



## Additional Documents Distributed for the City Council Regular Meeting March 16, 2016

Item No.	Agenda Item Description	Distributor	Document
PC	Public Comment	Claudia Morales	Handout, Information regarding the Social Host Ordinance
PC	Public Comment	Catalina Gonzalez	Handout, Email to Council
11	Award of Contract to Valley Construction Management for Construction Management and Inspection Services for the Sewer Rehabilitation and Replacement Project Phase 2	Paul Toor, Public Works Director	Additional Document, Memo to Council
12	Award of Contract to Ramtech Laboratories for Laboratory Testing Services for the Sewer Rehabilitation and Replacement Project Phase 2	Paul Toor, Public Works Director	Additional Document, Memo to Council
12	Award of Contract to Ramtech Laboratories for Laboratory Testing Services for the Sewer Rehabilitation and Replacement Project Phase 2	Paul Toor, Public Works Director	Handout, Revised Agreement
17	Appeal of a Decision of the Planning Commission to Approve a Hydrogen Fueling Facility at 1200 Fair Oaks Avenue	John Mayer, Senior Planner	PowerPoint, Staff Presentation
17	Appeal of a Decision of the Planning Commission to Approve a Hydrogen Fueling Facility at 1200 Fair Oaks Avenue	Shane Stephens, Applicant	Handout, Email to the City Council

March 16, 2016 City Council Meeting  
 Additional Documents

17	Appeal of a Decision of the Planning Commission to Approve a Hydrogen Fueling Facility at 1200 Fair Oaks Avenue	Shane Stephens, Applicant	Handout of PowerPoint, True Zero Summary of Open and Soon to Open Stations
17	Appeal of a Decision of the Planning Commission to Approve a Hydrogen Fueling Facility at 1200 Fair Oaks Avenue	Al Benzoni, Appellant	Handouts, 8/1/08 Letter from Assistant Planner Garnett to Tony George, Various Findings, “ The Safety Aspect of the Hydrogen Fueling Station Project” PowerPoint
17	Appeal of a Decision of the Planning Commission to Approve a Hydrogen Fueling Facility at 1200 Fair Oaks Avenue	Al Benzoni, Appellant	Handout, 04/16/2015 City of La Cañada Flintridge Design Commission Meeting Agenda
18	Appeal of a Decision of the Cultural Heritage Commission to Approve a Second Story Addition to a One-Story House at 625 Milan Avenue	John Mayer, Senior Planner	PowerPoint, Staff Presentation
18	Appeal of a Decision of the Cultural Heritage Commission to Approve a Second Story Addition to a One-Story House at 625 Milan Avenue	Anthony George, Architect	Handout, 625 Milan Ave. Historical Report
18	Appeal of a Decision of the Cultural Heritage Commission to Approve a Second Story Addition to a One-Story House at 625 Milan Avenue	Kim Nguyen and Michael Shimpock, South Pasadena Residents	Handout, Email to the City Council
18	Appeal of a Decision of the Cultural Heritage Commission to Approve a Second Story Addition to a One-Story House at 625 Milan Avenue	Kim Nguyen and Michael Shimpock, South Pasadena Residents	Handouts, 207 Letters of Support for the Project
18	Appeal of a Decision of the Cultural Heritage Commission to Approve a Second Story Addition to a One-Story House at 625 Milan Avenue	James McLane, Chair, Cultural Heritage Commission	Handout, Email to the City Council

# SOCIAL HOST ORDINANCE

## A Tool for Reducing Underage Drinking

### Youth Access to Alcohol

According to a 2014 alcohol opinion survey of 100 South Pasadena youth:

- **48%** of youth surveyed said they know or have heard of an adult who allows minors to drink in their home.
- **66%** of youth surveyed said the most common place to drink was at house parties.
- **66%** of youth agreed that adults would be less likely to provide alcohol to youth if a Social Host policy existed.

For more information on survey results visit:

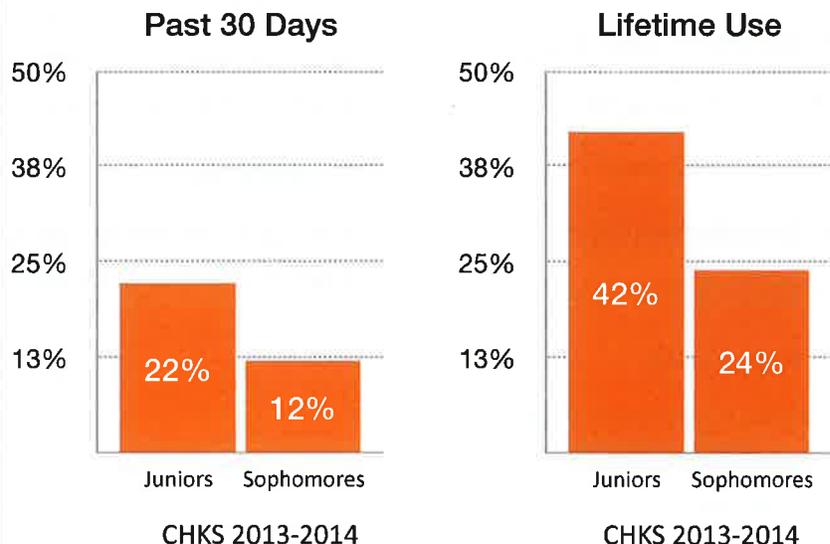
[healthysouthpasadena.org](http://healthysouthpasadena.org)

**Healthy South Pasadena** is a coalition of residents, community partners and youth leaders committed to advancing public health in South Pasadena.

For the past two years we have come together to learn, share, and develop ideas to reduce underage drinking. One of our main focus is to reduce youth availability and access to alcohol.

### Youth Access to Alcohol

According to the CDC alcohol is the most commonly used and abused drug among youth in the United States. Youth drink 11% of all alcohol consumed in the United States. Data from the 2013-2014 California Healthy Kids Survey (CHKS) shows that 22% of South Pasadena High School juniors reported having at least one drink in the past 30 days. Meanwhile 42% of juniors reported having consumed alcohol in their lifetimes.



## Who has adopted a Social Host Ordinance ?

Here are a few cities and counties who have adopted a SHO policy. As a result they have experienced a significant decline in underage drinking and alcohol related incidents.

### City Ordinance

- Laguna Hills
- Huntington Beach
- Pomona
- Ojai
- Rosemead
- Sacramento
- Covina
- Palo Alto
- Temecula
- Santa Monica
- Irvine

### County Wide Ordinance

- San Diego County
- Ventura County
- Santa Barbara County
- Santa Clara County
- Napa County

For more information on cities that have adopted SHO visit:

[alcoholpolicy.niaaa.nih.gov](http://alcoholpolicy.niaaa.nih.gov)

## Consequences of Underage Drinking

Underage drinking is one of the most widespread public health concerns in the United States. Studies show that youth who drink alcohol consume more drinks per occasion than adults who drink. This is major public health and safety concern because of the many consequences associated with it.

The human brain continues to develop until the age of 25. Alcohol interferes with brain development and can affect brain structure and function which can result in short and long-term brain damage. Youth who begin drinking before the age of 15 are five times more likely to become dependent on alcohol later in life than youth who began drinking at the age of 21.

Alcohol impairs judgement and inhibitions and often results in drunk driving and DUI, suicide, risky sexual behavior and sexual assault, alcohol poisoning, youth violence and even death. Underage drinking is responsible for claiming 4,300 lives per year in the United States.

## Why Setting is Important

National and local data has identified house parties as the number one source of alcohol for minors. Private homes and house parties are ideal settings for underage drinking and binge drinking (consumption of 5+ drinks in two hours for men and 4+ drinks in two hours for women). They allow for unmonitored consumption of alcohol. This type of drinking increases the risk for drunk driving, suicide, sexual assault, alcohol poisoning, and youth violence.

## Parent's Role

Many parents dismiss underage drinking as a "rite of passage" and believe that underage drinking is an inevitable youth

### SHO Civil Liability

According to law enforcement officials this type of citation is easy to administer. It eliminates the need to revisit the scene because of a progressive fine structure for repeat offenders.

**— NOTICE —**  
**“LOUD PARTY”**  
**FIRST RESPONSE**  
**CITY OF HUNTINGTON BEACH**  
**POLICE DEPARTMENT**

CN Number \_\_\_\_\_

This **NOTICE OF VIOLATION** given to:

Name \_\_\_\_\_  
Responsible Party

DOB \_\_\_\_\_

CDL \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Phone \_\_\_\_\_

is the result of a loud party in violation of California Penal Code Section 415 (Disturbance of the Peace). A second police call to this disturbance location will result in a service fee charge to you for all City personnel and equipment costs expended during this second, and any subsequent, returns to this location. You will be billed by the City of Huntington Beach for all costs described above pursuant to the **Huntington Beach Municipal Code Section 8.42.040**. The second call will also result in the dispersal of the party with the violator(s) subject to arrest and/or citation.

\_\_\_\_\_  
Responsible Party Signature

\_\_\_\_\_  
Signature of Supervisor at Scene

LOUDPART DOC

SHO Citation Notice

Huntington Beach Police Dept.

experience. The reality is that allowing youth to drink in the home doesn't lessen the dangers of underage drinking. Youth who consume alcohol before the age of 21 are more likely to abuse it and become dependent later in life.

### Social Host Ordinance

A Social Host Ordinance (SHO) gives communities a practical tool for dealing with underage drinking. The aim of the policy is to create safer youth environments, and deter underage drinking. The policy empowers law enforcement by implementing a mechanism to cite the "host" for allowing underage drinking on their property. A "host" is anyone who willingly provides or allows the consumption of alcohol by minors on their property. The ordinance aims to target the environment where underage drinking takes place.

SHO policies are among the most effective policies in reducing underage and binge drinking and alcohol related incidents such as drunk driving, suicide, sexual assault, alcohol poisoning, and youth violence.

### Enforcement & Liability

As of now when law enforcement arrive on the scene where underage drinking is taking place it can be very difficult to determine who provided the alcohol. In order to charge anyone with contributing to the delinquency of a minor, law enforcement officials have to witness an adult providing alcohol to a minor and witness the youth consuming it.

Social Host policies allow law enforcement officials to cite "hosts" for permitting underage drinking on property they control. They shift the focus from the person who provided the alcohol to place where underage drinking takes place.

## Current Reality

In September 2014 Healthy South Pasadena collaborated with Moms for Community and Straight Up to host South Pasadena's first Reality Party. The event exposed the current realities of underage drinking and the consequences associated with it. Parents were led through a simulated house party while local youth showcased what happens at house parties. After the tour parents voiced their concerns and discussed ideas for change.



For more information on the Reality Party visit:

[losangeles.cbslocal.com](http://losangeles.cbslocal.com)

Communities can tailor the policy to the needs of the community. Penalties can range from community service hours, fines, or mandated prevention education. Civil administrative penalties are easy to collect through existing infrastructure and do not require legal action.

A parent cannot be cited if they allow their own child to drink in their presence. However, they would be in violation of the ordinance if they knowingly allow someone else's child to consume alcohol in their home.

## Do Social Host Ordinances Reduce Underage Drinking?

Social Host laws reduce DUI, community violence, property damage, sexual crime, and youth violence. The idea of being held responsible for underage drinking acts as an effective deterrent. It encourages parents to take action to prevent underage drinking in their homes while they are away.

Ventura County has successfully passed a county wide Social Host Ordinance. Evaluation of the ordinance has found that:

- 3 out of 4 law enforcement officials agreed that SHO is an effective tool for reducing underage drinking parties
- 3 out of 4 law enforcement officials reported they found no problems/obstacles when trying to enforce the ordinance
- CHKS data showed a decrease in the ease of obtaining alcohol since the implementation of SHO among 9th and 11th graders

SHO policies provide law enforcement with an effective tool for dealing underage drinking and underage drinking related incidents. Furthermore they effectively deter underage drinking and reaffirm community norms that underage drinking is not acceptable.

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# SOCIAL HOST ORDINANCE

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## Commonly Asked Questions

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**Q: What is a Social Host Ordinance?**

**A:** A Social Host Ordinance is a local policy that makes it illegal to provide youth with the environment where underage drinking takes place, regardless of who provides the alcohol.

**Q: Can the police enter my home without my permission?**

**A:** A Social Host Ordinance does not grant any additional permission for law enforcement to enter private property.

**Q: If I am upstairs sleeping and my child sneaks alcohol into the house, am I responsible?**

**A:** If an adult is not aware that youth brought alcohol onto their property, or if the youth knowingly concealed the alcohol, that adult will not be held responsible.

**Q: If youth are going to drink anyway, isn't it better to provide them a safe place to do so?**

**A:** No, there are many consequences associated with underage drinking. Alcohol is the most frequently used drug among youth in the United States. Underage drinking parties often involve binge drinking (4 or more drinks in an hour for women, 5 or more for men) which substantially increases the risk of alcohol poisoning, injury, car accidents, violence, sexual abuse, unsafe or unprotected sex, and in some cases death.

**Q: Can a parent be cited if the parent allows their child to consume alcohol in the privacy of their own home?**

**A:** A parent cannot be cited if they allow their **own** child to drink in their presence. However, they would violate the ordinance if they knowingly allow someone else's child to consume alcohol in their home.

**Q: Will I violate the Social Host Ordinance if my child consumes alcohol in my home for religious purposes?**

**A:** No, the policy has no effect on religious services or practices.

**Q: Isn't it already illegal to sell alcohol to minors? Why do we need a Social Host Ordinance?**

**A:** Yes it is, however a social host ordinance holds people accountable for providing youth with the environment where underage drinking occurs not for furnishing. Social Host policies are intended to act as a deterrent for youth as well as adults.

# South Pasadena: Alcohol Availability Report

71%

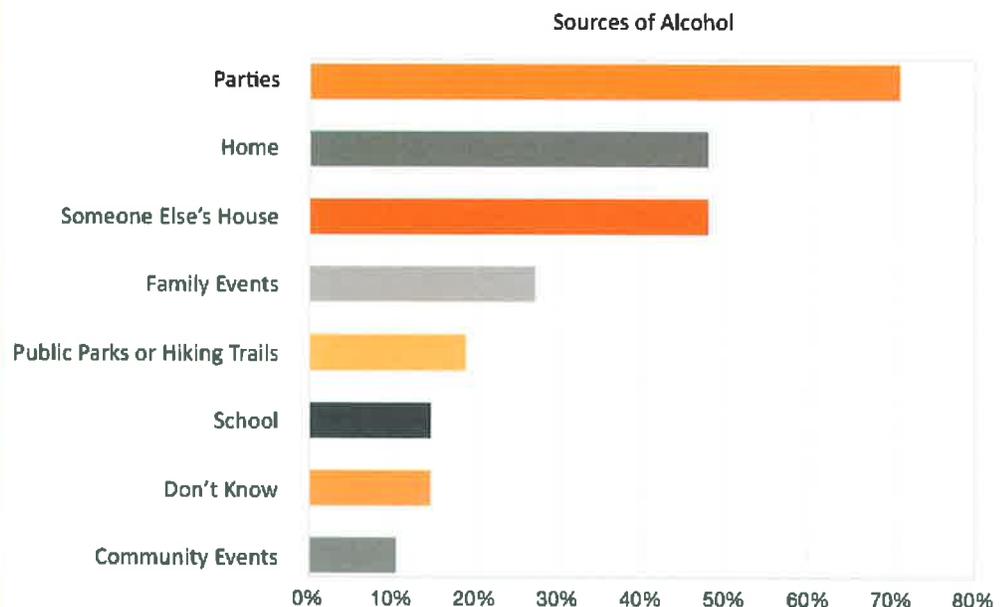
of South Pasadena residents surveyed were in favor of a local policy that holds party hosts accountable for allowing underage drinking (N=199).

## Social Host 101

- Social Host policies create safer environments for youth through preventative efforts targeted at underage drinking environments.
- Social Host policies are among the most effective policies in reducing underage and binge drinking and the alcohol related incidents such as teen pregnancy, sexual assault, drunk driving, and, in some cases, death.

A survey from data collected from 199 South Pasadena youth shows:

- 60% said it is easy for minors to obtain and access alcohol in their homes.
- 68% of youth agreed that if adults were mandated to pay a fine they would be less likely to provide alcohol to people under 21.
- 78% of youth agreed that teen drinking has long term health



Healthy South Pasadena is a coalition of South Pasadena Residents and community partners committed to keeping youth safe through preventative efforts. For more information visit [www.HealthySouthPasadena.org](http://www.HealthySouthPasadena.org) or contact Day One at (626) 229-9750.

## Findings

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According to local, state and federal surveys, alcohol is overwhelmingly and consistently the most commonly used and abused drug among adolescents. Studies show that youth who begin drinking before the age of fifteen are five times more likely to develop alcohol dependence or abuse later in life than those who begin drinking at or after the age of twenty-one. According to the Centers for Disease Control and Prevention, Youth who consume alcohol are more likely to experience the following:

- a) Lower academic performance
- b) Unplanned and unprotected sexual activity
- c) Physical and sexual assault
- d) Abuse of illicit drugs
- e) Alcohol related injuries
- f) Changes in brain development and function

Reducing underage drinking and the risks associated with it require community-based efforts that formally establish standards and practices which target the availability of and access to alcohol by youth. Local, state and federal data indicates house parties, gatherings or events as the most common source of access to alcohol by youth.

## Intent and Purpose

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The intent of this chapter is to protect the public health, safety, welfare, and quiet enjoyment of residential property, rather than to punish. Its purpose is to formally establish standards and controls of parties, gatherings or events involving underage persons consuming alcohol beverages on private property when such gatherings have been determined to threaten public peace, health, safety or general welfare. An ordinance that imposes liability on property owners and other responsible persons for loud and unruly gatherings that allow underage drinking is necessary to deter and prevent such events. Persons who actively and passively aid, allow, or tolerate such loud gatherings shall be held strictly liable for the nuisances created by such gatherings and the cost associated with responding to such gatherings.

## Terms and Definitions

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- a) Alcohol means ethyl alcohol or hydrated oxide of ethyl from whatever source or by whatever process produced.
- b) Alcoholic Beverage means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- c) Juvenile means any person under the age of eighteen.
- d) Minor means any person under the age of twenty-one.
- e) Responsible person or host means any of the following:
  - a. Any person or entity that owns rents, leases, or otherwise has control of a residence or other private property, including without limitation, a hotel/motel room or rented or leased area, where a party, gathering or event occurs.
  - b. Any person or entity present at a party, gathering or event who provides an alcoholic beverage to anyone under the age of 21 years.

## Model Social Host Ordinance – Healthy South Pasadena

- c. Any person or entity present at a party, gathering or event where unruly or loud conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls, or willingly accepts responsibility for such a party, gathering or event.
- f) Large party, gathering or event means and includes a group of two or more persons who have assembled or are assembling for a social occasion or social activity at a residence or on other private property or rented public property.
- g) Residence or private property means a home, yard, apartment, condominium, hotel, or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, rented, or used with or without compensation.
- h) Police services fee is the cost to the City of any special security assignment. Such fee may be either a flat fee of two-hundred and fifty dollars (\$250) or an itemized fee based on, but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event, the pro rata cost of equipment, the cost of repairing City equipment and property, the cost of any medical treatment of injured police officers.

Prohibition of parties, gatherings, or event where alcohol is served to, consumed by or in the possession of underage persons

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It is unlawful and a public nuisance for a responsible person or host to cause or allow a party, gathering or event to occur at any residence or other private property at which any underage person is being served, in possession of, or is consuming an alcoholic beverage, if the responsible person or host knows or reasonably should know that an underage person is being served, is in possession of, or is consuming an alcoholic beverage. A responsible person or host need not have been issued a prior warning in order to be subject to the penalties for violation of this section. A responsible person or host shall be presumed to have knowledge that an underage person was being served, was in possession of, or was consuming an alcoholic beverage at a party, gathering or event if the responsible person or host did not take all reasonable steps to prevent such activity from occurring. Reasonable steps include, without limitation: controlling the access to and serving of alcoholic beverages to underage persons, and monitoring the responsible, safe and lawful conduct of underage persons. If the owner of the private property has leased the property to another person, such owner shall not be considered a responsible person until that owner received notice of at least one previous party, gathering or event on his property in the prior twelve (12) months. Notice shall be by a copy of the administrative citation transmitted via certified mail to the owner of the private property.

### Exempted Activities

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This chapter shall not apply, nor be interpreted to apply to, any of the following:

- a) Activities protected by Article I, Section IV of the California Constitution.

Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion. A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

## Model Social Host Ordinance – Healthy South Pasadena

- b) A responsible person or host who takes all reasonable steps, including, but not limited to, requesting assistance of law enforcement, to exclude all uninvited persons at a gathering who provide, serve or facilitate the possession of consumption of alcohol by a minor.
- c) Conduct regulated by state and/or federal law or regulation, including, but not limited to, the California Alcoholic Beverage Control Act, in such a manner that the City is preempted or precluded from imposing additional regulation.

### Violations and Penalties

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For any responsible person or host who is a juvenile, the parent(s) and/or legal guardian of the juvenile shall be considered a responsible person(s) liable for any fines, penalties and fees imposed pursuant to this chapter if they are present. If they are not present the host who is a juvenile shall be considered responsible.

Each separate violation shall be subject to the issuance of a civil citation to each responsible person or host. Each separate violation shall, in addition to any police services fee that may be assessed pursuant to this chapter, be subject to the following administrative fines:

- a) For a first violation, an administrative fine shall not exceed two-hundred and fifty dollars (\$250) or twenty hours of community service to a local organization, group, or club.
- b) For a second violation within a 12-month period, an administrative fine shall not exceed five-hundred dollars (\$500), and mandatory community service of forty hours to a local organization, group, or club.
- c) For a third violation, or any subsequent violation thereafter, within a 12-month period, an administrative fine shall not exceed twelve-hundred dollars (\$1,200)

The city council, by resolution, may amend and/or establish new civil penalties.

### Cost and Collection

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The Police Chief shall notify the City Treasurer in writing of the performance of a special security assignment and/or administrative fees imposed pursuant to this chapter, of the name and address of the responsible person or persons, the date and the time of the incident, the services performed, the costs thereof and such other information as may be required. The City Treasurer shall thereafter cause appropriate billings to be made.

### Administrative Appeal

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An administrative appeal of a police service fee and/or administrative fines imposed pursuant to this chapter, may be made to the Police Chief or designee within 10 business days from the date of mailing and billing. The request for an appeal shall be made in writing and include a copy of the billing and grounds for appeal.



Rethinking Alcohol and Other Drugs  
www.rad-sgv.org

March 15, 2016

South Pasadena City Council

**RE: SOCIAL HOST ORDINANCE**

The **Rethinking Alcohol and Other Drugs (RAD)** is a coalition of community-based agencies and residents that collaborate on alcohol and drug abuse prevention service projects in the San Gabriel Valley. Given that alcohol remains the number two cause of premature death and disability in LA County, one of our goals as a coalition is to raise awareness about underage substance abuse and to help prevent accidents, injuries, and deaths related to alcohol and other drug-use.

Our coalition would like to express our full support for the adoption of a Social Host Ordinance by the City of South Pasadena. A social host policy will help deter and prevent alcohol-involved incidents among youth and could be useful in connecting South Pasadena residents and families to local counseling and treatment services. A social host prevention strategy is considered a best-practice public health strategy by the National Research Council, the Institute of Medicine, and the Office of Juvenile Justice and Delinquency, and would help lead the way for a healthier and safer San Gabriel Valley.

The following are some key points that illustrate the need for a Social Host Ordinance.

- Alcohol is the #1 drug of choice among children and adolescents; they use alcohol 10 times more than ALL illegal drugs, combined. (*U.S. Dept. of Health and Human Services*)
- Youth who begin drinking before age 15 are 4 times more likely to develop alcohol dependence or abuse. (*Substance Abuse and Mental Health Services Administration*)
- Every year 6,500 people under the age of 21 die from alcohol-related accidents and thousands more are injured (*National Highway Traffic Safety Administration*)
- Alcohol is a factor in half of all teen car crashes which is the leading cause of death among teenagers.

Given the high risks to public safety and community well-being that alcohol poses particularly to young people, we recommend the approval of a Social Host ordinance by the City of South Pasadena. We believe an ordinance that holds adults and minors responsible for providing alcohol to minors would go a long way in preventing high-risk situations from happening in South Pasadena and help to safeguard youth in your city so that they can thrive in a healthier and more drug-free environment.

