 5' side yard setback. Consolidation of the lot to create a 100' width now requires a 10' side yard setback because it is located closer than 80' to the front property line. Additionally, the applicant is retaining a 1907 structure that will be part of the project. Section 17.12.060 of the Monrovia Municipal Code allows deviations

from the development standards such as setbacks and separation requirements if pre-1940s eligible structures are retained and preserved and if the Development Review Committee determines that there is value in the structure's preservation. The Historic Preservation Commission determined that the structure contributes to the City's architectural heritage and the Development Review Committee agreed that the structure had architectural value and there is value in its preservation. The Planning Commission concurs that there is value in the preservation of the structure, and finds that the value of preserving the structure outweighs potential impacts of the approval of the major variance, thereby permitting this deviation from the code. The location of the garage will not change the character of the neighborhood, as the development is consistent with the residential character of the neighborhood.

- C. The proposed development is expressly authorized by the zoning regulation governing the parcel of property. Residences with two-car garages are a permitted use in the RM and RH Zones.

### **CONDITIONAL USE PERMIT**

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. CUP2012-02 for the construction of a planned unit development consisting of three new residential units and the retention of one unit located at 212-216 West Olive Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the development of three new units and the retention of an existing unit. The property is being developed at a lower density than currently allowed by the Zoning Ordinance.
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the addition of two new units. The site is already developed with two residences and the additional two residences will not create a significant increase in traffic than currently exists.
- C. The four-unit Planned Unit Development is compatible with the General Plan and will not adversely impact the objectives of the General Plan as the property is being developed with residential structures that will result in a lower density than currently permitted.
- D. The four-unit Planned Unit Development will comply with the applicable provisions of the zoning ordinance, except for approved variances as all requirements of the zoning ordinance are being met with the exception of the side yard setback encroachment.
- E. The proposed location of the four-unit Planned Unit Development and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity, as the applicant will be required to adhere to the

conditions of approval on Data Sheet No. 1 to safeguard the surrounding uses from any negative impacts.

- F. The proposed project will not result in the demolition of a residential structure built prior to January 1, 1940, with architectural or known historic value. The Historic Preservation Commission determined that the structure at 212 West Olive Avenue does not have any known architectural or historic value.

### **PLANNED UNIT DEVELOPMENT**

As required by Section 17.44.050 of the Monrovia Municipal Code, the approval of the 4-unit Planned Unit Development located at 212-216 West Olive Avenue shall be based upon the following findings:

- A. The plan provides as well, or better, for light and air, for public safety and convenience, the protection of property values and the preservation of the general welfare of the community, than if developed in other permitted uses, because the design of the planned unit development has taken into consideration all of those concerns and is only developing two additional units even though a greater density use could arguably have been permitted.



## DATA SHEET 4

## Surrounding Land Uses

TTM71889/CUP2012-02/V2012-02

212-216 West Olive Avenue

**Property Description:** Two parcels that are located on the south side of Olive Avenue west of Primrose Avenue. Each parcel measures 50' wide by 160' deep. Property at 212 West Olive Avenue is zoned RH (Residential High) Density and the property at 216 West Olive Avenue is zoned RM2500 (Residential Medium 2500) Density.

### Zoning

**Subject site:** RM2500 and RH (Residential Medium Density 2500 and Residential High Density)

**Surrounding pattern:**

**north:** RM2500 and RH (Residential Medium Density 2500 and Residential High Density)

**south:** RM2500 and RH (Residential Medium Density 2500 and Residential High Density)

**east:** RH (Residential High Density)

**west:** RM2500 (Residential Medium Density 2500)

### Land Use

**Subject site:** Single Family Residences on each of the two lots

**Surrounding pattern:**

**north:** Single and Multi-family residences

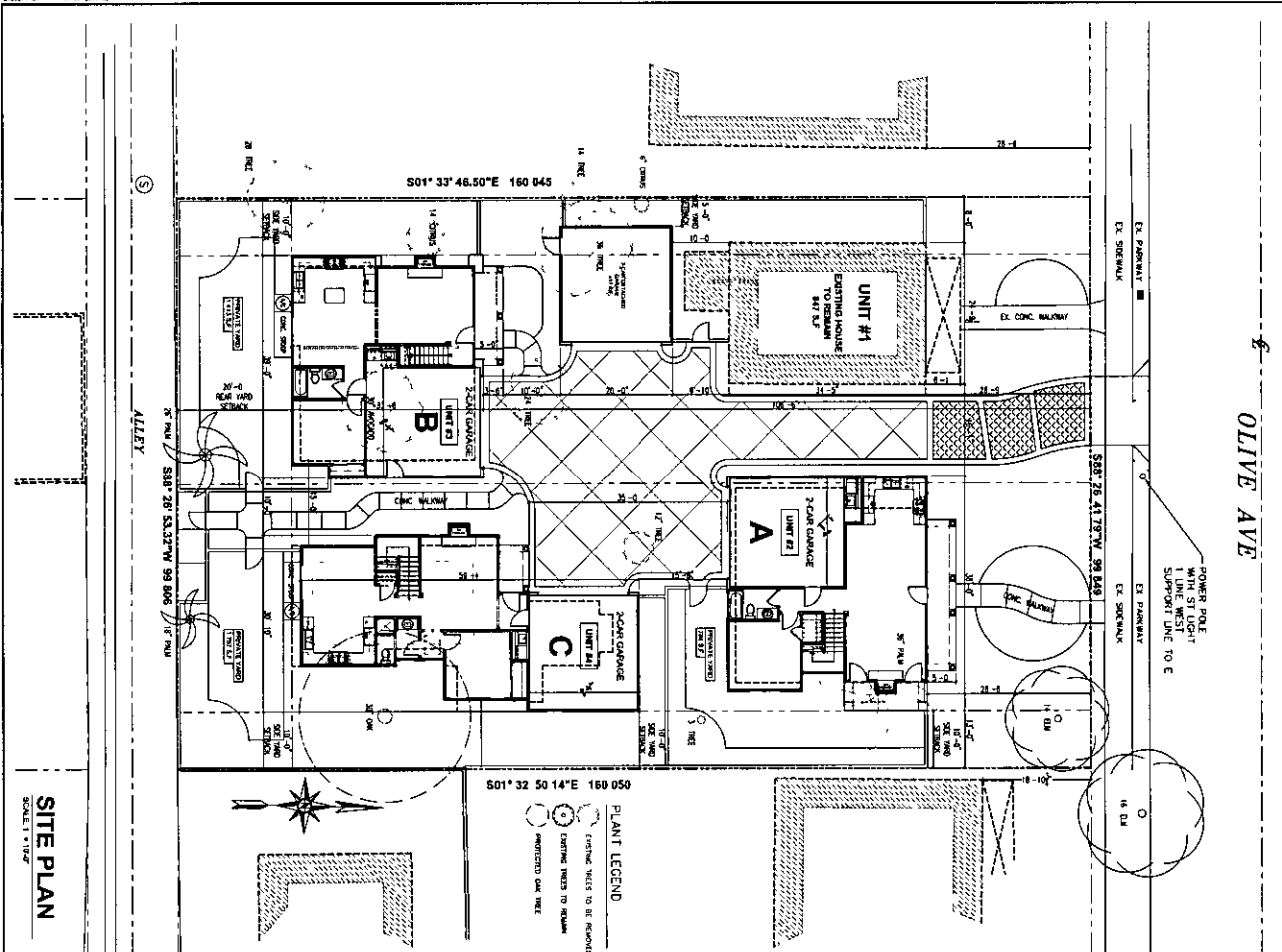
**south:** Single and Multi-family residences