Thank you in advance for your leadership,  
*Catalina Gonzalez*  
RAD Coalition Coordinator



CELEBRATING  
160 YEARS  
OF SERVICE



Rethinking Alcohol and Other Drugs

[www.rad-sgv.org](http://www.rad-sgv.org)



@radsgv



f/RADSGV



@RAD\_SGV

#RADSGV

*Creating a healthier San Gabriel Valley by reducing Alcohol and Other Drug (AOD) use through education and prevention policy.*



**BEHAVIORAL HEALTH SERVICES, INC.**

15515 Crenshaw Boulevard, Gardena, CA 90249  
310 679 9126 Fax 310 679 2920 corporate@bhs-inc.org

The mission of BHS is to transform lives by offering hope and opportunities for recovery, wellness and independence.

March 2, 2015

South Pasadena City Council  
1414 Mission Street  
South Pasadena, CA 901030

American Recovery Center  
909 865 2336

BHS/NCADD Torrance  
310 328 1460

Boyle Heights Recovery Service Center  
323 262 1786

Community Assessment Services Center  
310 973 2272 (CASC)

Flissie Lewis Center  
562 435 2350

Hollywood Recovery Center  
323 463 3161

Joint Efforts  
310 831 2358

Lincoln Heights Recovery Center  
323 221 1746

Pacifica House  
323 754 2816

Patterns  
310 675 4431

Redgate Memorial Recovery Center  
562 599 8444

South Bay Recovery Center  
310 679 9031

Wilmington Recovery Center  
310 549 2710

All the above programs of Behavioral Health Services, Inc. have been accredited by



High Gain  
310 644 3659

Re: Social Host Ordinance in South Pasadena

Dear Mayor Joe and City Councilmembers;

I am writing to support Healthy South Pasadena and ask the City Council to take measures to reduce the occurrence of underage and binge drinking in South Pasadena. In doing so, the public health of your residents will advance greatly. Our main concern is finding the solutions which will stop teen drinking in private homes, considering this is where most of the underage drinking is occurring.

It is the Mission of Behavioral Health Services (BHS) to transform lives by offering hope and opportunities for recovery, wellness, and independence. We support Healthy South Pasadena's commitment to the health and well-being of its youth and the future of its community.

We became aware of Healthy South Pasadena's work through widespread coverage of the South Pasadena Reality Party by KCAL-9. The news coverage and positive response to the event helped motivate similar efforts in the Beach Cities.

Considering the serious health impact associated with this issue, we encourage the City Council to take action to reduce incidence of underage drinking. Positive action will reduce the amount of alcohol-related issues such as teen pregnancy, sexual assaults, youth violence, drunk driving, and even death.

We look forward to hearing about the development of measures to reduce underage drinking in South Pasadena and all cities. Thank you for making the safety and health of our youth a priority and for inspiring other communities to do the same.

Sincerely,

*Shirley Summers*  
Shirley Summers, LCSW  
President/CEO  
Behavioral Health Services



**CHIEF EXECUTIVE OFFICER**  
Doree Allen

**BOARD OF DIRECTORS**

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- John Sante, Director
- Neil Sogola, MD, Director
- John S. Solorzano, Director
- Chuck Dupert, Director
- David Uyama, Director
- Charles Wu, Director

October 14, 2015

Healthy South Pasadena  
175 N. Euclid Ave.  
Pasadena, CA 91101

Dear Members of the City Council,

I, Sheila A. Thornton LCSW, Clinical Director at Foothill Family, am writing to express my belief that City Council should take measures to reduce the occurrence of underage and binge drinking in South Pasadena and thereby advance the public health of its residents. We are principally interested in solutions that aim to target house parties, since that is the primary setting where underage drinking and binge drinking occurs.

Foothill Family is a non-profit family service agency serving the community for 90 years. Foothill Family builds brighter futures – empowering children and families in our community to overcome challenges and achieve success in relationships, school and work.

We learned about Healthy South Pasadena's efforts through widespread coverage of the South Pasadena Reality Party by KCAL-9. The news coverage and positive response to the event helped motivate similar efforts in our community.

Given the serious health impacts associated with underage drinking, we encourage city council to take action to reduce the incidents of underage drinking in homes and thereby reduce the amount of alcohol-related incidents such as teen pregnancy, sexual assaults, youth violence, drunk driving, and, in some cases, death.

We look forward to hearing about the development of measures to reduce underage drinking in South Pasadena, and modeling similar efforts in our community. Thank you for making the safety and health of our youth a priority and for inspiring other communities to do the same.

Sincerely,

Sheila A. Thornton LCSW  
Clinical Director  
Foothill Family

**ADVISORY BOARD**

- The Hon. Michael D. Antomarchi, Esq., City Supervisor
- Andrew Barth
- The Hon. Geoffrey Baum
- Olivia Blanning
- William R. Boyd, Jr.
- The Hon. Jon Calderon, State Assemblymember
- Brian Canter
- The Hon. Ed Chau, State Assemblymember
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- The Hon. Mike Eng, U.S. Congressman
- The Hon. Roger Hernandez, State Assemblymember
- Abelardo Hiron
- Karen G. Linnello, MD, Psychiatrist
- The Hon. Yvette Mann, Member Pasadena City Council
- Peter McAniff, Trial Judge, Esq.
- The Hon. Grace Napolitano, U.S. Congresswoman
- The Hon. Anthony Portantino, Robert J. Klewin, MD, Dentist
- The Hon. Adam Schiff, U.S. Congressman
- James S. Somborg, Esq.

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- Krista Seley, Past President





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15519 Crenshaw Boulevard, Gardena, CA 90249  
310 679 9176 Fax 310 679 2920 corporate@bhs-inc.org

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March 2, 2015

South Pasadena City Council  
1414 Mission Street  
South Pasadena, CA 901030

American Recovery Center  
909 865 2316

Re: Social Host Ordinance in South Pasadena

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410 328 1460

Dear Mayor Joe and City Councilmembers;

Boyle Heights Recovery Service Center  
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410 973 2272 (CASC)

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Pacifica House  
323 754 2816

Considering the serious health impact associated with this issue, we encourage the City Council to take action to reduce incidence of underage drinking. Positive action will reduce the amount of alcohol-related issues such as teen pregnancy, sexual assaults, youth violence, drunk driving, and even death.

Patterns  
310 675 4431

Redgate Memorial Recovery Center  
562 599 8444

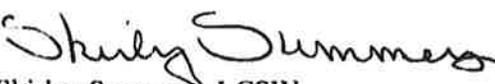
We look forward to hearing about the development of measures to reduce underage drinking in South Pasadena and all cities. Thank you for making the safety and health of our youth a priority and for inspiring other communities to do the same.

South Bay Recovery Center  
310 679 9031

Wilmington Recovery Center  
310 549 2710

Sincerely,

All the above programs of Behavioral Health Services, Inc. have been accredited by

  
Shirley Summers, LCSW  
President/CEO  
Behavioral Health Services



High Gain  
310 644 3659

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Planned Parenthood Pasadena and San Gabriel Valley

March 16, 2016

Honorable Mayor Diana Mahmud and Members of the City Council,

As a provider of health care and education for teens and young adults throughout the San Gabriel Valley, Planned Parenthood Pasadena and San Gabriel Valley encourages the South Pasadena City Council to agendaize for the purpose of thoughtfully considering and taking action on measures that reduce underage drinking in South Pasadena, and by extension, to protect youth in our community. We believe that solutions that target house parties should be examined, as they are the primary source of youth access to alcohol.

According to the national study conducted by the Center for Applied Research Solutions 64% of 8<sup>th</sup> graders and 84% of 10<sup>th</sup> graders believe that alcohol is readily available to them for consumption. Local data also suggests that the most common way youth obtain alcohol is at house parties.

House parties are high risk environments for youth. Research has indicated that underage drinking is correlated with a variety of harms, including but not limited to drunk driving, binge drinking, youth violence, sexual assault, and in some cases death. In particular, PPPSGV is concerned with the increased risk of sexual assault and risky sexual behaviors that negatively impact the health and well-being of teens and young adults.

Our community should not disregard the risks associated with underage drinking. Please consider community-wide solutions that will reduce youths' access to alcohol, especially in social environments such as house parties, where the risks are highest.

Thank you for taking time to make the safety and health of our community a priority.

Sincerely,



Julianne S. Hines  
Vice President of External Affairs

## Natalie Sanchez

---

**From:** Catalina Gonzalez [REDACTED]  
**Sent:** Wednesday, March 16, 2016 7:00 PM  
**To:** CCO; rjoe@southpasadena.gov; mcacciotti@southpasadena.gov;  
dmahmud@southpasadena.gov; mkhubesrian@southpasadena.gov;  
rshneider@southpasadena.gov  
**Subject:** 3/16 Council Meeting - Public Comment  
**Attachments:** 3.16.16-South Pasadena City Council Meeting-Public Comment.pdf

Dear Council Members,

Please find attached a public comment statement on behalf of the Rethinking Alcohol and Other Drugs (RAD) working group for tonight's 3/16 council meeting in support of Healthy South Pasadena's proposal for a draft Social Host Ordinance.

Thank you,

--

-Catalina Gonzalez  
Rethinking Alcohol and Other Drugs

cc: Council; CM; CA; CDD; Reference Binder;  
Original to 3/16/16 ADDL Docs



Rethinking Alcohol and Other Drugs  
www.rad-sgv.org



March 16, 2016

South Pasadena City Council

**RE: PUBLIC COMMENT**

The **Rethinking Alcohol and Other Drugs (RAD)** is a coalition of community-based agencies and residents that collaborate on alcohol and drug abuse prevention service projects in the San Gabriel Valley. Given that alcohol remains the number two cause of premature death and disability in LA County, one of our goals as a coalition is to raise awareness about underage substance abuse and to help prevent accidents, injuries, and deaths related to alcohol and other drug-use.

Our coalition would like to express our full support for the consideration of a Social Host Ordinance by the City of South Pasadena. A social host policy will help deter and prevent alcohol-involved incidents among youth and could be useful in connecting South Pasadena residents and families to local counseling and treatment services. A social host prevention strategy is considered a best-practice public health strategy by the National Research Council, the Institute of Medicine, and the Office of Juvenile Justice and Delinquency, and would help lead the way for a healthier and safer San Gabriel Valley.

The following are some key points that illustrate the need for a Social Host Ordinance.

- Alcohol is the #1 drug of choice among children and adolescents; they use alcohol 10 times more than ALL illegal drugs, combined. (*U.S. Dept. of Health and Human Services*)
- Youth who begin drinking before age 15 are 4 times more likely to develop alcohol dependence or abuse. (*Substance Abuse and Mental Health Services Administration*)
- Every year 6,500 people under the age of 21 die from alcohol-related accidents and thousands more are injured (*National Highway Traffic Safety Administration*)
- Alcohol is a factor in half of all teen car crashes which is the leading cause of death among teenagers.

Given the high risks to public safety and community well-being that alcohol poses, particularly to young people, we recommend the adoption of a Social Host ordinance by the City of South Pasadena. We believe an ordinance that holds adults and minors responsible for providing alcohol to minors would go a long way in preventing high-risk situations from happening in South Pasadena and help to safeguard youth in your city so that they can thrive in a healthier and more drug-free environment.

Thank you in advance for your leadership,  
*Catalina Gonzalez*  
RAD Coalition Coordinator

Rethinking Alcohol and Other Drugs  
[www.rad-sgv.org](http://www.rad-sgv.org)



@radsgv



f/RADSGV



@RAD\_SGV

#RADSGV

*Creating a healthier San Gabriel Valley by reducing Alcohol and Other Drug (AOD) use through education and prevention policy.*



# CITY OF SOUTH PASADENA

## INTER-OFFICE MEMORANDUM

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**Date:** March 14, 2016

**To:** Mayor and City Council

**Via:** Sergio Gonzalez, City Manager *SG*

**From:** Paul Toor, Public Works Director *PT*

**Re:** Award of Contract – Construction Management and Inspection Services for Sewer Rehabilitation and Repair Project Phase 2

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The purpose of this memorandum is to provide the detailed fee information for recommend award of a consulting services contract to Valley Construction Management for construction management and inspection services for the Sewer Rehabilitation and Repair Project Phase 2. This item is scheduled for consideration at the March 16, 2016 City Council meeting.

Request for proposals were solicited through direct mail, through the City website, and through advertisement on the Integrated Marketing System to qualified consulting firms who have previously provided similar services to this City. The City received three proposals with results as follows:

<u>Firm</u>	<u>Proposed Fee</u>
Valley Construction Management, <i>San Diego</i>	\$383,100
Dudek, <i>Encinitas</i>	\$556,250
Simpson & Simpson, <i>Alhambra</i>	\$595,951

Valley Construction Management is a qualified, smaller firm specializing in providing construction management and inspection solely for sewer and water infrastructure projects. They recently completed an almost identical project for the City of Vista, and have provided similar construction management and inspection services to the City of San Diego, and the City of Pomona. Valley Construction Management was also the construction management firm hired for Phase 1 of this project, and did an excellent job along with several compliments from South Pasadena residents for their work. In addition, due to lessons learned and efficiencies gained providing these services for the Phase 1 Project, Valley Construction's proposed fee for Phase 2 represents a reduction of 20% from Phase 1 based upon a per lineal foot basis of sewer pipe repaired. The management firm will be compensated on time and material basis for the actual services performed.

Staff recommendation is to award this contract to Valley Construction Management.

CC: Council; CM; CA; CDCC; PW; Reference Binder; Original to 3/16/2016 Addl Docs

Additional Material  
AGENDA ITEM # 11  
3 / 16 / 16 City Council Mtg.



# CITY OF SOUTH PASADENA

## INTER-OFFICE MEMORANDUM

**Date:** March 14, 2016

**To:** Mayor and City Council

**Via:** Sergio Gonzalez, City Manager

**From:** Paul Toor, Public Works Director

**Re:** Award of Contract – Cast In Place Pipe (CIPP) Testing Services for Sewer Rehabilitation and Replacement Project Phase 2

The purpose of this memorandum is to provide the detailed fee information for recommend award of a consulting services contract to Ramtech Laboratories for CIPP testing services for the Sewer Rehabilitation and Repair Project Phase 2. These laboratory testing services will test the CIPP liner thickness as well as the vinyl ester resin. This contract is scheduled for award at the March 16, 2016 City Council meeting.

The City of Vista conducted an RFP process for these testing services in December 2013. Per Section 2.99-29(21) of the South Pasadena Municipal Code, the City may procure services without complying with formal bidding procedures from a supplier who offers the same or better price, terms and/or conditions as the supplier previously offered as the lowers responsible bidder under a competitive procurement conducted by another city.

Ramtech Laboratories provided testing services to the City of Vista and they have agreed to provide identical pricing to the City of South Pasadena. Their estimated total not-to-exceed fee is \$36,125. For comparison purposes, the cost of the lining testing is as follows:

<u>Firm</u>	<u>Proposed Fee</u>
Ramtech Labs, <i>Paramount</i>	\$287.50/test
Microbac, <i>Boulder Colorado</i>	\$240/test plus shipping
Smith Emery, <i>Los Angeles</i>	\$750/test

The testing included under this contract is ASTM D790, ASTM D5813 and FTIR scans. Staff has been informed by industry experts that the above three firms are the only reputed firms that can provide these tests. Ramtech Laboratories has provided these services to the County Sanitation District, City of Los Angeles, City of Culver City, City of Vista, City of Santa Monica, and others. Ramtech Laboratories provided identical testing services for the Phase 1 Project, and the City was pleased with their work. For Phase 2, Ramtech Laboratories is offering a 10% discount on the unit costs shown above due to being a returning customer, as well as free sample pick-ups.

Staff recommendation is to award the contract to Ramtech.

CC: Council; CM; CA; CBCC; PW; Reference Binder; Original to 3/16/16 Addl Docs

Additional Material  
AGENDA ITEM # 12  
3/16/16 City Council Mtg.

**PROFESSIONAL SERVICES AGREEMENT**  
(City of South Pasadena / Ramtech Laboratories)

**1. IDENTIFICATION**

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of South Pasadena, a California municipal corporation (“City”), and the Ramtech Laboratories, a California sole proprietorship (“Consultant”).

**2. RECITALS**

- 2.1 City has determined that it requires the following professional services from a consultant: Laboratory testing services for the Sewer Rehabilitation and Replacement Project Phase 2.
- 2.2 Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

**3. DEFINITIONS**

- 3.1 “Scope of Services”: Such professional services as are set forth in Consultant’s February 17, 2016 proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as are set forth in Consultant’s February 17, 2016 fee schedule to City attached hereto as Exhibit B and incorporated herein by this reference. This fee schedule shall remain in effect for the duration of this Agreement.
- 3.3 “Commencement Date”: \_\_\_\_\_.
- 3.4 “Termination Date”: December 31, 2017.

**4. TERM**

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall terminate at 11:59 p.m. on the Termination Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 18 (“Termination”) below.

5. **CONSULTANT'S SERVICES**

- 5.1 Time is of the essence in Consultant's performance of services under this Agreement.
- 5.2 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement. In no event shall the total compensation and costs payable to Consultant under this Agreement exceed the sum of \$33,018.75 unless specifically approved in advance and in writing by City. Consultant shall notify the Agreement Administrator, in writing, when fees and expenses incurred under this Agreement have reached 80% of the maximum amount payable. Consultant shall concurrently inform the Agreement Administrator of Consultant's estimate of total expenditures required to complete is current assignments before proceeding, when the remaining work would exceed the maximum amount payable.
- 5.3 Consultant shall obtain a City business license prior to commencing, and maintain said license for the duration of, performance under this Agreement.
- 5.4 Consultant shall perform all work to the highest professional standards of Consultant's profession and in a manner reasonably satisfactory to City. Consultant shall keep itself fully informed of and in compliance with all local, state, and federal laws, rules, and regulations in any manner affecting the performance of the Agreement, including all Cal/OSHA requirements, the conflict of interest provisions of Government Code Section 1090, and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.5 Consultant represents that it has advised City in writing prior to the date of signing of this Agreement of any known relationships with a third party, City Council members, or employees which would (1) present a conflict of interest entering into or rendering of services under this Agreement, (2) prevent Consultant from performing the terms of this Agreement, or (3) present a significant opportunity for the disclosure of confidential information.
- 5.6 Consultant agrees not to accept any employment during the term of this Agreement from any other person, firm or corporation where such employment is a conflict of interest or where such employment is likely to lead to a conflict of interest between City's interest and the interests of such person, firm or corporation or any other third party. Consultant shall immediately inform City, throughout the term of this Agreement, if any employment contemplated may develop into a conflict of interest, or a potential conflict of interest
- 5.7 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such

services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. Steven Berggren shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.

- 5.8 Consultant has represented to the City that key personnel will perform and coordinate the services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. If City and Consultant cannot agree as to the substitution of key personnel, City may terminate this Agreement for cause.
- 5.9 This Agreement covers professional services of a specific and unique nature. Except as otherwise provided herein, Consultant shall not assign or transfer its interest in this Agreement or subcontract any services to be performed without amending this Agreement.
- 5.10 Consultant shall be responsible to City for all services to be performed under this Agreement. All subconsultants shall be approved by the Agreement Administrator and their billing rates identified in the Approved Fee Schedule, Exhibit B. City shall pay Consultant for work performed by its subconsultants (including labor) only at Consultant's actual cost plus an approved mark-up as set forth in the Approved Fee Schedule, Exhibit B. Consultant shall be liable and accountable for any and all payments or other compensation to all subconsultants performing services under this Agreement. City shall not be liable for any payment or other compensation for any subconsultants.
- 5.11 Consultant shall notify the Agreement Administrator, in writing, of any change in name, ownership or control of Consultant's firm or subconsultant. Change of ownership or control of Consultant's firm may require an amendment to the Agreement.
- 5.12 This Agreement is subject to prevailing wage law, for all work performed under the Agreement for which the payment of prevailing wages is required under the California Labor Code. In particular, Consultant acknowledges that prevailing wage determinations are available for the performance of inspection and survey work.

## **6. COMPENSATION**

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule.
- 6.2 Consultant shall submit to City an invoice, on a monthly basis for the services

performed pursuant to this Agreement. Each invoice shall identify the maximum amount payable, services rendered during the billing period and the amount due, for this invoice, and total amount previously invoiced. All labor charges shall be itemized by employee name and classification/position with the firm, corresponding hourly rate, hours worked, description of each labor charge, and total amount due for labor charges. City shall not withhold applicable taxes or other authorized deductions from payments made to Consultant except as otherwise required by law. Consultant shall include a copy of each subconsultant invoice for which reimbursement is sought.

- 6.3 Payments for any services requested by City and not included in the Scope of Services may be made to Consultant by City on a time-and-materials basis using Consultant's Approved Fee Schedule and without amendment of this Agreement, so long as such payment does not cause the maximum amount payable to be exceeded.
- 6.4 Consultant shall not be reimbursed for any expenses unless provided for in this Agreement or authorized in writing by City in advance.

## **7. PREVAILING WAGES**

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. In particular, Consultant acknowledges that prevailing wage determinations are available for the performance of inspection and survey work. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

## **8. OWNERSHIP OF WRITTEN PRODUCTS**

All reports, documents or other written material ("written products" herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

## **9. RELATIONSHIP OF PARTIES**

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

Under no circumstances shall Consultant look to the City as his employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this independent contractor relationship on Consultant's previously earned Public Employees Retirement System (PERS) retirement benefits, if any, and Consultant specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation.

#### **10. AGREEMENT ADMINISTRATOR**

In performing services under this Agreement, Consultant shall coordinate all contact with City through its Agreement Administrator. For purposes of this Agreement, City designates Paul Toor as the Agreement Administrator. City reserves the right to change this designation upon written notice to Consultant. All services under this Agreement shall be performed at the request of the Agreement Administrator, who will establish the timetable for completion of services and any interim milestones.

#### **11. INDEMNIFICATION**

- 11.1 The parties agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, taxes, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant acknowledges that City would not enter into this Agreement in the absence of Consultant's commitment to indemnify and protect City as set forth herein.
- 11.2 To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and when the City requests with respect to a claim provide a deposit for the defense of, and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, and injury to any property arising out of or in connection with Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or any of its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage as is caused by the sole active negligence or willful misconduct of the City. Such costs and expenses shall include reasonable attorneys' fees due to counsel of City's choice, expert fees and all other costs and fees of litigation. Consultant shall not be entitled to any refund of attorneys' fees, defense costs or expenses in the event that it is adjudicated to have been non-negligent.

- 11.3 City shall have the right to offset against any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 11 and any amount due City from Consultant arising from Consultant's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 11.4 The obligations of Consultant under this Section 11 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 11.5 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 11 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.
- 11.6 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.
- 11.7 In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or PERS to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.
- 11.8 Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation,

benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

## 12. INSURANCE

- 12.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement.
- 12.2 Any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be the greater of (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured.
- 12.3 Insurance required under this Agreement shall be of the types set forth below, with minimum coverage as described:
  - 12.3.1 Comprehensive General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.
  - 12.3.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per claimant and One Million dollars (\$1,000,000) per incident.
  - 12.3.3 Worker's Compensation insurance as required by the laws of the State of California.
  - 12.3.4 Professional Errors and Omissions Insurance with coverage limits of not less than One Million Dollars (\$1,000,000).
- 12.4 Consultant shall require each of its subconsultants to maintain insurance coverage that meets all of the requirements of this Agreement provided however, that the Agreement Administrator may waive the provision of Errors and Omissions Insurance by subconsultants.
- 12.5 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.

- 12.6 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay the premium thereon at Consultant's expense.
- 12.7 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the aforesaid policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds. Consultant shall, prior to commencement of work under this Agreement, file with City's Risk Manager such certificate(s).
- 12.8 Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages.
- 12.9 The general liability and automobile policies of insurance required by this Agreement shall contain an endorsement naming City and its officers, employees, agents and volunteers as additional insureds. All of the policies required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- 12.10 The insurance provided by Consultant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 12.11 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 12.12 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond in the amount of the deductible or self-insured retention to guarantee payment of losses and expenses.
- 12.13 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 11 of this Agreement.
- 12.14 Consultant shall report to the City, in addition to the Consultant's insurer, any and

all insurance claims submitted to Consultant's insurer in connection with the services under the Agreement.

12.15 Consultant may be self-insured under the terms of this Agreement only with express written approval from the City

12.15.1 All self-insured retentions (SIR) must be disclosed to the City for approval and shall not reduce the limits of liability.

12.15.2 Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

12.16 City reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

### **13. MUTUAL COOPERATION**

13.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.

13.2 If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

### **14. CONFIDENTIALITY**

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

### **15. RECORDS AND INSPECTIONS**

Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of City. City shall further have the right to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

In addition, pursuant to Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

**16. PERMITS AND APPROVALS**

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.

**17. NOTICES**

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

City of South Pasadena  
1414 Mission Street  
South Pasadena, CA 91030  
Telephone: (626) 403-7240  
Facsimile: (626) 403-7241

If to Consultant:

Ramtech Laboratories  
14104 Orange Ave.  
Paramount, CA 90723  
Telephone: (562) 633-4824

With courtesy copy to:

Teresa L. Highsmith, Esq.  
South Pasadena City Attorney  
Colantuono, Highsmith & Whatley, P.C.  
300 South Grand Avenue, Suite 2700  
Los Angeles, CA 90071-3137  
Telephone: (213) 542-5700  
Facsimile: (213) 542-5710

**18. SURVIVING COVENANTS**

The parties agree that the covenants contained in Section 11, Section 12, Paragraph 13.2 and Section 14 of this Agreement shall survive the expiration or termination of this Agreement.

**19. TERMINATION**

19.1 City may terminate this Agreement for any reason on five calendar days' written

notice to Consultant. Consultant may terminate this Agreement for any reason on thirty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.

- 19.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

## **20. GENERAL PROVISIONS**

- 20.1 Consultant warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Consultant further agrees to file, or shall cause its employees or subcontractor to file, a Statement of Economic Interest with the City's Filing Officer if required under state law in the performance of the services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.
- 20.2 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 20.3 This Agreement shall be binding on the successors and assigns of the parties.
- 20.4 Except as expressly stated herein, there is no intended third party beneficiary of any right or obligation assumed by the parties.
- 20.5 Time is of the essence for each and every provision of this Agreement.
- 20.6 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.
- 20.7 The captions appearing at the commencement of the sections hereof, and in any

paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the section or paragraph thereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

- 20.8 The waiver by City or Consultant of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing signed by one authorized to bind the party asserted to have consented to the waiver.
- 20.9 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 20.10 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. If legal action shall be necessary to enforce any term, covenant or condition herein contained, the party prevailing in such action, whether reduced to judgment or not, shall be entitled to its reasonable court costs, including accountants' fees, if any, and attorneys' fees expended in such action. The venue for any litigation shall be Los Angeles County, California and Consultant hereby consents to jurisdiction in Los Angeles County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.
- 20.11 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

EXHIBIT A  
SCOPE OF WORK

## SCOPE OF SERVICES

Ramtech Laboratories proposed to offer the following services on this project:

Flexural Strength / Flexural Modulus Test – This test is conducted per the guidelines of the ASTM D-790. This test checks the minimum, average and maximum modulus of elasticity and flexural strength of each specimen of CIPP liner to ensure it meets the minimum requirements specified in the contract. Specimens are to be collected and delivered to Ramtech Laboratories.

Wall Thickness Test – This test is conducted per the guidelines of ASTM D-5813. This test measures the minimum, maximum, and corrected thickness of each specimen of CIPP liner to ensure it meets the CIPP meets the minimum thickness requirements specified in the contract. Specimens are to be collected and delivered to Ramtech Laboratories.

FTIR Scan – This test checks the integrity of the liquid resin used to bond the CIPP liner to the host pipe. Specimens are to be collected and delivered to Ramtech Laboratories.

Reports – A report summarizing the testing results and findings. Each report covers up to ten specimens. Test results will be submitted within one month following conclusion of the testing.

Ramtech Laboratories shall be compensated for the services provided at the unit rates listed in the proposal dated February 17, 2016.

**EXHIBIT B**  
**APPROVED FEE SCHEDULE**



# Ramtech Laboratories

14104 Orange Ave Paramount, CA 90723  
Phone (562) 633-4824 Fax (562) 633-4128

February 17, 2016

Quote No. **3709-Q1**

Shin Furukawa, PE

City of South Pasadena - South Pasadena Sewer Replacement Project Phase 2 - Job: 2013-10

Amount of Samples: 75-Pipes & 25-Resin

Test Request	Quantity	Cost/Per	Total Cost
<b>1 Flexural Strength / Flexural Modulus</b> A. ASTM D-790 (75-CIPP Samples)	75	\$287.50	<b>\$21,562.50</b>
<b>2 Wall Thickness</b> A. ASTM D-5813 (75-CIPP Samples)	75	\$55.00	<b>\$4,125.00</b>
<b>3 Tensile Strength</b> A. ASTM D-638 (75-CIPP Samples)	Per Client, Not Required		<b>Not Quoted</b>
<b>4 Onsite Sampling</b> A. Between 8am - 4:30pm B. After 4:30pm (2-Hrs)		\$120 per Trip + \$65/hr \$120 per Trip + \$95/hr	<b>Pending</b> <b>Pending</b>
<b>5 Expedite Fee (75-Samples)</b> \$250.00 Minimal or \$500.00 per Samples which ever is greater A. 5-Days Draft (Prelim) Results B. 15-Days Final Report (After Signing Off On Finalization Letter)	1	\$250.00	<b>Not Requested By Client</b>
<b>6 IR Graph Liquid Resin FTIR Scan (Finger Print)</b> A. Resin Sample (25-Sample)	25	\$350.00	<b>\$8,750.00</b>
<b>7 Reporting</b> A. Basic Report Fee (Max Sample per Report 5) (1-5 Pipes) B. Basic Report Fee (Max Sample per Report 5) (6-10 Pipes) C. Basic Report Fee (Max Sample per Report 5) (11-15 Pipes) D. Basic Report Fee (Max Sample per Report 5) (16-20 Pipes) E. Basic Report Fee (Max Sample per Report 5) (21-25 Pipes) F. Basic Report Fee (Max Sample per Report 5) (26-30 Pipes) G. Basic Report Fee (Max Sample per Report 5) (31-35 Pipes) H. Basic Report Fee (Max Sample per Report 5) (36-40 Pipes) I. Basic Report Fee (Max Sample per Report 5) (41-45 Pipes) J. Basic Report Fee (Max Sample per Report 5) (46-50 Pipes) K. Basic Report Fee (Max Sample per Report 5) (51-55 Pipes) L. Basic Report Fee (Max Sample per Report 5) (56-60 Pipes) M. Basic Report Fee (Max Sample per Report 5) (61-65 Pipes) N. Basic Report Fee (Max Sample per Report 5) (66-70 Pipes) O. Basic Report Fee (Max Sample per Report 5) (71-75 Pipes)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00 \$150.00	<b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b> <b>\$150.00</b>

**Subtotal: \$36,687.50**  
**Returning Client Discount 10% \$3,668.75**  
**Total Contract \$33,018.75**

Thank you for this request for quotation. To initiate this test program, please sign below and return by fax.

Please be aware, with your signature below Ramtech will invoice as the work proceeds

Best regards,

Accepted By:

\_\_\_\_\_  
Steven Berggren  
Laboratory Administrator

\_\_\_\_\_  
Shin Furukawa, PE  
City of South Pasadena

\_\_\_\_\_  
Your Company P.O. Number (If Applicable)

**If you agree with the quotation please sign and fax quotation back**  
**We must have signed quotation in order to proceed**

# NON-COLLUSION DECLARATION

TO BE EXECUTED BY  
BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the \_\_\_\_\_ of \_\_\_\_\_, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_\_ [state].”

\_\_\_\_\_  
Signature      DATE

\_\_\_\_\_  
Printed Name of Signatory

**WORKERS' COMPENSATION INSURANCE**  
**CERTIFICATE**

The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Contractor)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

Attest:

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

- 20.12 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 20.13 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.
- 20.14 Consultant shall not discriminate against any employee or applicant for employment because of race, sex (including pregnancy, childbirth, or related medical condition), creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition (cancer-related), marital status, ancestry, or sexual orientation. Consultant shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, sex (including pregnancy, childbirth, or related medical condition), creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition (cancer-related), marital status, ancestry, or sexual orientation. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; or in terms, conditions or privileges of employment, and selection for training, Consultant agrees to post in conspicuous places, available to employees and applicants for employment, the provisions of this nondiscrimination clause.

**TO EFFECTUATE THIS AGREEMENT**, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

**“City”**  
**City of South Pasadena**

**“Consultant”**  
**Ramtech Laboratories**

By: \_\_\_\_\_

By: \_\_\_\_\_  
 Steven Berggren, Laboratory Administrator

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Deputy City Clerk

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Teresa L. Highsmith, City Attorney

Date: \_\_\_\_\_

# 1200 FAIR OAKS AVE. APPEAL OF PLANNING COMMISSION DECISION

MARCH 16, 2016

City of South Pasadena

## 1200 Fair Oaks Ave. Appeal

- Background:
  - 12/17/14 – First Element Fuel applies for CUP Modification to allow hydrogen fueling facility
  - 01/25/16 – Planning Commission adopted Mitigated Negative Declaration & CUP Modification for Hydrogen Fueling
  - 02/08/16 – Appeal to Planning Commission's Approval filed

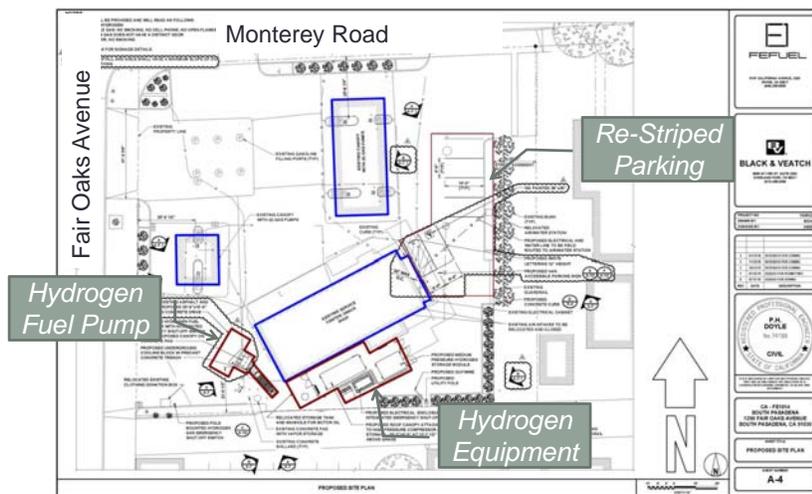
Additional Material  
AGENDA ITEM # 17  
3/16/16 City Council Mtg.

*Cc: Council; CM; CA; CDCC; P+B + Reference Binder; Original to 3/16/16  
Addl Docs*

# 1200 Fair Oaks Ave. Appeal



# 1200 Fair Oaks Ave. Appeal





## 1200 Fair Oaks Ave. Appeal



Tree Screen

Hydrogen Equipment



## Natalie Sanchez

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**From:** Natalie Sanchez  
**Sent:** Tuesday, March 08, 2016 4:33 PM  
**To:** City Council  
**Cc:** David Watkins; City Clerk's Division  
**Subject:** FW: Hydrogen Dispenser Project

Good afternoon Mayor Mahmud and Council,

I am forwarding an email from Dr. Shane Stephens, Chief Development Officer and Principal, FirstElement Fuel Inc., regarding an appeal with respect to his company's proposed addition of a hydrogen dispenser to an existing gas station at 1200 Fair Oaks Avenue. Please note this item is agendized for next week's, March 16, 2016, City Council Meeting.

Thank you,

Natalie Sanchez, Management Assistant  
City of South Pasadena  
1414 Mission Street  
South Pasadena, CA 91030  
(626) 403-7200 ext. 233  
[www.southpasadenaca.gov](http://www.southpasadenaca.gov)



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**From:** Shane Stephens [REDACTED]  
**Sent:** Tuesday, March 08, 2016 3:25 PM  
**To:** Anthony Mejia  
**Cc:** Desiree Jimenez; Natalie Sanchez  
**Subject:** Hydrogen Dispenser Project

cc: Council; CM; CA; CACC; P&B; Reference Binder;  
Original to 3/16/16 ADDL DOC

Additional Material  
AGENDA ITEM # 17  
3/16/16 City Council Mtg.



Dear Members of the City Council:

My name is Dr. Shane Stephens and I am a Co-Founder of the company FirstElement Fuel Inc. On March 16th you will be hearing an appeal with respect to my company's proposed addition of a hydrogen dispenser to an existing gas station at 1200 Fair Oaks Ave, South Pasadena, CA 91030.

I am writing today to make a suggestion that you to visit a hydrogen dispenser that my company has already completed in La Cañada Flintridge. This hydrogen dispenser installation is very similar to what we are proposing in your city and I think it would give you a good preview of what you can expect from my company. You can stop by any time as this dispenser is open 24/7, but if you would like to meet me at the dispenser so that I can walk you through the details of the equipment, I will be there this coming Sunday March 13, during the times listed below:

***WHERE: 550 Foothill Blvd, La Cañada Flintridge, CA 91011***

***WHEN: Visit any time (the dispenser is accessible 24/7), or meet me there for a tour during the following times:***

***- March 13th from 12:30 to 1:30 PM***

***- March 13th from 4:30 to 5:30 PM***

My company is honored to be working with State of California Regulators and the world's leading automakers to build the network of retail hydrogen chargers in California. Zero emission fuel cell cars eliminate tailpipe emissions, reduce greenhouse gases, and run on domestically-sourced hydrogen. But there needs to be a network of hydrogen chargers in place to grow the market for these cars. Together with the California Energy Commission, the Air Resources Board, the SCAQMD, Toyota, and Honda, we are developing 19 of our True Zero branded hydrogen stations throughout the state.

Leading automakers, including Toyota, Honda, Hyundai, Mercedes-Benz, and General Motors, are commercializing fuel cell cars, starting with California. The commercialization follows more than 10 years of demonstrating of the cars and public hydrogen stations by real-world customers on California roads. Based on this past decade of experience, South Pasadena has been identified by automakers and other stakeholders as a key early market for these cars, which is why we are excited to introduce a hydrogen charger to your city.

My company is succeeding in bringing Phase One of the retail hydrogen network online. We are developing 19 stations as part of the first phase - 6 are now open to the public, 5 are on the verge of opening, and 4 more are

under construction. I hope that prior to the March 16th hearing you have a chance to visit our hydrogen dispenser at La Cañada Flintridge and that I get a chance to walk through it with some of you.

My company very much looks forward bringing South Pasadena online as part of the California Hydrogen Network!

My best,  
Shane

Dr. Shane Stephens



CONFIDENTIAL: This email and its attachments are intended solely for the person addressed and may contain information that is confidential or legally privileged. If you received this communication in error, please notify the sender immediately and destroy it without reading, copying or distributing it. Thank you.

# True Zero

Summary of Open and Soon to Open Stations

March 16, 2016



CC: Council; CM; CA; CDCC; Original to 3/16/2016 Addl Docs

Additional Material  
AGENDA ITEM # 17  
3/16/16 City Council Mtg.  
Stephens

# Electric Fuel Cell Vehicles

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Hyundai



Toyota



Honda

- An electric car that runs on hydrogen – quiet, clean, efficient
- Zero emission vehicle
- Major automakers have more than 10 years of real-world experience on California roads
- Performance:
  - 5 minute fill
  - 300 miles or more of driving range
  - 60 to 70 miles per gallon equivalent

# La Cañada Flintridge - OPEN

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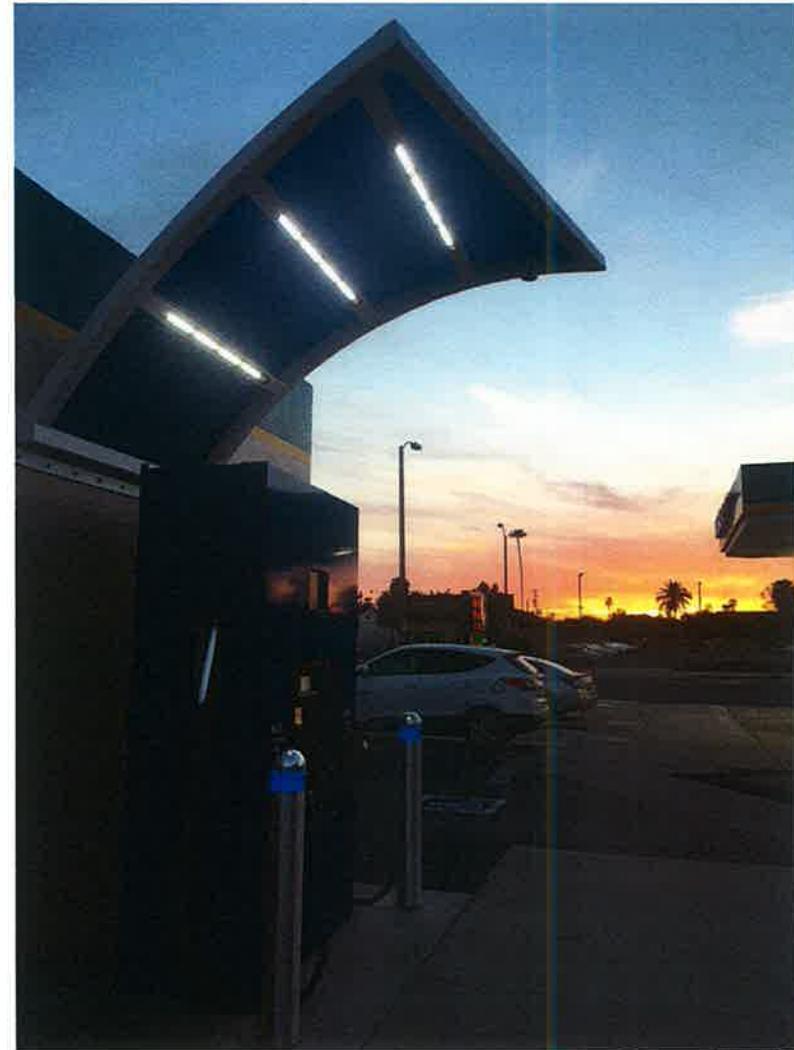
# Long Beach - OPEN

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# Costa Mesa - OPEN

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FIRST  
ELEMENT  
FUEL

# Harris Ranch - OPEN

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# San Jose - OPEN

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# South San Francisco - OPEN

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# Saratoga - OPEN

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# Opening in March

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Santa  
Barbara



Hayward



Lake Forest



Campbell

[PC Appeal, 3/16/2016, Re: Item 5]

Exhibit 1 - Lot 4



Parking

## CITY OF SOUTH PASADENA

PLANNING AND BUILDING DEPARTMENT  
1414 MISSION STREET, SOUTH PASADENA, CA 91030  
TEL: 626.403.7220 • FAX: 626.403.7221  
WWW.CI.SOUTH-PASADENA.CA.US

August 1, 2008

Tony George

George Architecture

847 Mission Street

South Pasadena, CA 91030

Re: 1200 Fair Oaks Avenue (Proposed new Chevron market)

Dear Mr. George:

The City has conducted further research following my letter dated June 24, 2008, and can advise the following:

Using Lot 4<sup>1</sup>

1. The basis for the change in the General Plan designation in 1976/1977 was to prevent the potential encroachment of commercial uses into an existing residential neighborhood. Most of the re-designated lots had existing residential uses at that time, but Lot 4 did not; it was being used for parking for the existing commercial use (the gas station).
2. The zoning designation at that time was "P" (Parking). This allowed for the parking of motor vehicles as an auxiliary use to a commercial use. This designation did not allow for other commercial uses.
3. An argument could thus be made that the re-designation of Lot 4 was inappropriate as the condition the re-designation sought to prevent already existed to a certain degree. Further, Lot 4 could be distinguished from the other lots that were re-designated at the same time.
4. The City no longer has a "Parking" zoning designation. The closest designation would "Commercial General."
5. The applicant could thus apply for a General Plan Amendment and Zoning Map Amendment to have Lot 4 re-designated as "General Commercial" and "Commercial General" respectively. This would require an initial hearing before the Planning Commission, with the City Council making the ultimate decision. The cost for this is allocated on an hourly basis, with a \$4000.00 deposit required at the time of the application.
6. A "Commercial General" zoning designation would allow for commercial uses on Lot 4 apart from parking. This was not the case in 1976/1977, so a covenant would be required on the title of Lot 4<sup>2</sup> restricting the use of the lot to only parking for an adjacent commercial use. The allowable use for this lot would thus remain as it has been since the gas station expansion was approved in 1976. The covenant would ensure that this restriction applied to the existing commercial use and to any subsequent commercial uses that may occupy this site in the future.

<sup>1</sup> The term "Lot 4" is used for easy reference. Per 7c, all the lots would be required to be merged to form a single lot.  
<sup>2</sup> The required covenant would thus refer to the easternmost 45' of the resultant merged lot; required landscape buffer the easternmost 20'; no structures could be built on the easternmost 45', etc.

Additional Material  
AGENDA ITEM # 17  
3/16/10 City Council Mtg.

Benioni

Pg. 1

7. In granting the required Conditional Use Permit for this project, the Planning Commission may elect to impose conditions to reduce the impact on the adjacent residential use. These may include:

- a. A requirement for a landscaped buffer (perhaps 20' deep) along most of the eastern property line of Lot 4 (eastern property line of the new, merged lot).
- b. A requirement that the covenant noted in #6, above, be recorded prior to the issuance of the building permit for the project.
- c. A requirement that all lots must be merged to form a single lot. The lot merger would need to be recorded prior to the issuance of the building permit.

If the General Plan and Zoning Map designations for what is currently Lot 4 were changed, the following would apply (as a result of the covenant restrictions and the 50% reconstruction rules noted below).

Per SPMC 36.350.090 (Gas Stations) [attached], additional requirements apply if the cost of the project exceeds 50% of the assessed valuation of the property or 50% of the replacement cost. (The project cost is subject to verification by the City's Building Official).

*Note: Only the requirements specifically relating to Lot 4 are discussed in this letter. The other requirements listed in the attached print-out must also be met.*

- Any building could not encroach beyond the western property line of Lot 4 (i.e. a line 45' from the eastern boundary of the new, merged lot).
- The eastern driveway access on Monterey Rd. must be relocated so that it is no closer than 5 feet from the eastern property line of Lot 4 (i.e. the easternmost property line of the new, merged lot).
- At least a 3' wide planter must be constructed on the eastern property line of Lot 4 (eastern property line of the new, merged lot). This requirement would be satisfied if the Planning Commission conditioned the CUP with a wider buffer, as noted above.

#### → Not using Lot 4

If the applicant elects not to pursue a General Plan Amendment and Zoning Map Amendment, the use of Lot 4 is restricted as it is zoned Residential Medium Density:

- No more than three parking spaces can be established (the same as established when the project was approved in 1971). This continues the existing legal nonconformity without intensifying the degree of nonconformity. All other required parking must be located on the other lots.
- No structures can be built (as the lot is zoned for residential use)

The following restrictions apply as a result of the 50% reconstruction rules noted above:

- Any building must be set back at least 10' from the western property line of Lot 4
- The easternmost driveway access on Monterey Rd. must be relocated so that it is no closer than 5 feet from the western property line of Lot 4. Note: Access to the property would thus no longer be across Lot 4.

Lot 4 could obviously be developed as a separate, residential medium density use.

1200 Fair Oaks Avenue  
8/1/2008

Status of the alley (eastern 20' of Lot 4)

The City has determined that as the offer to dedicate the replacement alley was not accepted by the City within the required one-year timeframe, this offer is now void. As such, the Public Works Director will issue a written release which can then be recorded with the County.

Please contact me if you have any questions regarding this matter.

Sincerely,



Paul Garnett  
Assistant Planner

Attached: SPMC 36.350.090 (Gas Stations)

# SP General Plan Relevance as “Umbrella Guidance”

## Relevant Guiding Principles (2 of 9) :

**Neighborhood Protection\_** To protect and preserve the character of the traditionally single-family oriented residential neighborhoods of South Pasadena from incursions of traffic, blight and deleterious land uses.

**Reduced Auto Dependence/Circulation without Cars\_** To emphasize pedestrians over cars in portions of the City, to encourage alternative forms of mobility (bicycle, bus, light-rail), and to assure that transportation improvements and parking are designed to support designated land uses while maintaining harmony with the “small town” commercial streetscape.

Application History :

	H2 Station Mtg Dates					
Item	PC 1*	PC2	PC3	PC4	Appeal	Next ?
Date	Feb 23 2015	Oct 26 2016	Dec 10 2016	Jan 25 2016	Mar 16 2016	

# Item 6 of CUP Required Findings Not Met, 36.410.060 Conditional Use Permits and Administrative Use Permits.

Section F, item 6 is :

6. The **design**, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of **aesthetics, character, scale, impacts on neighboring properties.**

## 36.410.060 Conditional Use Permits and Administrative Use Permits.

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- A. Purpose. Conditional Use Permits and Administrative Use Permits are intended to allow for activities whose effect on a site and its surroundings **can only** be determined after the **review** of the configuration, **design**, location, and potential impacts of the proposed use and the suitability of the use to the site.
- B. Applicability. A Conditional Use Permit or Administrative Use Permit is required to authorize proposed land uses and activities identified by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowable in the applicable zoning district subject to the approval of a Conditional Use Permit or Administrative Use Permit.