**east:** Single and Multi-family residences

**west:** Single and Multi-family residences

**Environmental Determination:** Categorical Exemption Class 3

**Applicable Ordinance Regulations:** MMC 17.52.020 Planning Commission Authority for CUP and Variances

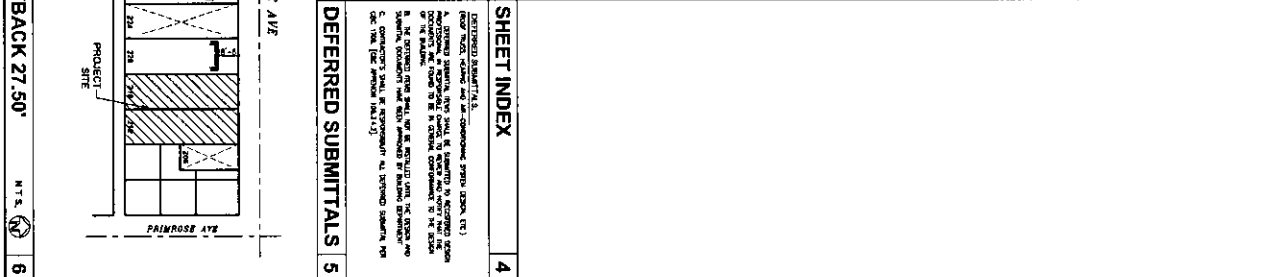


**CONSULTING ENGINEERING**

**NOTES:**

1. EXISTING HOUSE TO BE RETAINED TO REMAIN AS SHOWN.
2. ALL UTILITIES TO BE UNDERGROUND.
3. EXISTING HOUSE NOT TO BE REMOVED FROM ALL EXISTING WALLS AND FOUNDATION.
4. EXISTING HOUSE TO BE REMOVED FROM ALL EXISTING WALLS AND FOUNDATION.
5. EXISTING HOUSE TO BE REMOVED FROM ALL EXISTING WALLS AND FOUNDATION.
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10. EXISTING HOUSE TO BE REMOVED FROM ALL EXISTING WALLS AND FOUNDATION.

**GENERAL NOTES**



**DEFERRED SUBMITTALS**

**9 DEFERRED SUBMITTALS**

**8**

**7**

**6**

**5**

**4**

**3**

**2**

**1**

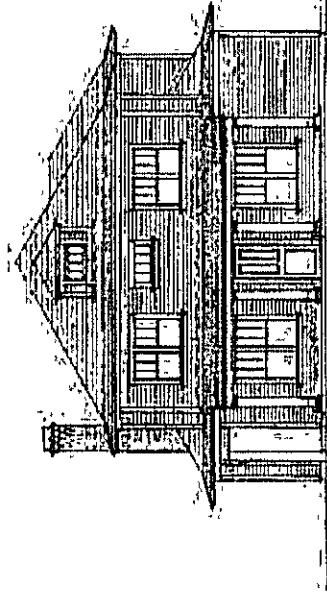
**REVISIONS**

NO.	DATE	DESCRIPTION
1		

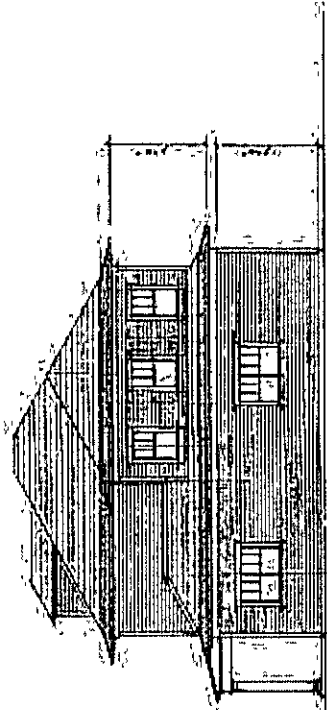
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**212-216 OLIVE AVE**  
**MONROVIA, CA**

**T-1**

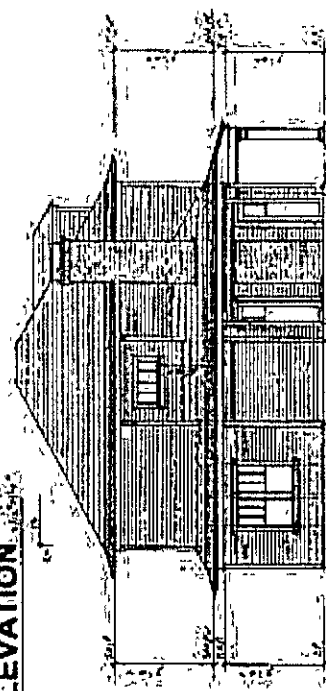
**SANYAO INTERNATIONAL INC**  
 ● Residential Planning ●  
 255 E. Santa Clara St., #200, Arcadia, CA 91706, U.S.A.  
 Tel (626) 446-8048 • Fax (626) 446-7090