# SP Code 36.300.070 Screening\_ Design Review Req'd

## 36.300.070 Screening.

This Section establishes standards for screening between land uses, and the screening of other potentially unsightly features of development.

- A. **Design Review required.** The design and installation of each screening measure required by this Section shall require Design Review approval (Section 36.410.040).
- B. Screening between different land uses. An opaque screen consisting of plant material and/or a solid, decorative masonry wall or wood fence, a minimum of six feet in height, shall be installed along parcel boundaries whenever a nonresidential use adjoins a residential zoning district. The maximum height of the wall shall comply with the provisions of Section 36.300.050 (Walls, Fences, and Hedges). The design of the wall shall be compatible with adjoining structures and the adjacent neighborhood, subject to approval by the appropriate Review Authority.
- C. **Mechanical equipment**, loading docks, and refuse areas for commercial or industrial areas.
  - 1. Roof or **ground mounted mechanical equipment** (e.g., air conditioning, heating, ventilation ducts, and exhaust, etc.), loading docks, refuse storage areas, and utility services (e.g. electrical transformers, gas meters, etc.) shall be screened from public view from adjoining public streets and rights-of-way and adjacent residentially-zoned areas. See also Section 36.300.080 regarding **mechanical equipment**.
  - 2. The method of screening shall be **architecturally compatible with the colors, materials, and architectural style** of the other development on the site.
  - 3. **Landscaping shall be installed adjacent to screen walls**, at the discretion of the Design Review Board.

# SP Code 36.410.040 Design Review

A. Purpose. This Section establishes procedures for the City's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs). These procedures are not intended to restrict imagination, innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Section are to:

1. Recognize the interdependence of land values and aesthetics and encourage the varied, yet orderly and harmonious appearance of:
  - a. Most publicly perceived structures and property within South Pasadena; and
  - b. Associated facilities (e.g., landscaping, open space areas, parking, and signs);
2. Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;
3. Better protect the increasing values, standards, and importance of land and development in the community;
4. Retain and strengthen the visual quality of the community;
5. Assist project developers in understanding the public's concerns for the aesthetics of development;
6. Ensure that development complies with all applicable City standards and design guidelines, and does not result in an adverse affect on the City's aesthetics, architectural, health, and safety related qualities of adjoining properties or upon the City in general; and
7. Foster attainment of the actions, goals, objectives, policies, and programs of the General Plan and any applicable specific plan by preserving the particular character and unique assets of South Pasadena.

→ B. Applicability.

1. Required review. The exterior impacts of all projects within the following categories are subject to Design Review.
  - a. Residential development. Any single-family and multi-family residential project that requires a Building Permit for any exterior construction or modification (except re-roofing where no structural modifications are required).
  - b. Commercial and industrial development. Any project involving the construction of, or exterior change to, any structure, landscaping, or permanent signs on a parcel or lot zoned commercial and/or industrial.
2. Exemption from review. All projects within the following categories shall be exempt from the provisions of this Section.

# Design Review Requested—why not held?

On Thu, Dec 10, 2015 at 1:20 PM, Knarik Vizcarra <[kvizcarra@southpasadenaca.gov](mailto:kvizcarra@southpasadenaca.gov)> wrote:

Hi Al,

Below is John's reply to your question:

Design review is not required since there simply building a screen wall around some equipment. The CUP covers the entire project including the use and all of its related parts. There's really no reason for Design Review because there's not much to evaluate. A wall for screening and a fuel pump. Those won't change.

Best,

*Knarik Vizcarra*  
City of South Pasadena  
Assistant Planner  
[626.403.7227](tel:626.403.7227)

**From:** Al Benzoni [mailto:[albenzoni@gmail.com](mailto:albenzoni@gmail.com)]  
**Sent:** Thursday, December 10, 2015 1:18 AM  
**To:** Knarik Vizcarra  
**Subject:** Question for 1200 Fair Oaks CUP MOD Request Project

Hi Knarik,  
I know you are not the lead planner for this project, but I thought you might be able to readily explain /provide an answer to my question as it might be a simple (obvious) answer.

I am a bit confused as to why a Design Review was not performed for the Hydrogen filling station project (prior to CUP hearing)? From this MC section below it seems like it would be required, perhaps prior to the CUP Modification hearing. Are the two reviews lumped into the Public CUP hearing? Can you please help explain how it works?

Thank you.  
Al

In direct conflict with **36.300.070**  
& **36.410.040**

# Finding No 6 – what is “small” relative to? Is ~50% small ?

From Staff Report in PC packet :

6. **The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and views protection.**

The proposal would **only make small exterior changes** to the site. The tank and equipment area would be enclosed within a 13-foot tall concrete masonry walls with a stucco finish. The enclosed tank and equipment area will be located behind the existing service station building. Small light fixtures (facing down) would illuminate the walls on all sides. Therefore, the design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land use in the vicinity in terms of **aesthetics, character**, scale, and views protection.

**SECTION 3:** For the foregoing reasons and based on the information and findings included in the Staff Report, and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby approves the application for Conditional

Application states new area 1057 ft<sup>2</sup> for H2 space, Present station structure is ~2k ft<sup>2</sup>. Thus new is ~50% of existing square footage – **is 50% relatively small?**

9/149

# H2 Structure Design – fumbled & sorely lacking, unfinished

- No (aesthetic) Design Review was held for this project
- Multiple neighbor's request to City staff and Planning Commission from the first scheduled PC Meeting (2/23/2015) was to have an integrated design, **not** a "tack-on" design as currently proposed
- Present proposed structures have little apparent effort made to be appealing, and the design is counter/in conflict with sections 36.410.040 A item 2, 3,4,6. Only "design" feature was added in response to Commissioner Dahl's comment about re: stucco finish (12/10/215) that resulted in a modification to a brick veneer finish (matching is still questionable)
- Applicant's attitude re:design is best expressed by watching this video clip (Jan 25 2016 PC MEETING) and fully reflected in the lack of design in the structures.

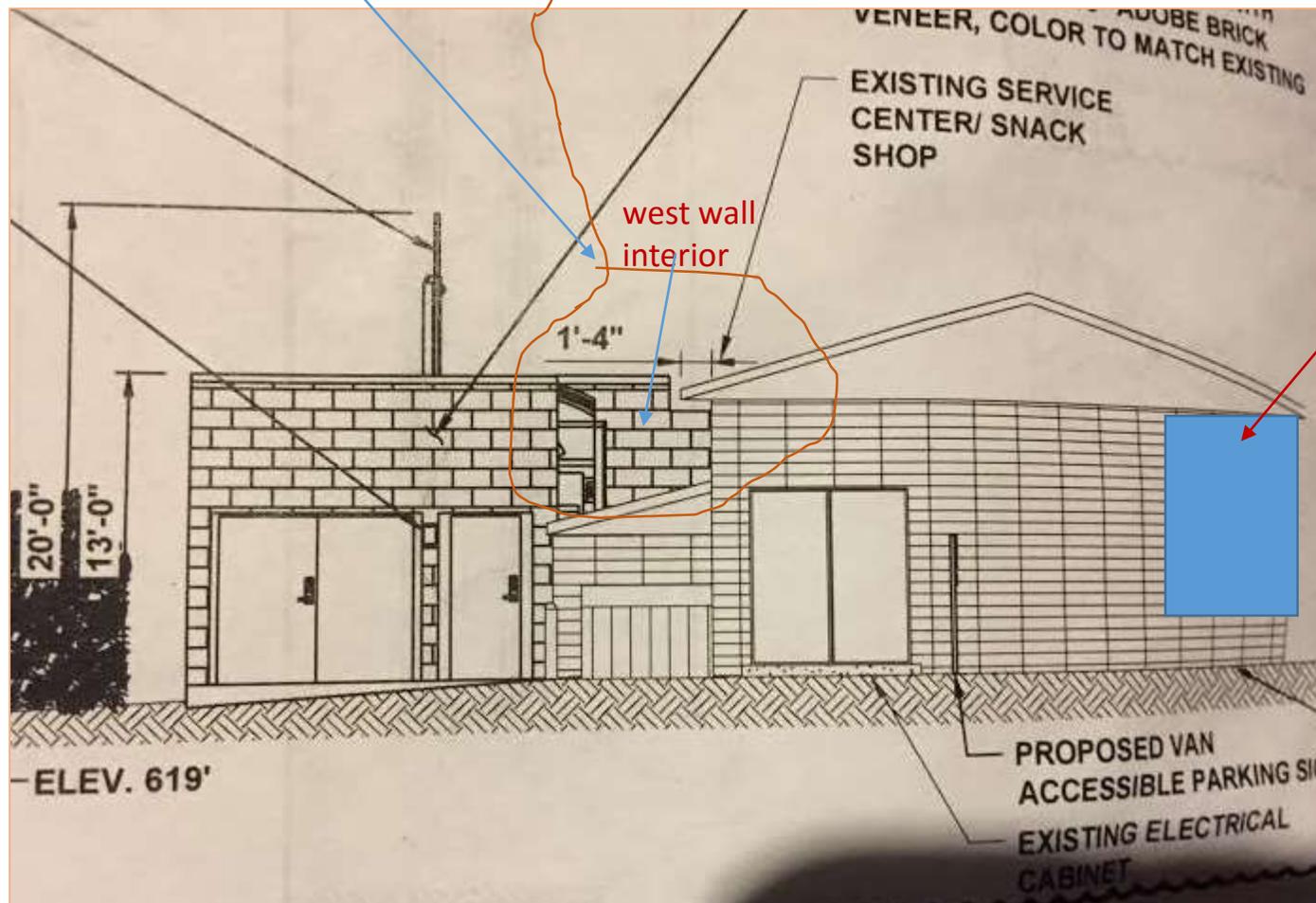
I. **Required findings.** In order to approve a Design Review application, the Review Authority shall first find that the design and layout of the proposed development:

1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);
2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;
3. Is compatible with the existing character of the surrounding neighborhood and that **all reasonable design efforts** have been made to **maintain the attractive, harmonious,** and orderly development contemplated by this Section, and the General Plan; and
4. Would provide **a desirable environment** for its occupants and **neighbors,** and is **aesthetically of good composition,** materials, and texture that would **remain aesthetically appealing** with a reasonable level of maintenance and upkeep.

# East Elevation – facing bordering Property

From drawing package for Jan 25 2016 PC meeting, dated 1/13/16

Unfinished design, gaping hole, should remove slumpstone trash enclosure containing walls (3), and provide treatment of top border to tie in with station (Spanish tile ?), repair metal dumpster enclosure (rusted through and missing of top portion of left gate



## Drawing Quality Issues :

- NE window missing
- Drawing incorrect many times
  - note fascia board size is not properly scaled, no tiles
  - Where are clay Spanish roof tiles on East edge ?

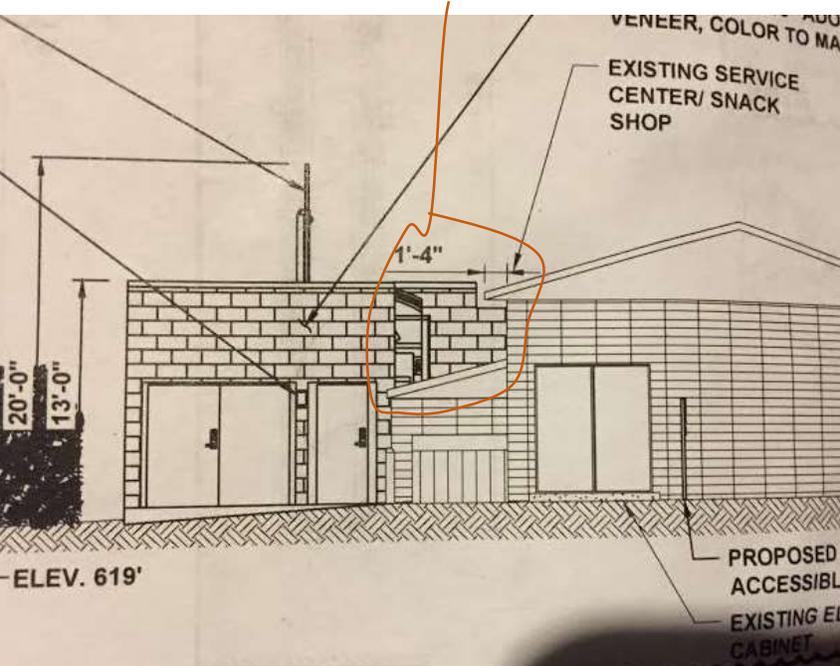
Why are 3 doors needed ?

# South East Corner – unfinished, no style match

Jan 25 2016 PC meeting packet

## Design/look - Integration vs “tack on”

Gaping hole, tack-on cutout design



What happened here ?

Jumble needs to be cleaned up



Why isn't this ex-garbage dumpster enclosure just removed ? / Previous doors are not accessible per this illustration. No planting or any decoration on large walls

# La Canada Arco has treatments to appear softer and a more finished look, reduce “bunker” look

Jan 25 2016 PC meeting packet



Top treatment/canopy provides sense of design and reduces the bunker effect, as does the wax leaf privet bushes/landscape

Has 8 gas pumps, 7 parking spaces, no active service bays, Would easily satisfy present SP parking space reqs., has Multiple “No Parking” stripings.





# Item 5 of contested CUP Mod Findings per 36.410.060, not met due to lack of Onsite Parking & increased traffic

Page 9 /149 of Staff Report in 1/25/2016 PC Agenda addresses required conditions to approve CUP Modification per below:

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

The establishment fronts a major commercial thoroughfare through South Pasadena. The applicant will be required to re-stripe the **parking spaces** and install concrete wheel stops as a condition of approval. The subject site is generally flat and is adequate in terms of size, topography and circumstances to allow the addition of a hydrogen fueling facility on the gas station site. The total amount of lot area used for the hydrogen fueling makes up 4% of the service station site. Therefore, the subject proposal has sufficient access to streets and highways adequate to accommodate the traffic generated by the proposed use.

→ All less ADA have concrete stops now

Criteria for Item 5 has **NOT** been satisfactorily met.

Findings #	Comment
5	The subject site is NOT adequate as proposed to accommodate sufficient onsite parking. Proposed striped parking is illegal. 9 existing spaces proposed to be eliminated. Additional parking spaces on CG lot are required., present code requires <b>13+2=15 spaces</b> . NO parking on RM should also be marked on pavement for RM zoned lot.

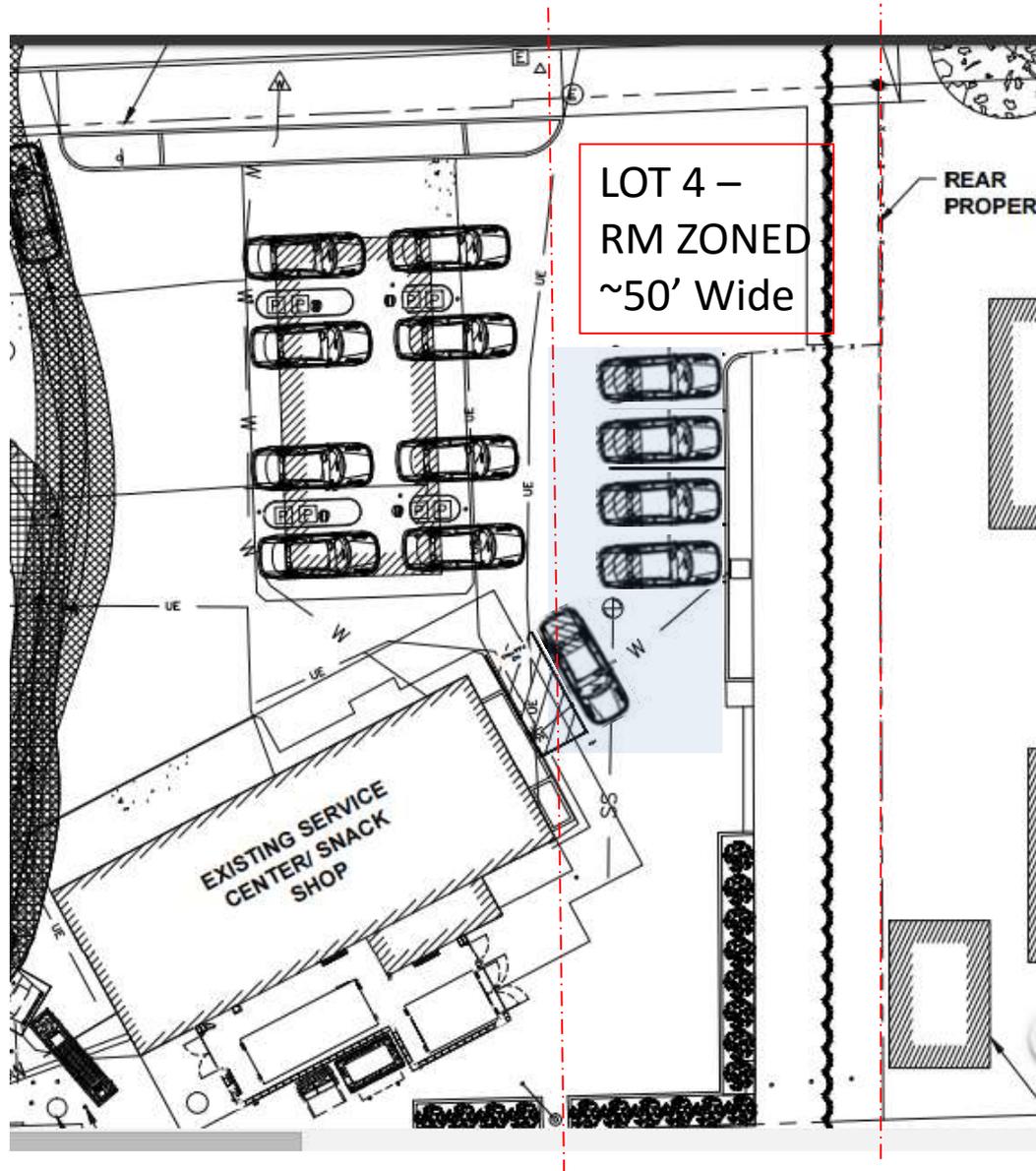
1/25/2016 PC Hearing Appeal of 1200 Fair Oaks Ave CUP Mod., item 5

**Issue : Further encroachment of CG activity into neighborhood**

## **Onsite Parking Summary**

- 2 of 5 proposed (Jan 13 2016 dated drawings) striped parking spaces are **illegal** per MC 36.360.020 A.
- 5 parking spaces is insufficient in quantity overall (3 is obviously worse)
- **Proposal eliminates 9 existing spaces** (indicated by concrete wheel stops), which will become 11 eliminated when code compliant. Existing parking spaces were eliminated due to H2 dispenser and NFPA required clearance, building space conflict.
- Present code requires **13+2=15** parking spaces per MC36.310.040 table 3-6

# Item 5 : All Parking Proposed on Lot 4 (was 1613 Monterey Rd) is ~50' Wide Easterly Strip and is Zoned RM



Drawing is from sheet A-18 (1/13/2016), with copied cars added into 5 proposed parking spots.

**Only 3** parking spots are allowed per SP P&B staff in Aug 1 2008 document.

**No parking zone on RM lot** should be marked as well.

Does this layout meet SP code parking design standards (aisle depth) requirements ? **36.310.080 Parking Design Standards.**

# Gas Station Parking Code needs to be *satisfactorily completed/met*

## Division 36.310. Parking and Loading

### **36.310.020 Applicability.**

- A. Each use and structure, including a change or expansion of a use or structure shall provide parking and loading areas in compliance with the provisions of this Division.
- B. A use shall not be commenced or expanded, and a new structure or expanded area shall not be occupied, until improvements required by this Division are satisfactorily completed.
- C. The provisions of this Section may be modified or overridden by initiative requirements, or by requirements of an overlay zoning district (see Division 36.2 Overlay Zoning Districts).
- D. As required by a 1983 initiative in the City of South Pasadena, no Variance to parking requirements shall be granted that reduces parking requirements by more than five percent.

(Ord. No. 2108 8-11)

“triggers” are : a) CUP MOD application and requested expansion of use per above, b) removal of majority of existing spaces, c) addition of new structure, d) increased traffic

# General Plan Amendment – rezoned lot 4 from Central Business District to RM (Dec 1976 Notice of Completion)

CITY OF SOUTH PASADENA  
1424 Mission Street  
South Pasadena, Ca. 91030

NOTICE OF COMPLETION

Com. Inaction Sheet for filing administrative regulations with the Secretary of State, pursuant to Government Code Section 11330.1.

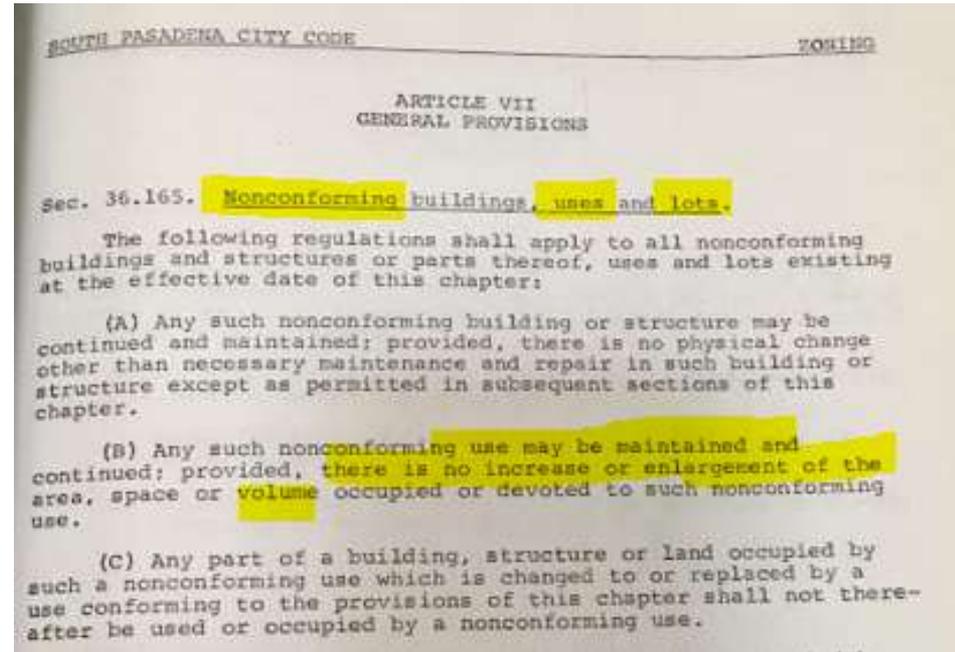
To: State of California  
The Secretary of State  
SECRETARY FOR RESOURCES  
1416 Ninth Street, Room 1311  
Sacramento, California 95816

Appendix C

Responsible Agency City Council, City of South Pasadena		Division	
Project Title General Plan Amendments			
Address 1424 Mission Street	City So. Pasadena	County L.A.	Zip Code 91780
Contact Person John Bernardi, City Engineer	Area Code 213	Phone 799-9161	Ext. 260
PROJECT DESCRIPTION OF NATURE, PURPOSE, AND SPECIFICITIES General Plan Amendments from Central Business District to Medium High and Medium Density Designations.			
Project Location City City of South Pasadena		Project Location County Los Angeles	
Time Period provided for review December 17, 1976 to January 19, 1977 Drawings Copy or Draft Map is available City Hall, 1424 Mission Street, South Pasadena, Ca.			
Noted 12/17/76 John Bernardi, City Eng.			

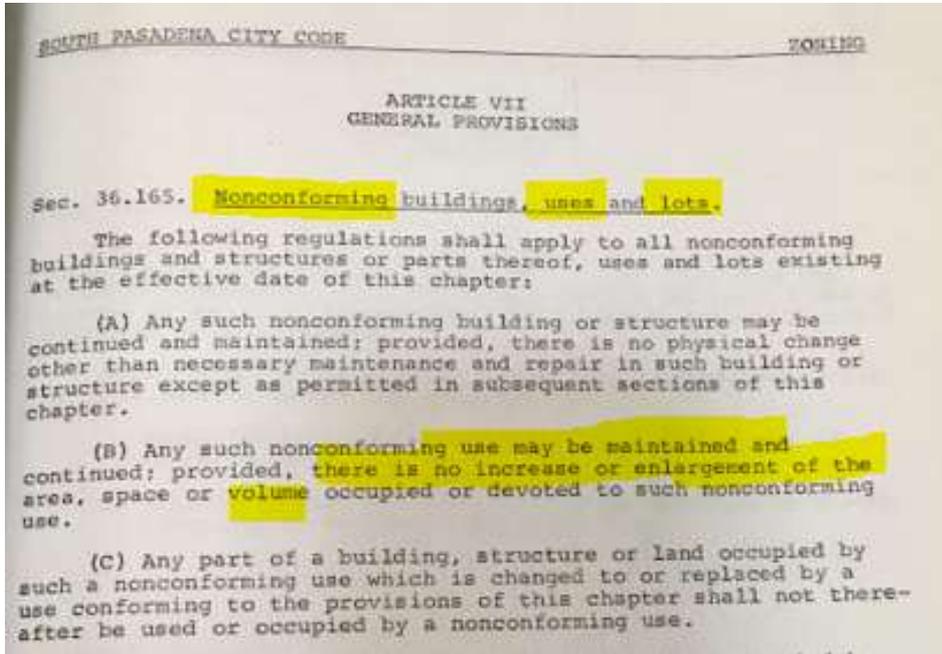
From Central Business District to Medium High Residential and Medium Density Designations.

## Nonconforming Lot Code (1973)

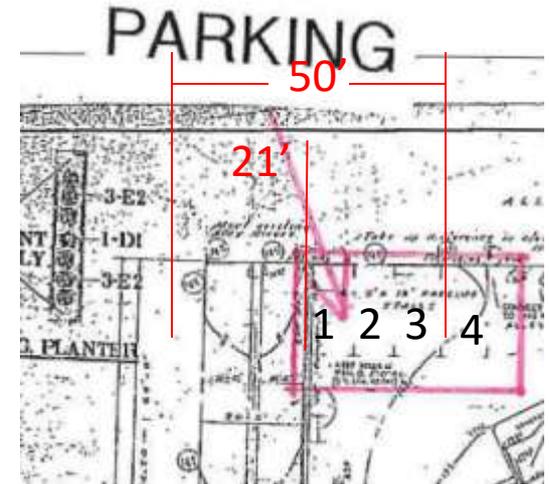


# No increased intensity of non-conformance on Lot 4 per SP MC, code was in existence before and after RM zone change, 3 spaces only

Chapter 36, adopted by ordinance 1639, on 8/1/1973,  
Effective Date 9/1/1973, section 36.165



1970 Lot 4 – 3 only spaces fit



3 spaces are  $3 \times 9' = 27'$  wide min

## Not using Lot 4

If the applicant elects not to pursue a General Plan Amendment and Zoning Map Amendment, the use of Lot 4 is restricted as it is zoned Residential Medium Density:

- No more than three parking spaces can be established (the same as established when the project was approved in 1971). This continues the existing legal nonconformity without intensifying the degree of nonconformity. All other required parking must be located on the other lots.
- No structures can be built (as the lot is zoned for residential use)

Source: SP Senior Planner, Paul Garnett  
Dated : August 1, 2008, page 2

# No increased intensity of non-conformance permitted on Lot 4 per SP MC 36.360.020 item A is still in effect

Present Code re:Legally nonconforming Lot 4 (easterly 50') **Division 36.360. Nonconforming Uses, Structures, and Parcels, see item 36.360.020 item A :**

## [36.360.020 Nonconforming Uses, Structures, and Parcels.](#)

The following provisions shall apply to all nonconforming uses, structures, and parcels existing as of the effective date of this Division:

*A. Continuation of use. Any nonconforming use may be maintained and continued; provided, there is **no increase or enlargement of the area, space, or volume occupied by or devoted to the nonconforming use.***

## **Comments :**

- 5 (4+1 ADA) proposed parking spots shown on most recent (for 1/25/2016 PC meeting) drawings are on RM zoned lot 4, this intensifies degree of CG non-conformity over 1971 CUP allowed parking and is not code compliant per 36.360.020, and this was in effect in 1973 and onward.
- 3 parking spots are allowed** on Lot 4 per the original CUP.
- 1990 plans **are not relevant/incorrect** as land zoning was already prohibiting addition of spaces/further CG activity and no legal authority exists to override

# Onsite Parking - # of required spaces per present code is 15

## 36.310.040 Number of Parking Spaces Required.

TABLE 3-6. (Continued) PARKING REQUIREMENTS BY LAND USE	
Land Use Type:	Number of Parking Spaces Required*
<b>Residential Uses (cont'd)</b>	
Independent living	1 covered space for each unit, plus 1 uncovered guest parking space for each 10 units.
Single-family housing	2 covered spaces. (2), (3)
<b>Retail Trade</b>	
Appliances, building materials, furniture, and hardware stores	2 spaces for each 1,000 sf.
Automobile, mobile home, vehicle, machinery and parts sales	1 space for each 1,000 sf, including outdoor display area.
Bars/nightclubs/dancing establishments	1 space for each 30 sf of dance floor area; 1 space for each 100 sf of bar/nightclub area.
Convenience stores	4 spaces for each 1,000 sf.
Gas stations (including multi-use stations)	2 spaces for each 1,000 sf plus 3 spaces for each service bay.
Grocery stores	4 spaces for each 1,000 sf.

$2x (\sim 3000/1000) \text{ sf} + 3 \times 3 \text{ bays} = 6 + 9 = 15$  spaces required per existing code.

Assumed a loading spot is not required, trucks park in NW corner and in lot 4 now.

# Feb 23 2015 PC Staff Report states 11 current parking spaces

Fair Oaks Avenue is on the western side of the subject site where there are two vehicular entrance/exit ramps. Monterey Road is on the northern side of the gas station where there are two additional entrance/exit ramps. There is no vehicular access from Pacific Alley which

2/95

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Planning Commission Staff Report  
1200 Fair Oaks Avenue  
February 23, 2015

- 3 -

borders the southern property line. Parking spaces are not identified with painted lines; however, there are concrete wheel stops suggesting 11 spaces on site. According to the approved site plan from 1970, four parking stalls are shown at the south eastern corner of the

## 2.b. Parking

The original plan from 1970 identified four parking spaces. A site plan from 1990 indicates five parking stalls with the addition of a space for the disabled. According to the current zoning requirements, the gas station is required to provide eight parking spaces. The parking calculation is based on two spaces per 1,000 square feet, and two spaces for each service bay. The 2,000 square foot building with three service bays would require eight parking spaces. The applicant will re-stripe the parking areas to include eight standard sized spaces.

# Proposed onsite parking is 21-35% of existing spaces

-The 4 existing parking spaces below (plus the air/water parking area) used in SW below have been eliminated/displaced by H2 dispenser location as per submitted drawings. In total, this proposal **eliminates 9 (or 11 if legal) existing spaces** as marked by existing concrete wheel stops. Mechanics park next to building, not using these 4 (5) spaces now



Only 3 parking spaces legally allowed in lot 4, and has been well known/ noted in the past

## Not using Lot 4

If the applicant elects not to pursue a General Plan Amendment and Zoning Map Amendment, the use of Lot 4 is restricted as it is zoned Residential Medium Density:

- No more than three parking spaces can be established (the same as established when the project was approved in 1971). This continues the existing legal nonconformity without intensifying the degree of nonconformity. All other required parking must be located on the other lots.
- No structures can be built (as the lot is zoned for residential use)

Source: SP Senior Planner, Paul Garnett  
Dated : August 1, 2008, page 2

SW Corner Parking, qty 5 occupied spaces, – Feb 18 2016 AM



East side Parking, qty 6 or 7 spaces occupied, – Feb  
18 2016 AM Thursday

February 18



# Monterey Rd Parking— past Saturday 11:12 AM (west of Brent Ave)



Not one space available



# Brent Ave Parking– past Saturday 11:12 AM



one space  
available

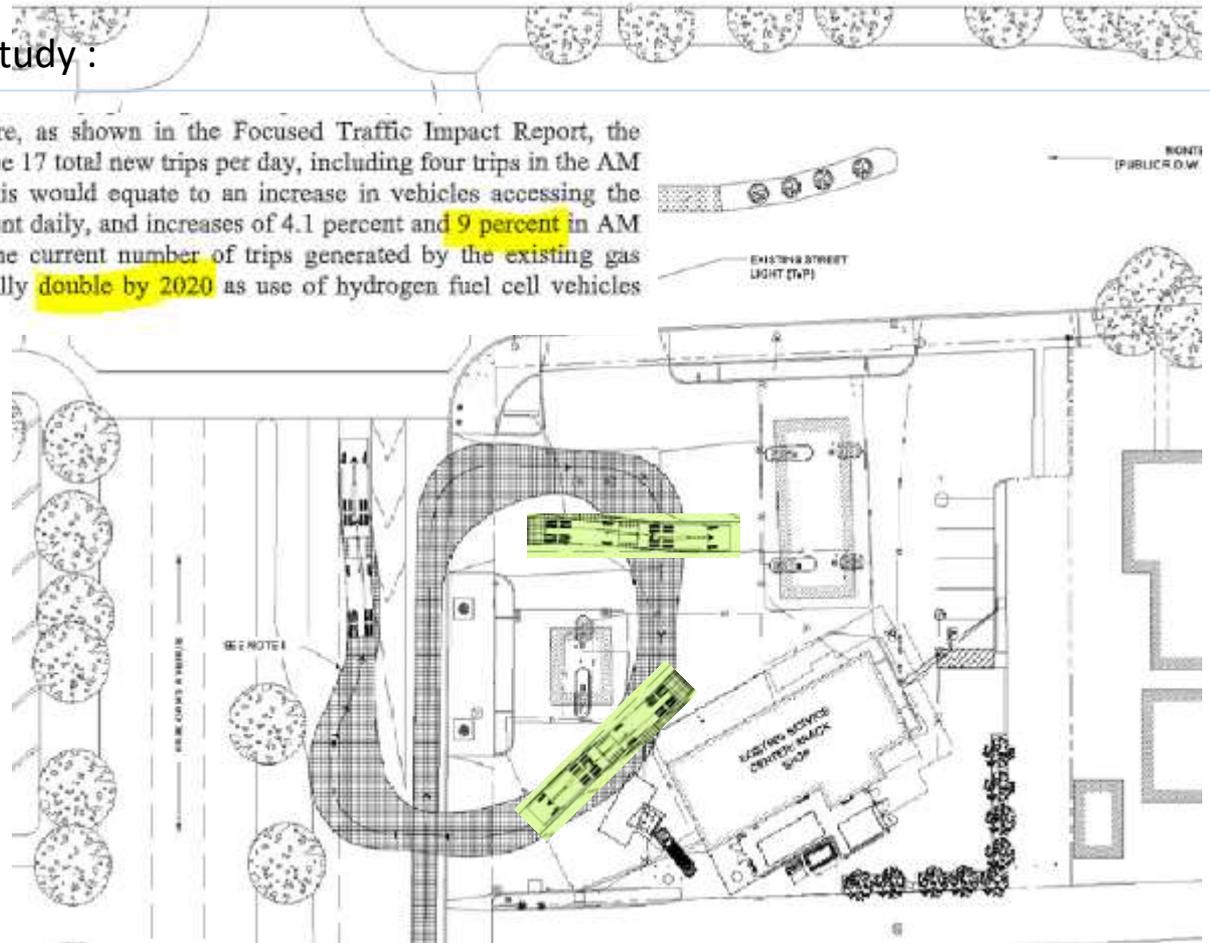
# -Onsite Parking pattern with Traffic Flow w Trailer, -Increase traffic to 18% of PM peak per study

The H2 tube trailer will occupy a significant space while refilling H2 tank, in a 12 hour span (7AM-7PM) start every 6 of 7 days (0.86), is ~3 car lengths long and would be present for ~1 hr/trip. (space x time factor is 3x 12=24x of passenger car). This **forces new traffic pattern** away from SW corner.

From pg 37 of MND /traffic study :

applied to the estimated truck trips. Therefore, as shown in the Focused Traffic Impact Report, the estimated trip generation of the project would be 17 total new trips per day, including four trips in the AM peak hour and ten in the PM peak hour. This would equate to an increase in vehicles accessing the existing gas station of approximately one percent daily, and increases of 4.1 percent and 9 percent in AM and PM peak hour trips, respectively, over the current number of trips generated by the existing gas station. These trips are anticipated to potentially double by 2020 as use of hydrogen fuel cell vehicles increases.

Traffic pattern on 1/13/16 Drawings is different than This – which is correct ?



# Parking Spaces Table

1200 Fair Oaks Ave Parking Spaces Table								
Time	Descriptor	Date	On Lot 4-RM	not on lot 4	Drawing	Proposed	Spaces	Reference
				on south side	Shows	Eliminated	Total	
	Original approved CUP	1970	3	1	4	-	4	SP staff 8/1/2008, pg 2, only 3 fit in 28-29' width (of 50')
	Showing on approved plan	1990	5+1		5+1	-	6	SP zoning code at this time would <b>not</b> legally allow this
	Feb 23 2015 First Element PC Application submission calculation	Feb 2015	5	3	-	-	8	2/23/2015 application in PC agenda, used incorrect code reference quantity and then incorrect math
	Existing spaces indicated by concrete wheel stops + ADA painted space	Dec-15	5+1+2	4+2	-	-	14	Physical observation, 11 reported on 2/23/15 PC staff report
	Present code SPMC Required table 3-6 , existing station	Dec-15	-	-	-	-	13	3 bays x3/bay + 2* 2/1000 ft^2 *2 (1k ft^2)=9+4=13
	Proposal per drawing 1/13/16 showing striped spaces	Dec-15	5	-	-	9	5	9 existing spaces are proposed to be eliminated. 2 of 5 proposed are illegal
	Presently legally allowed on lot 4(RM)	1976 -now	3	-	5	5	3	11 existing spaces are proposed to be eliminated if code is legally/properly applied
	Present code SPMC Required table 3-6 , with H2 structure addition (+1000 ft^2 structure)	now	3				15	12 spaces short of present code,11 existing spaces to be eliminated

# Summary

1. Onsite parking needs to be addressed per zoning code **36.310.020**, and as attempted in 2/23/2015 PC report.
2. Maximum number of allowed parking spaces on lot 4 is **3**, per original approved plan and 1973 year code 36.165 (and later code derivative in 1990) as noted in the SP planning staff 2008 report.
3. **3 spaces** is insufficient, can just accommodate the minimum/basic employees' cars (with no planned space for parking of vehicles being serviced, no customer parking, nor customer use of ADA)
4. Should **add 'NO Parking'** striping notation as appropriate
5. There is a proposed **reduction of 9 existing parking spaces**, and to be legal this count will increase by to 2 to **11 spaces eliminated**.
6. Space count by present Code **requires 15 spaces**. The reduction of parking spaces and lack of spaces forces parking into RM areas and neighboring area and needs to be addressed properly and is unfair burden/imposition to neighborhood regardless. Absolute min required spaces is 6, 4 from original CUP plus 2 for new added 1000 ft<sup>2</sup> structure.
7. Site as **proposed is NOT sufficient in size** to handle any more traffic than present site and can only accommodate significantly (~1/5 to 1/3) fewer parking spaces, but nevertheless we believe there is a workable plan.

# 1200 Fair Oaks Ave Code Violations

per City Code Violations must be corrected prior to CUP approval.

1. Per Public Records **request no building/electrical work permits** issued for known work since 2011 (to 11/2015):
  - a) all **new Arco fuel dispense pump installations** in October 2012, which is absolutely required by NEC, and b) later second upgrade on pay portion. Included trenching.
  - b) Roof repairs from Oct 2012 on– also part of item a) on canopy and then later on service station, replaced plywood sheathing in some sections. See photo
  
2. Original MC, pg 62 \_Ordinance 1545, dated June 18 1969
  - a) 36.92-1.9.8 **Lighting**, *All outside lighting shall be so arranged and shielded as to prevent glare or reflection, .... on adjoining streets or properties... /*

IN 2009, Plan was to temporarily install shields and then replace canopy lighting, was part of PC meeting outcome in Sep 2009 – where it was agreed previous owner would replace (eventually) and temporarily put up light blocking shades for canopy lighting. Shields placed on East side of East canopy in 2010, fixed in Dec 2015. West canopy still unacceptable high glare. Could also install diffuser. Anthony George was architect of record in 2008-2009.
  - b) 36.92-1.7, Separation walls, .. *A **six foot high solid masonry wall** /* replace south end of wall that is not solid (missing) with same slumpblock, see slide) Wall is below 6” and was never to code for ~half of length. Illegal is still illegal – change of zoning does not make this wall legally non-conforming (unless want to move 29’ West and rebuild). Half of wall height should increase to more than min 6’, up to 8’, as traffic increase predicted by H2 alone to increase by 18%. Code requires solid infill.
  
3. Removal and trimming of tree(s) without permit – and subcontractor/worker does not have permit on file with SP city
  
4. MINOR\_ Repair/replace sprinklers that water hardscape\_ sidewalk and street – has been ongoing issue

# 1a) No permit (per City) for Pump Installation and Roof Work

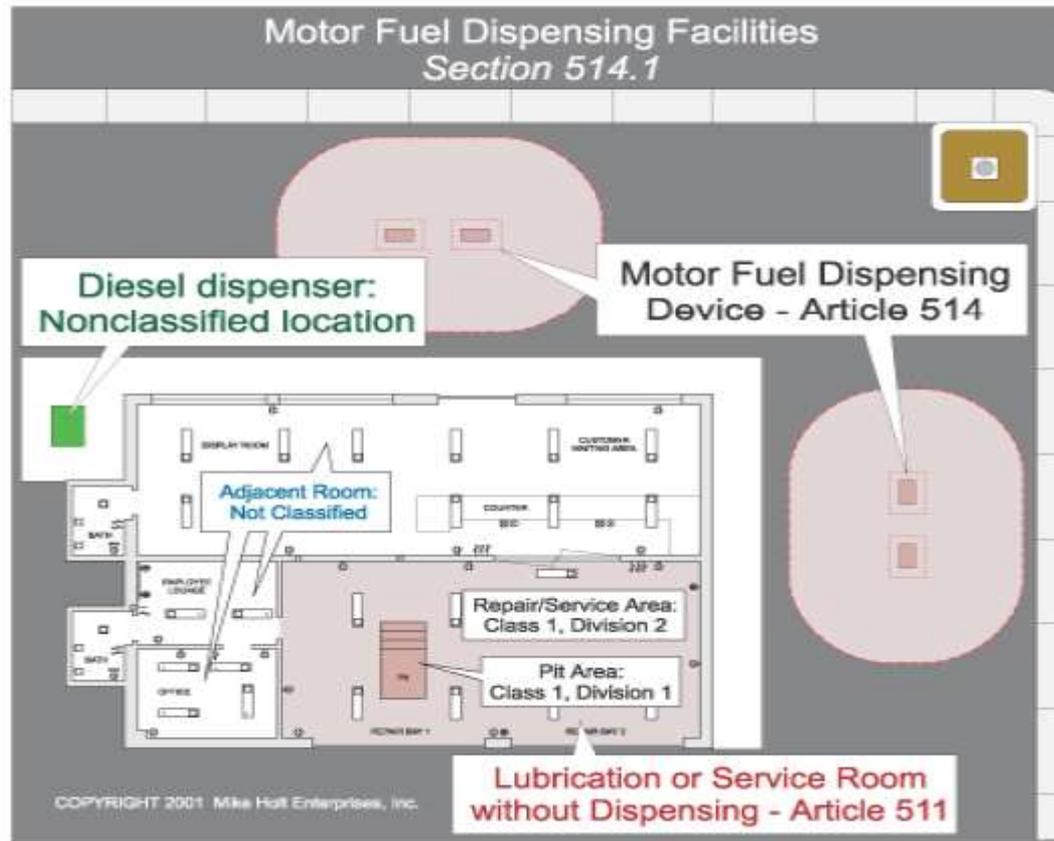
## Work

Oct 6 2012



# Gas Dispenser Installation, Class 1 fuel dispense location NEC 514, requires permit

Class I Overall, Division varies



## Existing Canopy Lighting does not meet CUP condition 36.92-1.8, creates nuisance glare

“Nuisance glare” means glare that (A) creates an annoyance or aggravation but does not create a potentially hazardous situation, or (B) creates an annoyance or aggravation that impairs or impedes a person’s right of quiet enjoyment of his/her property.

### Method of Characterization of “glare” by Los Angeles Building Code, Section 93

#### **SEC. 93.0117. OUTDOOR LIGHTING AFFECTING RESIDENTIAL PROPERTY. (Amended by Ord. No. 163,211\*, Eff. 3/7/88.)**

(a) The provisions of this section shall **apply to any exterior light source**. A light source, as used in this section is a bulb or tube light emitting device, and not a light fixture containing several bulbs or tube light emitting devices.

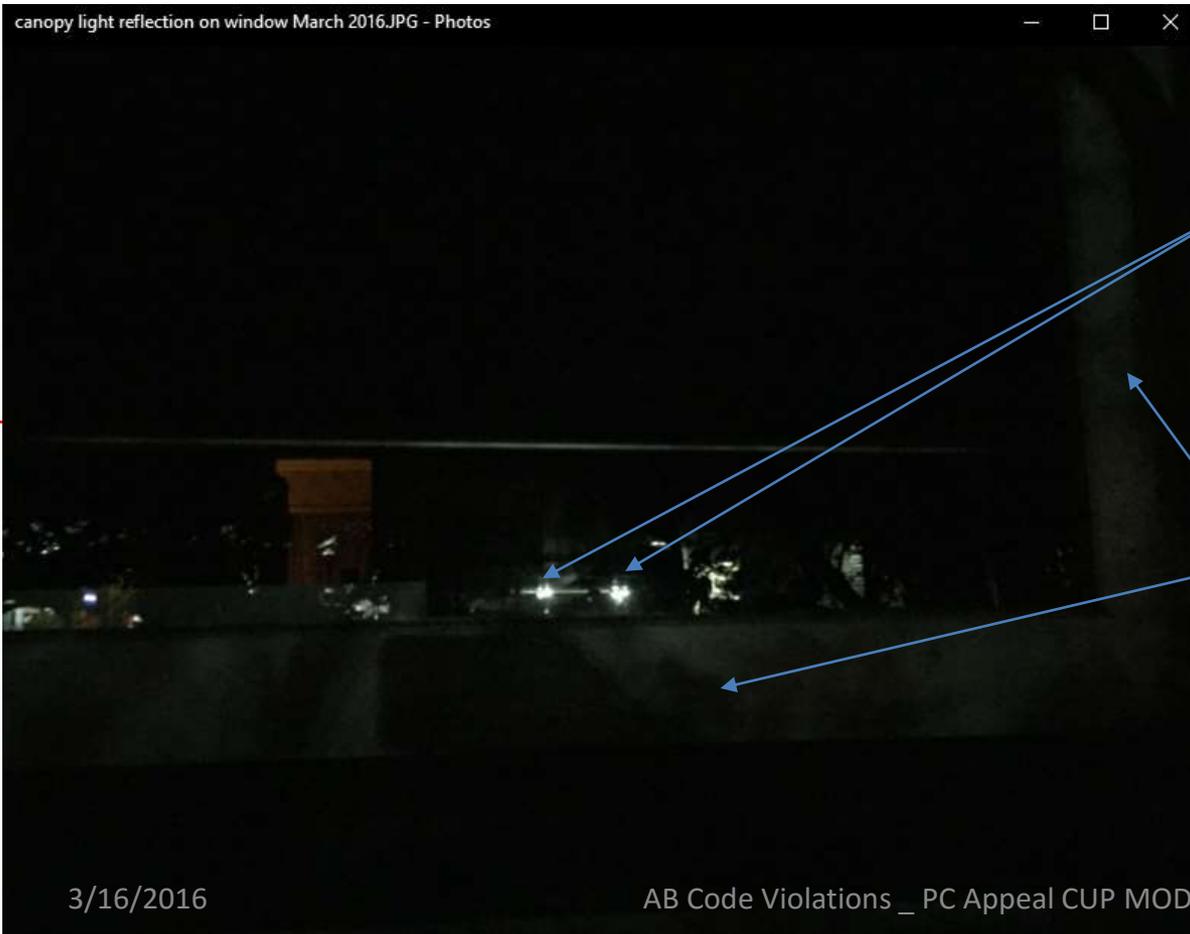
(b) **(Amended by Ord. No. 171,858, Eff. 1/23/98.)** No person shall construct, establish, create, or maintain any stationary exterior light source that may cause the following locations to be either illuminated by more than two footcandles (21.5 lx) of lighting intensity **or receive direct glare from the light source:**

- 1. **Any exterior glazed window** or sliding glass door **on any other property containing a residential unit** or units.
- 2. Any elevated habitable porch, deck or balcony on any other property containing a residential unit or units.
- 3. Any ground surface intended for uses such as recreation, barbecue, or lawn areas on any other property containing a residential unit or units.

<https://law.resource.org/pub/us/code/city/ca/LosAngeles/Municipal/chapter09.html>

Existing Canopy Lighting does not meet CUP condition 36.92-1.8, creates nuisance glare

Measure of reflection/glare - Picture of West side canopy light reflection off exterior of kitchen window.