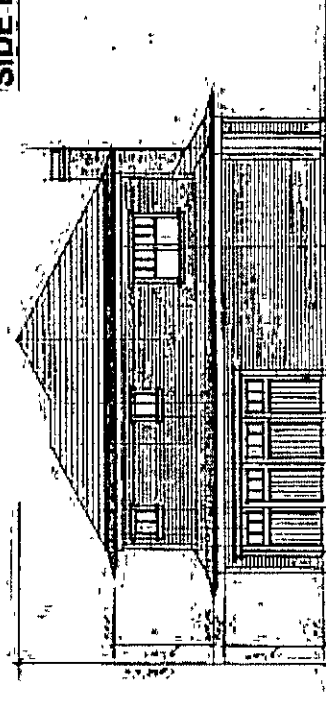
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SIDE ELEVATION

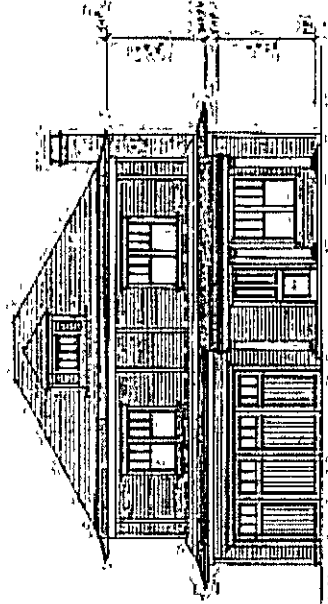


SIDE ELEVATION

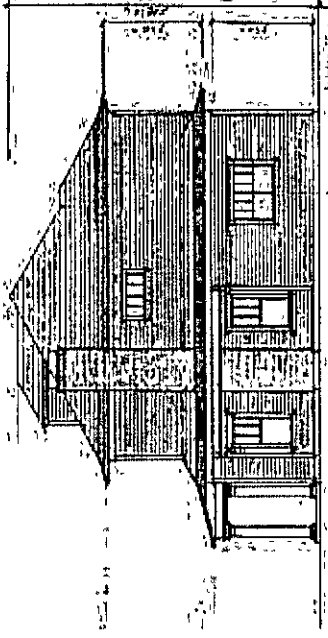


REAR ELEVATION

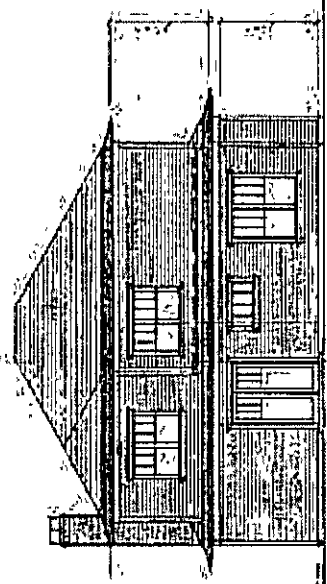
BUILDING DEPARTMENT



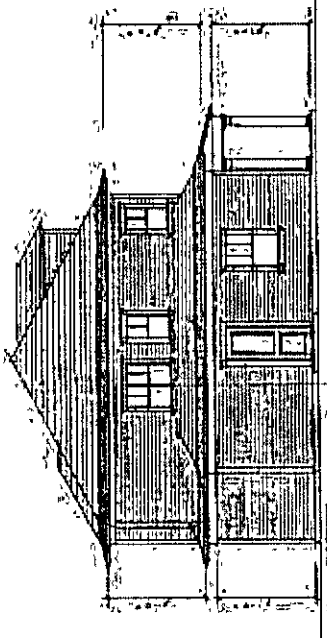
FRONT ELEVATION



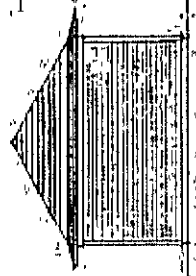
SIDE ELEVATION



REAR ELEVATION

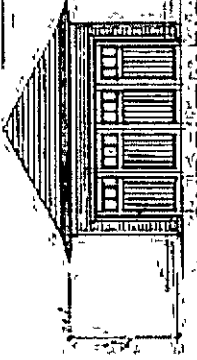


SIDE ELEVATION

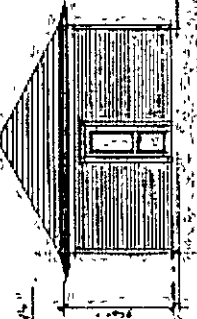