Light glare/reflection of West side canopy  
Light source

Wood kitchen window  
frame

## Canopy Lighting -has excessive glare.

east side canopy lights have sheet metal warp on one side to act as cutoff  
(We should **not see the source of the light**)

Original CUP Condition

36.92-1.9.8 **Lighting**, *All outside lighting shall be...*

Sec. 36.92-1.8. Lighting.

All outside lighting shall be so arranged and shielded as to prevent **any glare or reflection**, and **any** nuisance, inconvenience, and hazardous interference of **any** kind on adjoining streets or property.

Removed large “significant” (~29”diam) Tree without permit – in anticipation of construction

1200 Fair Oaks Ave – Palm tree removal in summer 2015, in SW corner



- i) was a tree removal permit issued? ~diameter 28-30"
- ii) Is subcontractor licensed in SP? (And have a state contractor’s license per SP MC 34.4 item 4)
- iii) Where will replacement trees be placed? Tree count per 34.12 a or c if no permit was issued.
- iv) This was done **after plan change** for Hydrogen station equipment CUP mod request was moved to SW corner of station – for **construction preparation**, does MC section 34.12 c) apply?

2

Was Ca live Oak that was chopped in SE corner permitted ?

# Storage and Screening of Equipment

South Pasadena Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames
<a href="#">CHAPTER 9 BUILDINGS</a> <a href="#">ARTICLE VIII. MAINTENANCE OF BUILDINGS AND LOTS</a>							

## 9.100 General conditions.

The presence of any one or more of the following conditions on property constitutes property blight:

- (a) Any condition that is detrimental to the public health, safety or general welfare or that constitutes a public nuisance as defined in California Civil Code 3480;
- (b) Any condition of **deterioration or disrepair** that creates a **substantial adverse impact on neighboring** properties. (Ord. No. 2116, § 1.)



## 9.78 (c) All macadam needs to resurfaced

Recent Improvements : South guard rail has been painted and holes in macadam have been patched, steel rods removed from guardrail posts, and cinder blocks removed from roof (and other elsewhere)

Much of this could south side can be addressed by (appropriate) new structures

Was leftover from use as Alley to provide (?)visual clearance (one direction only and less useful)

**36.300.070 Screening.**

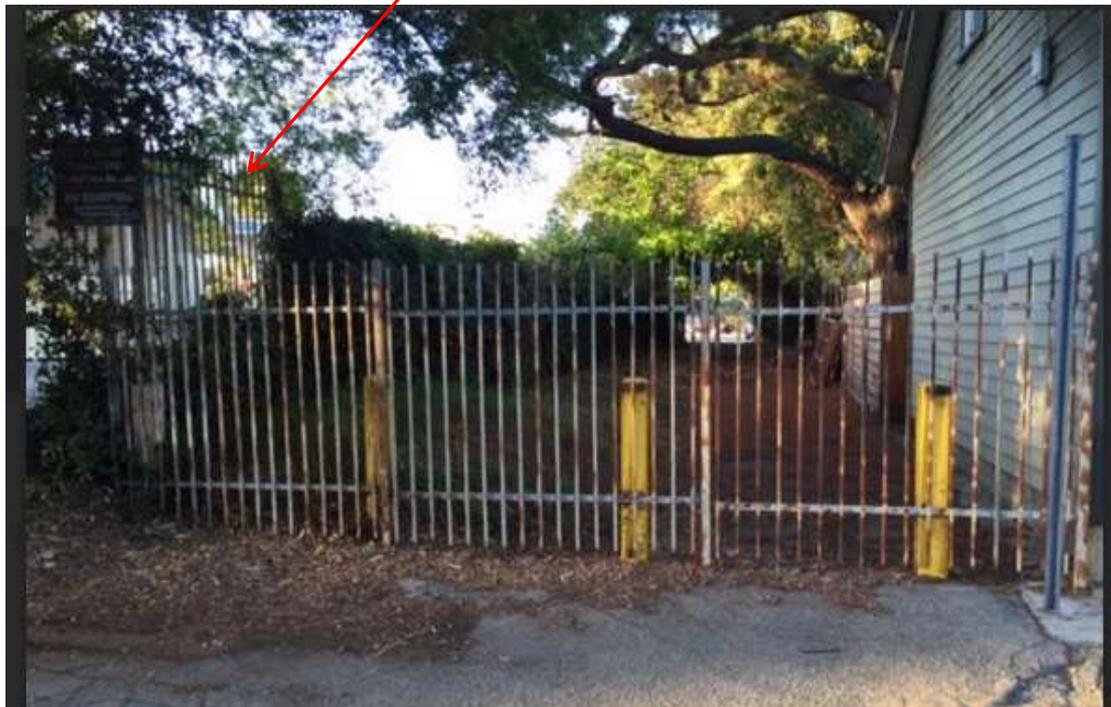
This Section establishes standards for screening between land uses, and the screening of other potentially unsightly features of development.

- A. Design Review required. The design and installation of each screening measure required by this Section shall require Design Review approval (Section 36.410.040).
- B. Screening between different land uses. An opaque screen consisting of plant material and/or a solid, decorative masonry wall or wood fence, a minimum of six feet in height, shall be installed along parcel boundaries whenever a nonresidential use adjoins a residential zoning district. The maximum height of the wall shall comply with the provisions of Section 36.300.050 (Walls, Fences, and Hedges). The design of the wall shall be compatible with adjoining structures and the adjacent neighborhood, subject to approval by the appropriate Review Authority.

Original (1969) wall code was 36.92-1.7

**Sec. 36.92-1.7. Separation Walls.**  
1. Where a service station adjoins property in a residential zone, a six-foot high solid masonry wall (measured from the high side) shall be constructed on common property lines in all cases except where such a wall is already in existence on the adjoining lot.

City had height reduced



Items 3 & 4 of Required CUP findings of SP 36.410.060 have not been met, due to inadequate safety (multiple phases) related info/data for H2 related operation/equipment.

3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The proposed use will not be detrimental to the adjacent properties or the public welfare. The hydrogen fueling facility would be consistent with the existing gas station and the other auto-oriented uses along the lower Fair Oaks Avenue corridor

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1200 Fair Oaks Avenue

P.C. Resolution No. 16-  
Page 3 of 4

The business will be closed between the hours of 12 am and 6 am. The hydrogen storage tank and associated equipment will be screened on four sides with a concrete masonry wall behind the existing service station building. Furthermore, mitigation measures were prepared for the environmental issues that were deemed potentially significant in the Initial Study/Mitigated Negative Declaration. Compliance with the conditions of approval and the Mitigation Measures are necessary to protect the public's health, safety, and welfare. As such, the establishment, maintenance and operation of the proposed use would not be detrimental to the health, safety or general welfare of persons working or residing in the neighborhood.

4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

The applicant is subject to the conditions of approval imposed by the City's Planning, Building, and Fire Departments. Specific conditions are designed to protect the public's safety. The hydrogen generation, compression, storage and dispensing systems will be monitored to ensure there are no leaks or fires through the use of safety features that have been engineered into the project design. The proposed Hydrogen Fueling Station is designed to be fully automated with minimal attention. Therefore, the proposed application would not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

# The Safety Aspect of the Hydrogen Fueling Station Project

## Who am I?

- Mary Heuges
- Reside at 1617 Monterey Rd, South Pasadena
- 19 year resident of South Pasadena and owner of property adjacent to Arco, on Monterey Road, east side
- Board Certified Safety Professional with over 20 years of experience in design, engineering, process safety and worker safety of industrial gases, including hydrogen systems.
- I happen to be an employee of Air Products, but am in no way affiliated with Air Products as it relates to this project.
- I have presented on this issue at past Planning Commission meetings, see minutes for reference

## Discussion topics

- Requirement for high level of regard concerning safety aspects of hydrogen operations
  - Number of entities involved invites confusion of roles, responsibilities
  - Incidents do happen
- NFPA 2 compliance
- Questions unanswered and/or complacently answered
  - Hazard review
  - Emergency Drills
  - Mechanical Integrity
  - Incident Investigation

## Requirement for high level of regard concerning safety aspects of hydrogen operations

- From hydrogentools.org, Best Practices
  - ‘The importance of avoiding complacency and/or haste in the safe conduct and performance of projects involving hydrogen cannot be overstated.’

## Definition of complacency from merriam-webster.com

### complacency

*noun* [ -com-pla-sen-si / -sən-si ]

#### Simple Definition of COMPLACENCY

[ˈkɒmpləˈsɛnsɪ]

: a feeling of being satisfied with how things are and not wanting to try to make them better : a complacent feeling or condition

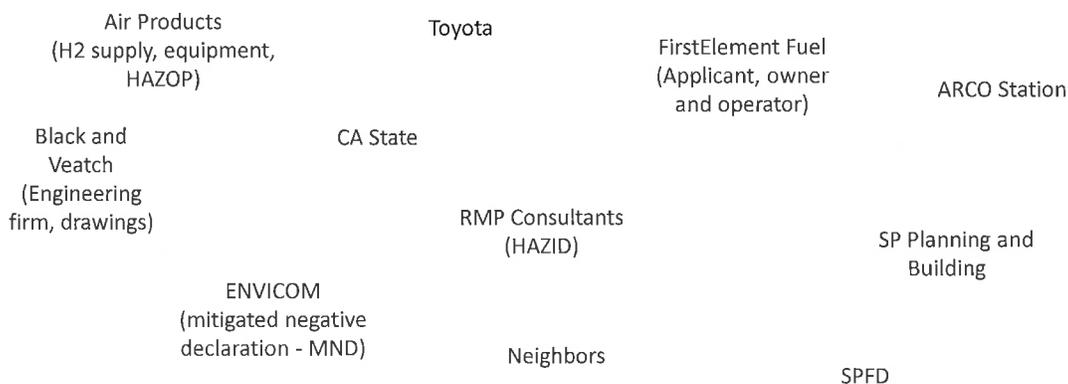
#### Full Definition of COMPLACENCY

*plural* **com-pla-cen-cies**

1 : self-satisfaction especially when accompanied by unawareness of actual dangers or deficiencies

Another way to look at this is ‘checking the box’

The number of entities involved leads to confusion and sloppy work as responsibilities are delegated



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## CA State

- Hydrogen Permitting Guidebook, page 22;
- 'Before proceeding through the detailed information in this section, the reader should be aware that there are a number of opportunities to overwhelm the hydrogen station development process with information. A complex permit application may address any questions that might arise, but also greatly increases the amount of time required to review and approve a package. Each jurisdiction is different, but as a rule of thumb, the best permit applications are concise to make each department's review as simple and straightforward as possible.'
- Seems to encourage complacency and haste

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## FirstElement Fuel

- Not much experience in operating and maintaining hydrogen fueling stations
- No mention of EHS
- From website Firstelementfuel.com
  - CEO – ‘is responsible for implementing the vision of FirstElement Fuel, including corporate strategy and product planning. He brings vast experience and skills in marketing, improving the customer experience, growing markets, and managing customer incentive programs.’
  - COO – ‘His responsibilities include technology oversight, project management, and business planning, including growing FirstElement Fuel's network of hydrogen stations.’
  - CDO – ‘he is in charge of investments, business development, government/policy issues, and overall growth of the company’

- ARCO Station
- History shows this gas station has had difficulty complying with electrical code and zoning code
- Contractors used for projects have not followed safety guidelines
  - Installation of fuel pumps with no permit
  - Tree trimming and removal, unpermitted, in a way that posed a serious risk to the laborer and risk to general public
- Black and Veatch
- Drawings done with odd scale, misrepresentations, generally not for architectural use as Commissioner Dahl pointed out in Dec 10 2015 PC meeting.
  - Missing windows
  - Spanish tile not correct
  - No separation wall shown
  - Etc.

- RMP Consultants
- Performed HAZID as a supplement to Air Products HAZOP.
- HAZID is by definition a detailed, site specific review
  - HAZID team make up did not include residents or station operators, yet drew conclusions on their behalf
    - Team member makeup is not public
  - Was HAZID updated when location of project siting and equipment changed?
- City of South Pasadena Planning Commission
- No prior experience with project of this nature
- Does not know what to look for in documents or how to review them
  - Due to the number of discrepancies, corrections, the planning review seems to be a box checking exercise

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## ENVICOM

- The use of 'combustible' instead of 'extremely flammable' to describe hydrogen downplays the safety concern
- From Air Products Hydrogen Safety Data Sheet

### 2. HAZARDS IDENTIFICATION

GHS classification

Flammable gases - Category 1  
 Gases under pressure - Compressed gas.

GHS label elements

Hazard pictograms/symbols



Signal Word: Danger

Hazard Statements:

H220:Extremely flammable gas.  
 H280:Contains gas under pressure; may explode if heated.  
 May displace oxygen and cause rapid suffocation.  
 May form explosive mixtures in air.  
 Burns with invisible flame.

Hazards not otherwise classified

Burns with an invisible flame.  
 Can ignite on contact with air.  
 High pressure gas.  
 Can cause rapid suffocation.  
 Extremely flammable.  
 May form explosive mixtures in air.  
 Immediate fire and explosion hazard exists when mixed with air at concentrations exceeding the lower flammability limit (LFL).  
 High concentrations that can cause rapid suffocation are within the flammable range and should not be entered.  
 Avoid breathing gas.  
 Self contained breathing apparatus (SCBA) may be required.

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**ENVICOM** page 97 of packet changes wording from 'Potentially Significant Unless Mitigation Incorporated' to 'Less than Significant with Mitigation' – why? Downplay again?

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b. **Less than Significant with Mitigation.** The project would install a hydrogen fueling facility at an existing gasoline service station. The facility would require delivery of hydrogen by truck, approximately six times weekly, with an on-site hydrogen fuel storage module, a compressor, and a hydrogen fuel dispenser for consumer use. Mitigation measures as well as regulatory and design features have been incorporated to reduced potential hazards. With implementation of Mitigation Measure HAZ-1, potential impacts would be reduced to a less than significant level, as discussed below.

c. **Less than Significant with Mitigation.** The project is located within one-quarter mile of public and private schools, the closest of which is South Pasadena Middle School located approximately 0.16 miles south of the project. Other schools located within one-quarter mile of the site (between 0.16 and 0.25 mile) include Marengo Elementary and South Pasadena Senior High School. The HAZID report noted that modeling for dispersion and for how heat radiation was conducted and the analysis indicated

Incidents do happen  
leaks, fires, explosions

## Incidents do happen

- Lessons Learned from a Hydrogen Explosion, Jan 8 2007
- *On January 8, 2007, a hydrogen explosion at the Muskingum River Power Plant's 585-MW coal-fired supercritical Unit 5 caused one fatality, injuries to 10 other people, and significant damage to several buildings. The explosion occurred during a routine delivery of hydrogen when a hydrogen relief device failed, which allowed the contents of the hydrogen tank to escape and be ignited by an unknown source (MCH comment – this is the effect of the surroundings on the facility). This article covers the findings of the incident investigation and the actions the plant has taken to prevent a reoccurrence.*
- Hydrogen is used at the Muskingum River plant to cool the unit generators, McCullough explained. He described the standard operating procedures for the delivery of hydrogen to Unit 5.
- "After checking in with the plant security, the vendor's driver had sole responsibility for the task of unloading the hydrogen," he said. "The vendor delivered hydrogen approximately once or twice a week and had a blanket contract for hydrogen at the plant for many years." McCullough characterized the vendor as "a self-described 'expert at designing, building and safely operating gaseous hydrogen plants,' [that] provided its own procedures for unloading hydrogen."
- Despite the routine use of hydrogen at the plant, plant personnel still had to use caution handling the substance because of its inherently hazardous properties (see sidebar). Hydrogen is the lightest element and is highly flammable.
- "Normally, the device has a fusible bismuth plug that holds the coin-shaped disc in place until temperatures exceed 180 degrees. The device had been replaced by the hydrogen vendor several months prior, when the vendor was on-site to make repairs related to an apparent leak. The replacement relief device assembly did not have a fusible plug to support the disc."
- When the rupture disc failed, the disc, or a piece of fusible plug left in the vent pipe during the replacement several months prior to the explosion, penetrated a bend in the piping, permitting the hydrogen to vent lower down in the area of the tanks as well as up the normal vent path, McCullough explained.

## Lessons learned from incidents listed on hydrogentools.org

- **Hydrogen cylinder leak (laboratory not fueling station)**
  - Probable cause – equipment failure
  - Contributing factors
    - Changes in procedures, equipment or materials, human error, training issue
  - Some of the Lessons learned
    - Hazard analysis should consider potential leak locations, potential ignition sources in the vicinity, and the potential for accumulating flammable gases in that area.
    - This event would have been avoided if personnel had followed internal procedures/requirements
- **Fire at hydrogen fueling station**
  - Probable cause – equipment failure
  - Contributing factors
    - Not given
- **Hydrogen cylinder leak at fueling station**
  - Probable cause – equipment failure
  - Contributing factors
    - Human error, situational awareness

## Hydrogen Fueling Station incidents

hydrogentools.org lessons learned

- Leak on compressor at fueling station
  - Probable cause – equipment failure
  - Contributing factors – none listed
- Pressure relief device fails at fueling station
  - Probable cause – deficiency in procedures, equipment failure, manufacturing defects, material incompatibility
  - Contributing factors – communication, inadequate management of change...
- Hydrogen leakage from ground packing of flow control valve
  - Probable cause – inadequate maintenance
  - Contributing factors – incomplete operating and maintenance procedures

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## Safe Operation and Maintenance is Critical

- Experience and diligence in proper operating and maintenance procedures, and ensuring the strict compliance with such procedures, is absolutely necessary
- Complacency must not exist in the operation and maintenance of a hydrogen fueling station
- There is no history or data supporting safe operation and maintenance from FirstElement

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## NFPA 2 maintenance requirements

- Has the system been reviewed for intakes (in new location)? There are two windows on the west side ~10 feet from dispenser
- Where is SPFD approval?
  - It has been stated publically in PC meetings that it has been approved, yet requests from the public for the information have been denied

## Hazard Review (for requirements see NFPA 2 10.2.1.2)

Hazard Analyses should follow  
 Cal OSHA General Industry Safety Orders, Control of Hazardous Substances,  
 Hazardous Substances and Processes, 5189 Process Safety Management of  
 Acutely Hazardous Materials

- (2) The hazard analysis shall address:
- (A) The hazards of the process;
- (B) Engineering and administrative controls applicable to the hazards and their relationships;
- (C) Consequences of failure of these controls;
- (D) Facility Siting;
- (E) Human Factors;
- (F) A qualitative evaluation of a range of the possible safety and health effects of the failure of controls on facility employees; and
- (G) The identification of any previous incident which had a likely potential for catastrophic consequences in the workplace

## FE response to Oct 25 2015 question regarding hazard review team makeup and proximity to population and social issues

- (MH) Hazard review team members - Who represented gas station employees/residents?
- (FE) 'Neighbors and attendants that do not have an active role in operations are not used as members of a HAZID/HAZOP Team. There are other means and methods (e.g. public Planning Commission meetings, the CEQA process) to address concerns of people not actively involved in the project.'
- (MH) 'Proximity to population' comment from HAZID is 'no further risk reduction was required' and 'Social issues-local population, local attitude, social/cultural areas of significance' state 'no significant issues.' Who represented residents in this comment?
- (FE) 'Neighbors and attendants that do not have an active role in operations are not used as members of a HAZID /HAZOP Team. There are other means and methods (e.g. public Planning Commission meetings, the CEQA process) to address concerns of people not actively involved in the project.'

## From RMP Consultants HAZID letter to ENVICOM, Sept 17 2015

- (RMP) 'RMP has made every reasonable effort to perform the work contained herein in a manner consistent with high professional standards. However, the work is dependent on the accuracy of information provided by **FirstElement Fuels**. In addition, RMP regards the work that it has done as being advisory in nature. The responsibility for use and implementation of the recommendations contained herein rests entirely with FirstElement Fuels.'
- (RMP) 'Regarding levels of risk discussed in Air Product's HAZOP Study, there were no risk levels identified; as the information involving these vendor packages is highly confidential in nature, the HAZID Team was unable to adequately diagnose risk levels to a specificity that would provide tangible results and recommendation criterion.'
- (RMP) 'Unfortunately, the hydrogen fueling industry is relatively young, and most reliability data necessary for a proper hazard review is not available, so likelihood rankings (necessary for overall risk ranking determination) is difficult.'

(MH) They discounted their HAZID!

## FE response to questions raised by ENVICOM From RMP Consultants HAZID letter, Sept 17 2015

- **Process Hazards**
- (ENVICOM) High pressure (HP) from compressor can challenge rating of high pressure vessel (HPV) – HAZID team believes the HP is within design allowance, but HPV's do fail, please discuss safeguards and assign risk level.
- (FE/RMP) 'This scenario has been augmented as part of the reissued HAZID to expand on the Team's thoughts.'

## From the reissued HAZID

- What if - Loss of Containment - Abnormal pressure/ temperature/ flow/ phase/ composition/ of a significant concern; Shutdown of a downstream unit
- Consequence - Increased pressure from the Compressor (maximum discharge is 15000 psig), potential to challenge the rating of the High Pressure Vessel (13500 psig). Potential to damage flanges or Vessel and release. Potential fire and exposure risk.
- Safeguards
  - Dual hydrogen monitors, set at 25% hydrogen concentration, that are configured with one-out-of-two (1oo2) voting to shut down the Hydrogen System on high hydrogen concentration detection.
  - Real-time monitoring for leaks to a centralized location, which has remote-stop capabilities.
  - System is isolated by walls (8'6), which would deflect hydrogen upwards.
- Comment - The Team noted that the maximum overpressure scenario would still be within safe design allowances, and does not expect any release, even in a maximum discharge scenario. If there were a release, it would be a small leak at a flange (or other weak point) rather than a catastrophic vessel failure.
- (MH) Is this true? The compressor has a maximum pressure output that exceeds the rating of the vessel and the safeguards are reactive, after a leak has formed? What are the safe design allowances?

## FE response to questions raised by ENVICOM From RMP Consultants HAZID letter, Sept 17 2015

- **Maintenance Hazards**
- (ENVICOM) Scenarios should include potential for multiple failures of subsystems.
- (FE/RMP) No double failure was conducted. This is not standard in these types of systems.
- (ENVICOM) Are bypasses needed? This was not clear from the limited discussion.
- (FE/RMP) Bypasses are not needed in the System; the reissued HAZID clarifies this point.

## From the reissued HAZID

- **Maintenance Hazards**
- What if - Override Necessity - To conduct instrument proof tests
- Causes - Override is available in manual mode, which has its own procedures to ensure safe operation and return to automated state.
- (MH) Override in manual mode, must procedurally remember to put back in automated mode. Procedures are a weak control.
- What if - Bypasses Required - For critical valves
- Causes - The Team discussed the need for bypasses; however, this was not considered to be necessary for safe maintenance activities on the system. No bypasses are configured in the system.
- (MH) No basis given for not providing bypass required

## FE response to questions raised by ENVICOM From RMP Consultants HAZID letter, Sept 17 2015

- **Fire and Explosion**
- (ENVICOM) What are consequences if operator mistakenly uses a tool that can spark?
- (FE/RMP) Non-sparking tools are not required because hazardous environments are not present. If there were any present, signage and knowledge would be provided to ensure safe maintenance of the system.

## From the reissued HAZID

- **Fire and Explosion**
- What if - Stored Flammables - Improper storage, operator error (release), defect, impact, fire (mitigation measures include: substitute non-flammable, minimize and separate inventory)
- Causes - The system is largely storage; no new issues identified by the HAZID Team. Operations are trained on the hazards and know to use non-spark tools, the area is Class I, Div. II, and the inventory stored is small.
- What if - Sources of Ignition - Electricity, flares, sparks, hot surface (mitigation measures include: identify, remove, separate), HV power supply
- Causes - No new issues identified by the HAZID Team. Operations are trained on the hazards and know to use non-spark tools, the area is Class I, Div. II, and the inventory stored is small.
- (MH) If 'operator' includes maintenance personnel, then there will absolutely be times when potential for a hazardous environment is present. Training is a weak control.

## FE response to questions raised by ENVICOM From RMP Consultants HAZID letter, Sept 17 2015

- **From the reissued HAZID**
- **Effect of the Facility and Surroundings**
- No significant impacts
- (MH) Where is a node, review with 'Effect of Surroundings on Facility'?

## FE response to additional questions raised on Oct 25, 2015

## Emergency Drills

- Emergency drills
- Table top and full-scale
- (MH) Who will conduct? Frequency?
- (FE) FirstElement has worked closely with the South Pasadena Fire Department throughout the development of this project. Emergency procedures and/or drills will be scheduled with the fire department as requested.
- (MH) How will SPFD request to perform these drills? I have never known an FD to reach out to schedule these, it is usually the responsibility of the site owner

## Mechanical Integrity

- Mechanical integrity
- (MH) What is the maintenance schedule?
- (FE) A comprehensive and detailed maintenance schedule has been developed and will be followed by a dedicated, trained maintenance team. The details of the schedule are proprietary and cannot be shared publicly. FirstElement can show the schedule to interested parties under an NDA.
- (MH) Who from SPPC has signed the NDA and reviewed the schedule?

## Incident Investigation

- Incident investigation
- (MH) How are incidents identified, reported and investigated?
- (FE) access to a plethora of station data such as temperatures, pressures, component status, etc., as well as live feeds from two security cameras. Alerts are sent via text and phone to a FirstElement maintenance team call tree based on the severity of the issue. The 24/7 toll free number allows any one access to report problems to FirstElement.
- (MH) Question not answered – how are incidents investigated?

## Incident investigations should follow Cal OSHA incident investigation requirements

- (m) Incident Investigation.
- (1) The employer shall establish a written procedure for prompt reporting and investigating every incident which results in or could reasonably have resulted in a major accident.
- (2) Incident investigations shall be initiated no later than 48 hours following the incident.
- (3) An incident investigation team shall be established and consist of persons knowledgeable in the process involved including a contract employee if the incident involved work of the contractor, and other persons who are qualified to thoroughly investigate and analyze the incident.
- (4) A written report shall be prepared at the conclusion of the investigation which includes at a minimum:
  - (A) Date of incident;
  - (B) Date investigation began;
  - (C) A description of the incident;
  - (D) The factors that contributed to the incident; and,
  - (E) Any recommendations resulting from the investigation.
- (5) The report shall be reviewed with all operating, maintenance, and other personnel whose work assignments are within the facility where the incident occurred.
- (6) The employer shall establish a system to promptly address and resolve the report findings and recommendations and shall implement the report recommendations in a timely manner, or take action to prevent a reoccurrence.
- (7) Incident investigation reports shall be retained for five (5) years.
- (8) The employer shall prepare a report and either provide a copy of the report or communicate the contents of the report to all employees and other personnel whose work assignments are within the facility, where the incident occurred at the time the incident occurred.

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## Summary

- If SP City were to approve CUP MOD after full code compliance City should be named as additional insured (with named claims) of First Element's General liability policy (\$30M stated in PC mtg) to securitize the paucity of safety info provided
- See form here : <http://www.ci.south-pasadena.ca.us/modules/showdocument.aspx?documentid=1847>
- An energy release by this H2 station has potential to physically damage surroundings and/or by like H2 stations can also decrease surrounding property valuations by proximity and recourse by neighbors needs to be secured.

3/16/2016

1200 Fair Oaks Avenue CUP MOD Appeal

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POSTED  
4-10-2015

**DESIGN COMMISSION**  
April 16, 2015  
City Hall Council Chambers  
1st-floor / 1327 Foothill Blvd.  
7:30 a.m.

- I. CALL TO ORDER:
- II. ROLL:
- III. PLEDGE OF ALLEGIANCE:
- IV. COMMENTS FROM THE PUBLIC:
- V. CONSENT CALENDAR: Minutes - 4/2/2015 Design Commission meeting.
- VI. CONTINUED PUBLIC HEARINGS:
  - A. Design Review 14-27; FirstElement Fuel, 550 Foothill Blvd.; new hydrogen fueling station.
- VII. PUBLIC HEARINGS:
  - A. Preliminary Design of the Foothill Boulevard Link Bikeway and Pedestrian Greenbelt Project from Leata Lane to Glendale Freeway (SR-2) at Hilliard Avenue
  - B. Design Review 15-01 (advisory); Oakmont Senior Living; 600 Foothill Blvd.; three-story senior residential building atop a subterranean parking basement. Additionally, a Christian Science Church building is proposed between the Foothill Boulevard frontage and the residential building.
- VIII. OTHER BUSINESS:
- IX. COMMENTS FROM THE COMMISSIONERS:
- X. COMMENTS FROM STAFF:
- XI. ADJOURNMENT:

Additional Material  
AGENDA ITEM # 17  
3/16/10 City Council Mtg.  
BENZONI

I hereby certify that this agenda was posted in a location accessible to the public at 1327 Foothill Blvd., at least 72 hours prior to the regular meeting, in accordance with Gov. Code Section 54945.2

Chris Golme - Planner



Material  
ITEM # 17  
3/16/16 City Council Mtg.  
SECUNDY



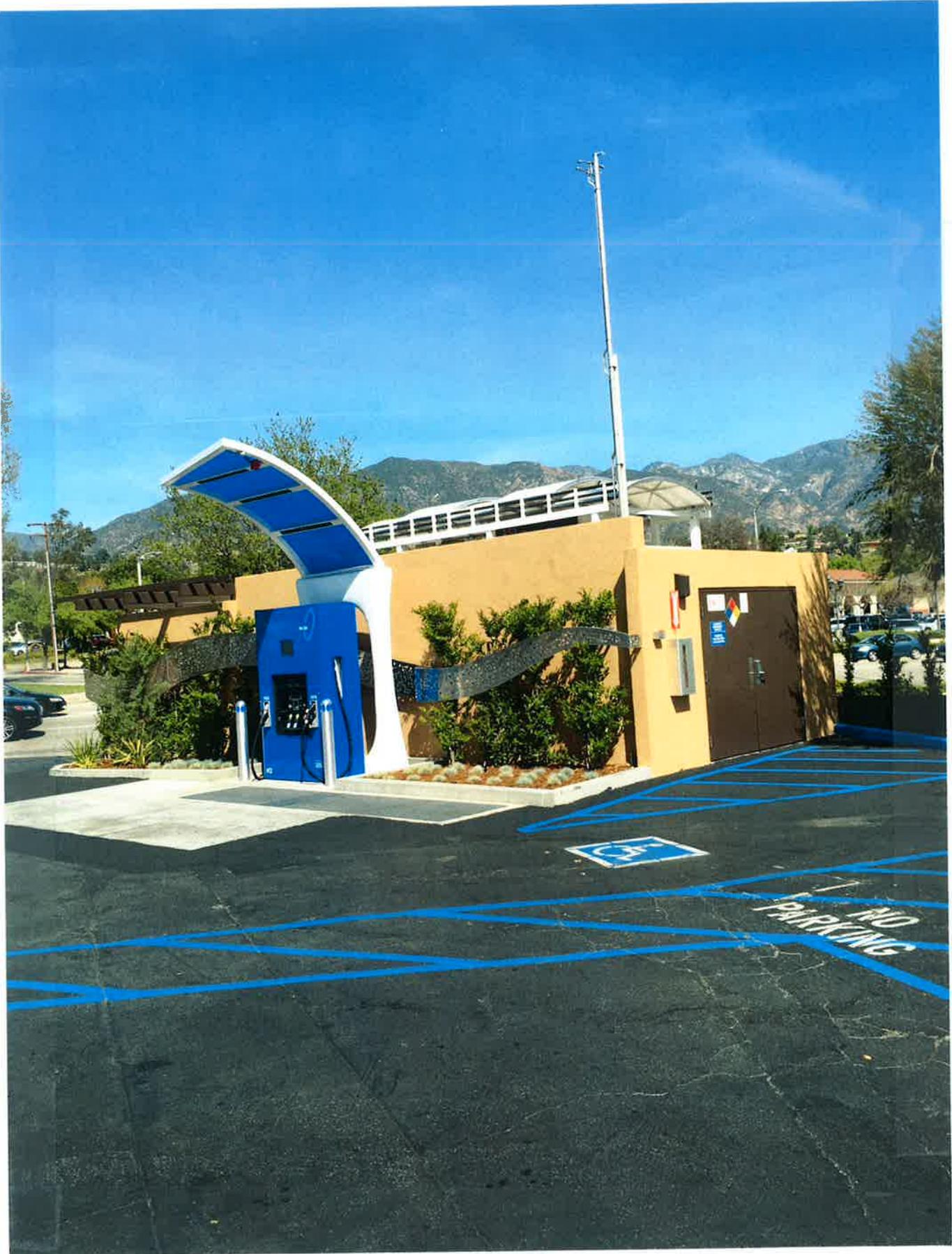












# 625 MILAN AVE. APPEAL OF CHC DECISION

MARCH 16, 2016

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City of South Pasadena

## 625 Milan Ave. Appeal

- Background:
  - 01/21/16 – Cultural Heritage Commission approved a second story addition to a one-story Craftsman style residence
  - 02/05/16 – Appeal to CHC's Approval filed

cc: Council; CM; CA; CDCC; P+B; Reference Binder; Original to 3/16/16  
Add Docs

Additional Material  
AGENDA ITEM # 18  
3 16 16 City Council Mtg.

## 625 Milan Ave. Appeal



## 625 Milan Ave. Appeal



# 625 Milan Ave. Appeal



City of South Pasadena

MAR 11 2016

City Clerk's Division



March 11, 2016

City Council  
City Hall, 1414 Mission Street  
South Pasadena, California 91030

**Re: HISTORICAL RESOURCES CEQA IMPACTS ANALYSIS FOR REMODEL AND 2<sup>ND</sup> FLOOR ADDITION, 625 MILAN AVENUE, SOUTH PASADENA, CALIFORNIA**

Honorable Councilmembers:

**PCR Services Corporation (PCR)** appreciates the opportunity to submit this letter report to the South Pasadena City Council on behalf of the property owners (Client) and George Architecture which summarizes and documents the results of a Historical Resources Impacts Analysis for the remodeling and 2<sup>nd</sup> floor addition Project proposed for 625 Milan Avenue (APN 5318-007-013) in South Pasadena, California (project site). This objective analysis has been prepared in response to the Appeal of Cultural Heritage Commission Decision, 1/21/2016, to grant a Certificate of Appropriateness for the Project, which is now under your consideration. The discussion provided below supports and substantiates the Cultural Heritage Commission's previous decision to grant a Certificate of Appropriateness for the Project, and provides evidence that shows why the appeal should be denied by City Council.

PCR architectural historians meet and exceed the Secretary of the Interior's Professional Qualifications Standards in History and Architectural History.<sup>1</sup> PCR's qualifications are attached.

#### **SUMMARY OF EXPERT FINDINGS**

(1) Upon Project completion, the Residence will retain its significance as a contributor to the potential North Milan District and the potential district would remain eligible as a potential historical resource.

(2) The Project retains the character defining features of the Residence associated with its original Craftsman style from the 1914 period of significance, including its unique clipped side gables, attic vents, exposed rafter tails, and wood shingle siding.

(3) The Project retains the existing essential physical features of the Residence and the character defining features related to the potential North Milan District.

<sup>1</sup> National Park Service, Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated], Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm), accessed March 11, 2016).



(4) The Project is a classic example of the best way to design a second-story addition to a one-story residence that is a contributor to a potential historic district.

(5) The proposed second-story addition would be visible only from a very limited area within the potential historic district. Looking to the north and south along Milan Ave., the one-story scale and massing of the residences along the street will remain visually prominent after project completion.

(6) The Project meets all 10 of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing, Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(7) The Project is categorically exempt from CEQA, and therefore no further environmental analysis is required by law.

## **PROJECT DESCRIPTION**

The project site is presently improved with an original single-family one-story Craftsman Residence (Residence) built in 1914. The existing 1,475 square foot Residence is located near the center of the lot, fronting east toward Milan Avenue. The proposed Project seeks to expand the Residence by adding 638 square feet of new interior space. The Project is composed of a remodel of the existing Residence's interior, a small rear addition, and a second floor pop-up addition. The 119 square foot rear addition and remodel includes the removal of interior dividing walls, exterior walls in the northwest corner (rear) of the Residence, and removal of multiple aluminum framed windows along the north, west, south, and east elevations. The rear addition and remodeled interior includes a family room, bathroom, updated kitchen and stairway leading to a second-story addition. The 519 square foot second-story addition proposes to remove rear portions of the Residence's roof including the demolition of a rear facing gable, attic vents, and barge boards, while adding two modest sized bedrooms, a new laundry area, and a bathroom. The project will also add a new front covered porch to the existing porch stoop. PCR's qualified architectural historians reviewed Project plans for the Shimpock House, 625 Milan Avenue, prepared by Anthony R. George, Architect, dated January 28, 2016.

## **REGULATORY SETTING**

### **1. PCR'S Survey of Locally Eligible Historic Districts**

In April 2002, the City of South Pasadena Planning and Building Department awarded PCR Services the contract to complete the initial survey tasks and formally document previously identified potential historic districts and individual properties that had not been documented in the previous citywide Preliminary Survey (1991). PCR prepared a Primary



Record form for each of the 69 potential districts and 250 individual properties. The survey work was conducted as partial fulfillment of a Certified Local Government (CLG) grant awarded from the State Office of Historic Preservation and administered by the City. In January 2003, PCR Services was retained to conduct Phase II of the multi-level phased intensive level survey begun in Phase I, which evaluated the eligibility of potential resources for local designation. PCR, therefore, is closely familiar with and knowledgeable of the City's potential, eligible, and designated historic districts.<sup>2</sup>

The subject property was documented by PCR during the Phase I survey (2002) as a contributor to the potentially eligible North Milan District District located in the northeast portion of South Pasadena. To be clear, the North Milan District is not actually a designated historic district. The City's actual designated historic districts are the Oaklawn District, the Ramona Avenue District, the El Centro - Indiana - Palm District, the Mission West District, and the Oak - Laurel District.<sup>3</sup>

Rather, the North Milan District was documented during the Phase I survey (2002) on a Primary Record form (DPR 523A). Primary Record forms are used to describe and document potential resources only and are not evaluation forms. The North Milan District has not been recorded on a District Record form (DPR 523B); therefore, it has not been formally evaluated for eligibility as a historic district. This means the North Milan District is a potential historic district. Phase II evaluation at the intensive-level would be required before the district could be considered for designation. It is important to note, the North Milan District was not evaluated further in the subsequent Phase II Survey, and it has not been designated. The Phase II Survey consisted of an intensive-level evaluation of six potential districts selected by the City for further study including the 1000 block of Fair Oaks Avenue, the 1100 block of Fair Oaks Avenue, Oaklawn, Oaklawn Addition, Lower Grand Avenue, and Wayne/Bushnell/Fletcher Districts.

The Department of Parks and Recreation (DPR) Primary Record described the potential North Milan district as approximately 13 contributing structures, characterized primarily by one-story, single family residences, designed primarily in the Craftsman style with uniform setbacks. Also included in the northeast corner of the district is a multi-family apartment court incorporating Prairie style influences. All potential district contributors were constructed between 1915 and 1924. All garages are detached, sited at the rear of each lot, and accessed from the tree-lined streets by driveways along the sides of the lots.

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<sup>2</sup> PCR Services Corporation, *Historic Resources Survey Report: Phase I*, prepared for the City of South Pasadena, December 2002.

PCR Services Corporation, *Historic Resources Survey Report: Phase II*, prepared for the City of South Pasadena, September 2003.

<sup>3</sup> City of South Pasadena Planning and Division, *Link to City's Historic Districts* (<http://www.ci.south-pasadena.ca.us/index.aspx?page=118>).



## 2. City of South Pasadena Cultural Heritage Ordinance

The City's Cultural Heritage Ordinance as defined in the South Pasadena Municipal Code, Chapter 2, Article IVH, establishes criteria and processes for designating improvements, sites, or natural features (historic resources) as local landmarks or historic districts. South Pasadena adopted the Cultural Heritage Ordinance in 1971 that established the Cultural Heritage Commission (CHC) to advise the City Council on all preservation issues (Ord. No. 2187, § 2, 2009.).

The members of the CHC are appointed by the City Council and the CHC is charged with the ongoing responsibility for adopting specific criteria and recommendations for the designation of Landmarks and Historic Districts, subject to approval by the City Council, and is also authorized to develop standards and criteria for determination of appropriateness in reviewing applications for permits to construct, enhance, alter, modify, remodel, remove, demolish or affect any inventoried property, Landmark or Historic District. As well, the CHC can review and advise the City upon the conduct of land use, housing, redevelopment, municipal improvement and other types of planning programs undertaken by any agency of the City, County or State, as they relate to Landmarks and Historic Districts in the community.<sup>4</sup> In 2008, the City initiated a project to review and revise the current ordinance and the CHC has been working since then to revise and refine the ordinance so that it better achieves the City's preservation goals.<sup>5</sup>

The designation criteria for Landmarks and Historic Districts and standards for the designation of landmarks and historic districts include any or all of the following, as applicable:

- (A) Its character, interest or value as a part of the heritage of the community;
- (B) Its location as a site of a significant historic event;
- (C) Its identification with a person, persons or groups who significantly contributed to the culture and development of the city, state or United States;
- (D) Its exemplification of a particular architectural style of an era of history of the city;
- (E) Its exemplification of the best remaining architectural type in a neighborhood;

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<sup>4</sup> *City of South Pasadena General Plan, Chapter V, Historic Preservation Element, page V-8* (<http://www.ci.south-pasadena.ca.us/modules/showdocument.aspx?documentid=216>, accessed, 2/5/14).

<sup>5</sup> *Agenda for the City of South Pasadena Cultural Heritage Commission, Special Meeting, Tuesday, February 4, 2014, Item 2, Draft Preservation Ordinance Revisions, Definitions Section* (<http://www.ci.south-pasadena.ca.us/modules/showdocument.aspx?documentid=4050>, accessed 2/5/14).



(F) Its identification as the work of a person or persons whose work has influenced the heritage of the city, the state or the United States;

(G) Its embodiment of elements of outstanding attention to architectural design, engineering, detail design, detail, materials or craftsmanship;

(H) Its being a part of or related to a square, park or other distinctive area which should be developed or preserved according to a plan based on a historic cultural or architectural motif;

(I) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

(J) Its potential of yielding information of archaeological interest;

(K) Its integrity as a natural feature or environment that strongly contributes to the well-being of the people of the city;

(L) Its significance as a distinguishable neighborhood or area whose components may lack individual distinction;

(M) With respect to the designation of a historic district, not less than fifty percent plus one of all affected owners of the proposed historic district must consent to such designation. Each parcel or lot shall be entitled to only one vote per parcel or lot. By way of example only, if the proposed historic district were composed of twenty parcels, then eleven property owners would be required to consent to the designation;

(N) Subject to review and approval by the city council, the commission may by resolution adopt additional or more detailed criteria and standards for the determination of designation of landmarks and historic districts.

Preservation of South Pasadena's character and scale, including its urban design form and historic character, is given consideration in project review, and design criteria are employed by the CHC and the Design Review Board for development projects within the City. Design review by either group takes into account the importance of maintaining scale and visual harmony in blending new construction and adaptive reuse of older structures.<sup>6</sup>

The CHC is responsible for the Design Review of proposed projects that may impact historical resources, including properties within a designated historic district or potential historic district, and shall take action first on the Certification of Appropriateness and may provide the Planning Commission with recommendations on the subject zoning approval

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<sup>6</sup> *Ibid.*



(South Pasadena Municipal Code 36.410.040 Design Review, D. Review Authority, 2. Cultural Heritage Commission (CHC) review). The CHC has the power and duty to approve or disapprove in whole or in part an application for a certificate of appropriateness regarding the demolition, alteration or removal of a landmark or an improvement or natural feature within: (1) a historic district or; (2) a structure or building listed on the cultural heritage inventory (Ord. No. 2187, § 2, 2009.)

The project site in this matter is under the jurisdiction of the CHC based on the latter criterion, i.e., it is a structure or building listed on the cultural heritage inventory. The Property is not located with an actual historic district.

The City of South Pasadena Residential Design Guidelines (Design Guidelines) supplement those found in the City's Zoning Code and serves as the basis for decisions by the Design Review Board, CHC and City staff. Part II of the Design Guidelines, the Design Guidelines for Alterations & Additions to Historic Residences (Historic Design Guidelines) is based upon the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and assists the CHC in assessing projects for conformance with the City's Cultural Heritage Ordinance and the California Environmental Quality Act (CEQA).<sup>7</sup> The Historic Design Guidelines are intended to foster the preservation and rehabilitation of the character-defining features. The standard procedure for historic buildings is to identify, retain and preserve the form and detailing of the architectural materials and features that are important in defining the historic character of the structure. Additions or alterations are encouraged to be compatible with these historic features. The Design Guidelines have a section specifically devoted to explaining how second-story additions can be designed appropriately and in compliance with the guidelines.<sup>8</sup>

No building or structure which is listed on the cultural heritage inventory or within a historic district shall be demolished, removed, relocated or altered without first obtaining a certificate of appropriateness from the CHC in accordance with the provisions of Section 2.64 Demolition and alteration of the Cultural Heritage Ordinance. In considering the appropriateness of any alteration, new construction, reconstruction, relocation, restoration, remodeling or other modification of a landmark or an improvement or natural feature within a historic district, including second-story additions, the Cultural Heritage Commission shall consider, among other things:

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<sup>7</sup> *City of South Pasadena Residential Design Guidelines, Part II: Design Guidelines for Alterations & Additions to Historic Residences, prepared by Architectural Resources Group Architects, Planners & Conservators, Inc, January 2009, pp. 7-50*

<sup>8</sup> *City of South Pasadena Residential Design Guidelines, Part II: Design Guidelines for Alterations and Additions to Historic Resources, prepared by Architectural Resources Group Architects, Planners & Conservators, Inc, January 2009]; pp. 36-41 ["Additions and New Secondary Structures"].)*



- i. The historical and architectural value and significance of the landmark or historic district;
- ii. The texture, material and color of the building or structure in question or its appurtenant fixtures, including signs and the relationship of such features to similar features of other buildings within the historic district;
- iii. The position of the building or structure in relation to the street or public way and to other buildings and structures; and
- iv. With respect to a historic district, the impact of the proposed alterations on the criteria and standards adopted by the city council for designation of the historic district.

In considering the appropriateness of any demolition, the commission shall consider whether the improvement or natural feature is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense or whether retention of such would substantially aid in preserving and protecting a landmark or historic district. In the case of a demolition within a historic district, the commission shall make its determination based upon the impact to the criteria and standards adopted by the city council for designation of the historic district.<sup>9</sup>

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<sup>9</sup> *South Pasadena Municipal Code, Chapter 2, Article IVH., Section 2.64*



## CEQA GUIDELINES AND THE SECRETARY OF THE INTERIOR'S STANDARDS

### 1. Statutory Framework

A project is categorically exempt from CEQA when its “maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources [is done] in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. (14 C.C.R. section 15331 [setting forth Class 31 categorical exemption].)

“A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.” (14 C.C.R. section 15300.2(f).)

Section 15064.5(b) of the CEQA Guidelines defines what constitutes a “substantial adverse impact” and states that a project involves a “substantial adverse change in the significance of a historical resource” when one or more of the following occurs:

- Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.
- The significance of a historical resource is materially impaired when a project:
  - a. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
  - b. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
  - c. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.



The Secretary of the Interior's Standards for Rehabilitation (Standards) are codified at 36 Code of Federal Regulations (CFR) Section 67.7. In most circumstances, the Standards are relevant in assessing whether there is a substantial adverse change under CEQA. Section 15064.5b(3) of the CEQA Guidelines states in part that "... a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historic resource," and therefore may be considered categorically exempt.

So, to summarize, a project that maintains, repairs, restores, and reconstructs an historical resource is categorically exempt from CEQA when: (1) the project is consistent with the Secretary of the Interior's Standards for Rehabilitation; (2) the project does not cause a substantial adverse change in the significance of an historical resources such that its significance would be materially impaired. The significance of a local historical resources is materially impaired when: (3) the project demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant (14 C.C.R., sections 15064.5(b), 15064.5(b)(2)(B), 15300.2, 15331.)

As demonstrated in the next several sections, the Project (1) meets all 10 of the Secretary of the Interior's Standards and does not result in a substantial adverse change in the Residence's significance as a potential historical resource; (2) would have no adverse impact on the North Milan District and would retain the existing character defining features of the potential North Milan District; and (3) would have no adverse impact on the subject property and would retain the character defining features of the Residence associated with its original Craftsman style from the 1914 period of significance. Therefore, it is categorically exempt from CEQA.



## **625 MILAN AVENUE**

### **1. Construction History**

The subject property is situated on Lot 3 of Tract Number 434 in South Pasadena. The current assessor map and historic tract map are provided in Exhibit A and Exhibit B, respectively. The tract was subdivided in 1909 by William H. Clark and features 48 residential lots arranged along the western side of Elm Avenue (currently Milan Avenue), east and west sides of Stratford Avenue, and north side of Mission Street. The tract is bisected by Hope Street. Parcel data available online through the Los Angeles County Office of the Assessor indicates that the Residence was constructed in 1914. No original building permits were available, with the earliest available permit dating back to 1930 to rebuild the garage. Therefore, to compile the following construction history, the available permits were used in conjunction with available Sanborn Fire Insurance Maps provided in Exhibit C. A summary of the available building permits is provided in Table 1 below and copies of the building permits are provided in Exhibit D.