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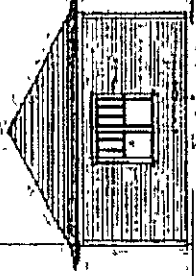
PORCH



FRONT ELEVATION

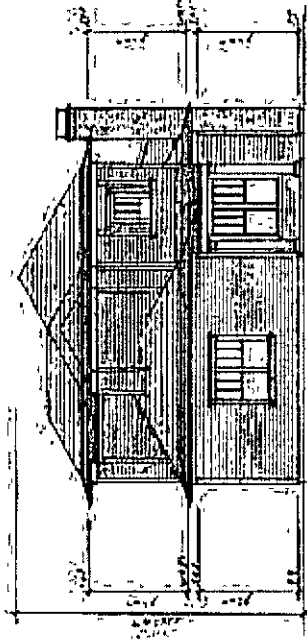


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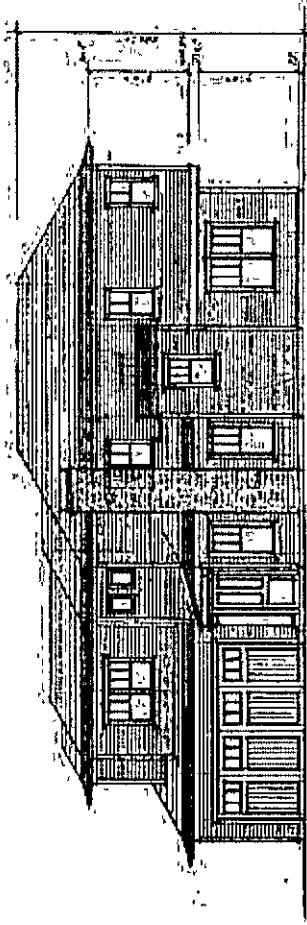


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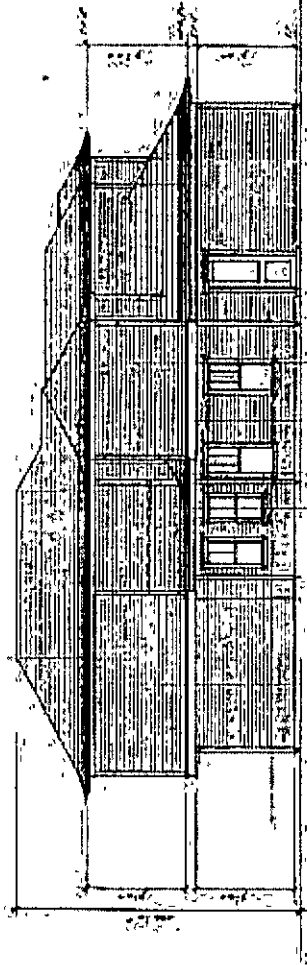
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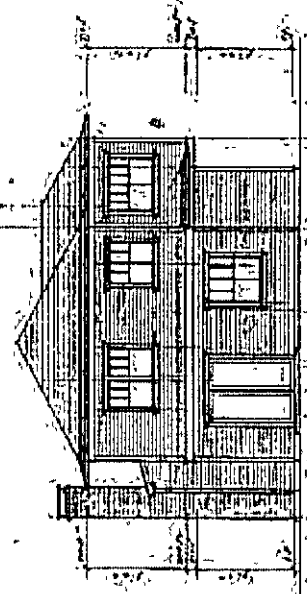
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

101 EDINBURGH