The history of property development is illustrated on the historic Sanborn maps provided in Exhibit C. The 1910 Sanborn map does not depict the neighborhood because the tract was undeveloped at that time.<sup>10</sup> However, a Sanborn map dated 1930 shows the neighborhood fully developed with one and two story single-family dwellings.<sup>11</sup> The map shows the Residence at 625 Milan as a small one-story structure with a slight L-shaped footprint and a detached garage. A similar residence is located to the south at 809 Milan Avenue.

In 1966, there was a fire in the Residence caused by a rug covering the furnace. A document in the Residence's permit history file records the fire department's intervention. In 1974, the property owner at that time, Melitta Williams hired the Vasbinder Plumbing Company to install a gas piping system. In 1981, Mrs. Williams had the electrical system upgraded and a hot tub installed the following year. In 2000, a permit was filed by Mrs. Williams for the replacement of damaged rafter tails and fascia, and the addition of new roofing materials totaling over \$9,000 in repairs.

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<sup>10</sup> *Sanborn Fire Insurance Map, Pasadena (South Pasadena), 1910 vol. 2, 1910, Sheet 241.*

<sup>11</sup> *Sanborn Fire Insurance Map, Pasadena (South Pasadena), 1930-1931 vol. 6, 1930, Sheet 622.*



**Table 1. 625 Milan Avenue Permit History**

<b>Permit #</b>	<b>Date</b>	<b>Owner</b>	<b>Contractor</b>	<b>Architect/ Engineer</b>	<b>Description</b>	<b>Valuation</b>
6564	4/21/1930	Arthur Shaw	Ed J. Wilber		Rebuild and repair garages	\$300.00
	12/13/1966				Fire Department called out for a fire at 625 Milan, Charred flooring around floor furnace, caused by rug placed over same (furnace).	
	7/24/1974	Melitta Williams	Vasbinder Plumbing Company		Gas Pipe System	
521	12/4/1981	Melitta Sverev Williams	Owner		Electrical permit, new service up to 200 amps	
140	1/19/1982	Melitta Sverev	Owner		Hot Tub	\$1,000.00
	12/22/2000	Melitta Williams			Replace damaged rafter tails, fascia boards and eaves. Install new roofing materials	\$9,375.00
13599	6/29/2005	Alex Melendez	Laguna Electric		Electrical permit, upgrade existing service up to 200 amps	
021523	10/11/2007	Mike Shimpock			Plumbing Permit, work not specified	



## **2. Architectural Description**

The subject property consists of a side-gabled one-story wood-frame Craftsman Residence and detached Craftsman Garage, as described below. Current photographs are provided in Exhibit E.

### **a. Residence**

Roof elements of the Residence include deep overhangs, exposed rafter tails and beam-ends, brackets, and a cross-gabled roof with unique clipped gables and horizontal vents in the side (north and south elevations) gables. Concrete steps lead to the front entrance, located on a partial-width stoop with no porch overhang. The main entrance consists of a single wood door. The Residence is clad with stucco and wood shingles separated by a string course. Slightly offset near the southeast corner of the Residence, a stucco chimney dominates the primary (east) elevation. The chimney is characterized by its unique scalloped shape. Fenestration along the Residence's front façade includes a small wood framed window featuring diamond pane glass and a grouping of aluminum sliding glass windows (alteration). Aluminum windows are also found along the north, south, and west elevations (alterations). The Residence features a uniform setback in relation to the neighboring houses and is fronted with mature vegetation and a manicured lawn. Along the south side of the lot is a concrete driveway and wood fence with a gate (alteration).

### **b. Streetscape/Views**

Milan Avenue is situated within the locally eligible North Milan District. The streetscape is characterized by intact one-story single-family residential structures primarily designed in the Craftsman style of architecture, although other styles are also represented. In addition to the single family residences, there is a small multi-family bungalow court at the northeast end of Milan Avenue. There does not appear to be any infill intrusions within in the small district. Distinct physical elements of the district include the use of stucco, wood clapboard, or shingle siding, and porch piers visible in many homes. Garages throughout the neighborhood are detached, sited at the rear of each lot, and accessed from the tree-lined streets by driveways along the sides of the lots. Milan Avenue, is a beautiful tree-lined street with a dense tree canopy shading the street.

### **c. Integrity**

The subject Residence retains integrity of location, design, setting, feeling and association from its original 1914 period of significance. Building permits on file with the City of South Pasadena did not reveal significant alterations. However, a physical inspection of the Residence revealed some of the original materials and features, such as windows, have been replaced, resulting in the retention of partial integrity of workmanship and materials. Similar



alterations can found among the other contributors of the district and do not seem to detract from the overall character of the neighborhood. Therefore, by retaining integrity of location, design, setting, feeling and association, and partial integrity of materials and workmanship due to window replacements, the Residence retains sufficient integrity to be considered a contributor to the North Milan District.

#### **d. Significance**

The Residence does not appear to qualify as an individual resource for national, state, or local designation. The Residence does not appear to be a significant association with events important in our past nor does the Residence appear to be associated with historic personages. The Residence is a common example of the Craftsman style, which was popular throughout South Pasadena, Southern California, and the United States during the earlier twentieth century, therefore it does not qualify as a unique architectural specimen. The original architect and builder are unknown. However, the Residence does not appear to be the work of a master. The Residence was previously identified as a contributor to the potential North Milan District. Originally constructed ca. 1914, the Residence maintains enough of its integrity embodying the distinctive characteristics of the North Milan District. Because the Residence is a contributor to a potential historic district, it qualifies as a historic resource under CEQA.

### **3. Character Defining Features**

The Craftsman/Bungalow style is considered the most prevalent historic residential style in the City, characterized by a rustic aesthetic that was popular from 1900 -1925. The style was derived from The English Arts and Crafts Movement, which emphasized handcrafted materials and simple detailing partly in a reaction against the elaborate, mass-produced ornamentation found on Victorian style homes at the turn-of the century. The Craftsman style flourished in California, especially in the Pasadena area, inspired in part by Charles and Henry Greene who practiced architecture and designed simple Craftsmen bungalows and high-style interpretations from 1903 -1914. Their work was published widely and the Craftsman style became popular across the country. Prominent front entry porches, sleeping porches, breakfast nooks and inglenooks (fireplace seats), are characteristic of the wood frame structures, which are typically clad with wood shingle or clapboard siding.<sup>12</sup> In South Pasadena, examples of Craftsman style homes range in size and level of detailing from one-story bungalows to larger 2-story homes.

The subject property has the following Craftsman/Bungalow style characteristics:

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<sup>12</sup> *Ibid*, page 10.



### **Massing**

- Horizontal massing
- There is a detached garage in rear yard

### **Roofs**

- Low pitched, cross gabled roofs
- Wide overhang at eaves
- Exposed rafters and extended rafter tails at eaves

### **Architectural Details**

- Wood shingle siding (gable-ends, Residence)
- Flat wood trim

## **CEQA IMPACTS ANALYSIS**

1. Potential Impacts *Would the project cause a substantial adverse change in significance of a historical resource as defined in State CEQA §15064.5?*

**Less Than Significant Impact.** The National Park Service has specific language to address the extent to which a property must retain its historical features in order to be eligible:

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.<sup>13</sup>

In the case of the subject property, the proposed Project would retain the existing essential physical features of the Residence and the character defining features related to the North Milan District. The District has been described as “primarily one-story, single family residences designed primarily in the Craftsman style.” The Project retains the character

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<sup>13</sup> National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, 1997), 46.



defining features of the Residence associated with its original Craftsman style from the 1914 period of significance, including its unique clipped side gables, attic vents, exposed rafter tails, and wood shingle siding. Furthermore, by incorporating a dramatic setback, the second floor addition seeks to preserve the potential district's streetscape of single-story massing of its contributors. While the alterations proposed by the Project will result in an impact to the contributing residence and an alteration to the district's setting, these impacts are less than significant.

Upon project completion, the Residence would retain its significance as a contributor to the potential North Milan District and the district would remain eligible as a potential historic resource.

The new second floor addition would have features similar in scale and materials to the original Residence, while differentiated in style. The addition would be located in the rear, away from the street front and will not substantially change the existing spatial relationships between the Residence and its neighboring structures. Thus, direct impacts to the subject property would be less than significant and indirect impacts to the surrounding historic district would also be less than significant. Therefore, the proposed Project would have a less than significant impact on historical resources.

## **2. Viewshed Analysis**

First, it is important to accurately establish the characteristics and significance of the North Milan historic district in order to analyze the potential impacts of the proposed Project on the historic district. Unfortunately, the appeal is inaccurate in its description of the historic district. The appeal simply states, "This is a historic district where the one story massing is its character defining feature." When in fact, the district record for the North Milan district includes the following character defining features:

*This small district is located in the northeast corner of the city, along the 600 block of North Milan Avenue. Comprised of approximately 13 contributing structures, the district is characterized primarily by one-story, single-family residences designed primarily in the Craftsman style. A quaint, multi-family apartment court incorporating Prairie style influences in its design is located at the northeast corner of the district. Most of the homes are situated on parcels averaging 50 feet by 165 feet. All share a common setback from the street and neighbors. Garages are sited at the rear, reached by side driveways approached from the street. Paved sidewalks flank the street and separate the front lawns from the easements and street. Concrete*



*walkways lead from the sidewalks to the front porches. Landscaping includes a variety of mature trees along the streets and in a number of yards.<sup>14</sup>*

It is important to note that not all of the houses in the district are Craftsman in style. PCR conducted a survey of the district on February 18 and March 3, 2016, and found that several of the houses in the district are Period Revival in style, not Craftsman. Furthermore, not all of the parcels are 50 feet by 165 feet; the subject parcel is 115.25 feet. Therefore, the word “primarily” in the district description above is meant to be understood as “in greater part” or “a majority of” and should not be interpreted as a comprehensive definition. In other words, contrary to what the appellants assert, the one-story massing of the potential district is not the only character defining feature, and it is certainly not the sine qua non of the district.

The appeal further describes the historic district by providing misinformation that was not included on the district record: “The one story massing tells the story of the first decades of the 20<sup>th</sup> century, the manner in which people lived, the homes they constructed and the proportion and height of their homes.” Nowhere on the district record or in the larger survey report is this stated. Rather, this is an unsubstantiated and subjective opinion that the appellant misleadingly and erroneously asserts as definite fact. There is nothing in the historic record of this potential district to support the opinion that “one-story massing” is the ultimate character defining feature of this district. Such a subjective opinion is problematic and in error. Furthermore, the appellant calls this a “unique district of pristine one story homes.” However, while several of the homes are intact, a few of the homes in this small district have integrity issues due to alterations to their front elevations and are clearly not in “pristine” condition as the appellant suggests.

With regard to one-story massing, the appeal asserts, again with no justification in any historic record, that “you want to be able to still read what was that original volume ... One story is i.e. one story.” The appellant is continuing this fiction of subjective and opinion as fact. From a technical perspective, the Secretary of the Interior’s Rehabilitation Standards 9 and 10 address new construction and require that additions be compatible in materials, features, size, scale, and proportion, and massing, as discussed in greater detail in the Standards review provided below. (As analyzed in greater detail below, the Project complies with both of these standards.) With regard to compatibility in scale and massing, nationally established industry standards in historic preservation recommend new second story additions are pushed back to the rear of the residence behind the roof ridge and stepped back to minimize views of the addition from the street.

The proposed project is, in fact, a classic example of the best way to design a second-story addition to a historic one-story residence. Furthermore, it is interesting to note that

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<sup>14</sup> North Milan District, DPR 523 District Record Form, prepared by Jan Ostashay, PCR Services Corporation, 10/1/02.



there are several one-story residences with similar pop-up second floor additions in the immediate project vicinity only a few doors away that are clearly visible from the subject property and from within the potential North Milan district looking south.

In point of fact, the proposed project is a better example of best practices in historic preservation for how to design this type of addition, the goal of which is to retain the visual appearance and integrity of the original residence from the street. The proposed addition is set back, and the scale and massing of the addition is designed so that the original residence remains visually prominent and its historic character is easily readable. Similar examples located in the next block to the south on Milan, only two houses away from the subject residence, have taller second story pop-up additions that are proportionately too large in scale. The project proposed for the subject property does not make this error, and is scaled and proportioned to minimize the visual effect of the addition. The proposed project is a better design than the others on the same street of which there are at least three other examples within direct view from the North Milan historic district.

With regard to the eligibility of the subject property after project completion, it is important to point out that the appeal relies on statements that are inaccurate and do not reflect the industry standard. For instance, the appeal cites the following statement: "In preservation practice, when it comes to the survey and analysis of a property that is otherwise intact, but has a second story pop-up, the evaluation is often that it is 'integrity killing.'" To the contrary; in point of fact, if a historic property has been altered with an addition that has been reviewed and found to conform to the Secretary of the Interior's Standards (as this Project does, see analysis below), then the impacts of the addition are legally considered to be fully mitigated under CEQA, and the property is still a historical resource and would retain its historic status.

Furthermore, it is critical to highlight that if a qualified architectural historian would survey a potential historic district that has one-story residences which retain their integrity and have second-story pop-up additions that appear to conform to the Standards, the architectural historian would usually identify the residences as contributors in the potential district in the majority of cases. If designed properly, in accordance with the Standards, a second story pop-up addition is not an "integrity killing" condition, as the appellant erroneously suggests, and normally is allowable in a historic district.

From a technical perspective, in addition to a Standards Review, as provided below, a visual analysis is usually recommended to determine whether or not a second-story pop up addition would have a potentially significant adverse impact on a historical resource and the historic district or not. To this end, George Architecture and PCR conducted a site visit on March 3, 2016, to determine the potential impact area, which is depicted in the attached Exhibit F by George Architecture. Primary views of the historical resource, and of the historic



district were determined, and views of the subject property before and after Project completion were considered in the analyses.

As a result of this site visit and analysis, it was determined that the proposed second-story addition would be visible only from a very limited area within the potential historic district, and that it wouldn't be seen from the majority of the district. Furthermore, in the primary views of the district looking to the north and south along Milan, the one-story scale and massing of the residences along street would remain visually prominent after project completion.

### 3. Peer Review of Consultant Reports

Notably, neither of the opinions offered by the appellants consultants, M. Colleen Hamilton or Scott Thompson,<sup>15</sup> had the benefit of a site visit to identify the existing character defining features of the subject residence and historic district, or viewshed analysis, as was performed by PCR. Furthermore, neither Hamilton nor Thompson conducted any property or neighborhood history research as is normally be completed as part of any historical resources assessment. Without a site visit, historical context, or viewshed analysis, these opinions are incomplete and without any basis for their factual assertions. We provide the following points in response to the opinions offered by Ms. Hamilton and Mr. Thompson:

- 1) Ms. Hamilton's opinion concludes that the Project fails to meet **five** of the Secretary of Interior's Standards, but offers no clue as to which five of those standards are not met, and offers no analysis as to why those five standards are not met.<sup>16</sup> In contrast, PCR offers a detailed analysis of why the Project meets all 10 of the Secretary of Interior's Standards at pages 18-21 of the present report.
- 2) Ms. Hamilton's opinion concludes that the Commission's vote was "tainted by misleading information" about the nature of the potential North Milan District, but uses an altered and misleading quote as support. Ms. Hamilton refers to a quoted statement by the Chair of the Commission, James McLane, in which it appears that he believed the potential North Milan District contained 39% second-story homes. We have reviewed the full transcript of the hearing, and this statement in particular, and would like to point out for the Council, that the quoted statement is inaccurate and that in fact, Chair McLane specifically understood the "neighborhood" to be comprised of second-story homes, and specifically defined the "neighborhood" to include

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<sup>15</sup> *Additional Appeal Materials Submitted March 9, 2016, pp. 18-24 to 18-27.*

<sup>16</sup> *Letter Submitted by M. Colleen Hamilton, contained within Additional Appeal Materials Submitted March 9, 2016, p. 18-25*



the 600 and 800 block of Milan Ave.<sup>17</sup> Chair McLane's emphasis on the "neighborhood" comports with the Design Guidelines, which advises that "additions should be designed to respect the character of the historic building, the neighborhood, and adjacent properties."<sup>18</sup>

- 3) Mr. Thompson's opinion, contained in an email sent to the appellant, indicates that he is located in Arizona, and is basing his opinion in large part on the appellant's background information, arguments, and the appellants' own understanding of CEQA. From those materials (and not a site visit or viewshed analysis), Mr. Thompson opines that the second-story addition would diminish the historic district's character and integrity. To the contrary. The North Milan District is a potential historic district, and based on our analysis, the Project retains the existing essential physical features of the Residence and the character defining features related to the potential North Milan District.

## 2. Cumulative Impact Analysis

A cumulative impact analysis requires an analysis of each individual project at the time that specific project is proposed. The project is reviewed for its particular impact (if any), and an analysis is performed to determine whether the additional impact of the proposed project will have a significant adverse impact on the surrounding environment.

Analysis of a project's cumulative impact is not prospective. In other words, in considering the approval of a current project, as it is proposed, one cannot speculate as to the cumulative impact of multiple future projects if those are approved as well. Each project is subject to the discretionary review of the governing bodies at the time the project comes up for review, and speculation about the cumulative impact of multiple future approvals is improper and irrelevant.

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<sup>17</sup> The full statement by Chair McLane, which can be found at 1:55:35 of the audio recording is as follows:

*"One-story character, well, that's a guideline. It's an important one and a valuable one. Mr. George's submittal says that 39% of the properties on this block, and I think there's a question about defining what the block is. He says that 39% of the houses on this block are two-story. I've heard some neighbors say there are none, so some people are talking about the 600 block and the 800 block. I don't understand that. I see it as one large block and I think Mr. George's survey surveyed this long block that seems to include addresses starting with 8 and 6. Can you just nod your head if that's true? Thank you. So, that, to me, has some bearing on this one-story character."*

<sup>18</sup> *City of South Pasadena Residential Design Guidelines, Part II: Design Guidelines for Alterations and Additions to Historic Resources, prepared by Architectural Resources Group Architects, Planners & Conservators, Inc, January 2009*; p. 36



The appellants engage in this exact type of speculation when they posit: “If you can build a second story addition on a historic resource in a historic district, where its defining feature is its one story character, you can build a second story anywhere in South Pasadena.” This is not how a cumulative impact analysis is performed. Clearly, the Culture Heritage Commission continues to exercise its discretionary review over all projects that come before it, and continues to assess each project based for its cumulative impact (if any) at the time the project is presented.

#### **SECRETARY OF INTERIOR’S STANDARDS REVIEW**

As mentioned above, under CEQA, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing, Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the Historical Resource., and is therefore categorically exempt from CEQA.<sup>19</sup>

***Standard 1:*** *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The subject property would continue to be used as a Residence as it was historically. As discussed above, construction of the new first and second floor additions would result in the removal of portions of the Residence’s exterior walls and roof. However, the portions of the Residence that would require demolition are not visible from the public right-of-way. Therefore the proposed demolition would not have a negative effect on the overall district. Due to the limitations of the lot, which is smaller than other lots in the tract, the only feasible option for expansion of the Residence was to include a second floor addition. The second floor addition incorporates a dramatic setback, only affecting the rear of the Residence, preserving the distinctive materials (exterior cladding), features (unique clipped gable roofline), spaces, and spatial relationships (single story massing along the street front). The Project would conform to Standard 1.

***Standard 2:*** *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The Residence was identified as a contributor to the potential North Milan District. The character of the district has been defined as “primarily one-story, single family

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<sup>19</sup> California Environmental Quality Act, (15 C.C.R., sections 15064.5 (3) and 15331)



residences designed primarily in the Craftsman style.”<sup>20</sup> The Project would retain and preserve the historic character of the district, by stepping back the second floor addition. The proposed setback of the new addition preserves the district’s characteristic of single story residences, while also preserving key elements of the Residence’s Craftsman style (the distinctive low sloping roofline, clipped side gables, attic vents, overhanging eaves, and shingle exterior cladding). Upon project completion, the Residence will continue to display a single story profile, preserving the historic streetscape and spatial relationship to neighboring residences. The Project would conform to Standard 2.

***Standard 3:*** Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

The proposed project does not add any conjectural features or elements from other properties, and therefore would comply with Standard 3.

***Standard 4:*** Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The Residence does not appear to have any alterations or features that have acquired additional historic significance. Therefore, the Project will not cause changes to such features and will conform to Standard 4.

***Standard 5:*** Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The Project retains all of the existing character defining features associated with the Craftsman style residences in the potential North Milan District. Although the new addition will result in the removal of rear portions of the Residence’s roof and exterior walls, these portions of the structure are not visible from the public right of way. All character defining features, materials, and finishes will remain intact along the Residence’s primary elevation. The Residence will continue to convey the construction techniques and craftsmanship from its original date of construction (1914). Furthermore, by stepping back the second floor addition away from the street front façade, the Project reduces the impact to the Residence’s single-story massing and retains the original front roofline visible from the public right-of-way, conserving this key characteristic of the surrounding district. The Project would conform to Standard 5.

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<sup>20</sup> North Milan District, DPR Form, Prepared by PCR Services for the City of South Pasadena, October 1, 2002.



***Standard 6:*** *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The Residence has been well maintained and does not appear to have any deteriorated features that would need to be repaired or replaced. The Project would conform to Standard 6.

***Standard 7:*** *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

The Project does not propose any chemical or physical treatments to be undertaken. The project would conform to Standard 7.

***Standard 8:*** *Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

The potential to encounter archaeological or Native American resources is considered remote. The Project seeks to add to an existing residence and therefore, little to no ground disturbing activity would occur under the proposed Project. The Project would conform to Standard 8.

***Standard 9:*** *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The Residence is a single-family home designed in the Craftsman style. The key features of the Residence's Craftsman style are its low slopping rooflines with exposed rafter tails and open eaves, and wood shingle exterior cladding. The Project will not destroy any of these essential features related to the Residence's Craftsman style. The new addition is distinctive from the original house by its uses of horizontal wood clapboard siding, however it is compatible with the Residence's existing features due to the use of natural materials. The scale and proportion of the second floor addition and its features (windows, decorative elements, roof features) match those of the original residence. Notably, other two-story Craftsman style residences can be found throughout the immediate area. Although these two story residences are not part of the North Milan District, they are part of the original subdivision in 1909 and were constructed in the same period (1911-1924) as the Residence. Furthermore, the Project pushes the second



floor addition to the rear, preserving the existing streetscape of the district, which is composed primarily of single-story residences. Although the increased massing is a perceptible change, it is done in a way that respects the scale of the original Residence and surrounding potential district. Therefore, the project would conform to Standard 9.

***Standard 10:*** *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The construction of the new second floor addition requires the demolition of exterior walls and rear portions of the Residence's roof. These features are not visible from the public right-of-way and should not be considered essential features. If the second floor addition were removed in the future, the original scale and massing of the Residence could be restored and the essential features would remain intact. Furthermore, the removal of the second floor addition would not negatively impact the essential form integrity of the potential district. The Project conforms to Standard 10.

#### **CITY OF SOUTH PASADENA HISTORIC DESIGN GUIDELINES: ADDITIONS AND NEW SECONDARY STRUCTURES**

The Residence would retain the characteristics that make it a contributor to the North Milan District, despite the proposed second floor addition. The Residence would retain its existing setback/building placement/orientation on the parcel and its single-story massing would remain intact along the street front elevation. Although the increased massing is a perceptible change, it is done in a way that respects the scale of the original Residence and surrounding potential district. The Residence's unique clipped side-gable roofline will remain unaffected by the Project, as would its exposed rafter tails, and shingle exterior siding. When viewed from the street, the Residence would have a similar elevation as it currently does. The second floor addition would be set back to the rear over the rear wing of the existing residence. The rear wing is not visible from the street and the addition would be on the rear part of the wing. The setback location, low height and compatible scale, form, design and materials of the new addition would allow the original one-story residence to remain visually prominent similar to its current appearance. The fenestration of the new second floor addition would be similar to and compatible with the existing Residence. The exterior cladding would be horizontal wood clapboard, which would be compatible with the wood shingle siding on the existing Residence. The new second floor addition would be thoughtfully designed to be similar to yet distinctive from the existing Residence and surrounding district. The Project would retain the existing Residence's publicly visible east elevation and existing footprint to protect the significance of the subject Residence which would remain unchanged. The new addition would be located on the rear wing of the existing Residence and would be an appropriate size, scale and height, design and materials with an appropriate clipped-gable roofline.



**CONCLUSION: LEVEL OF SIGNIFICANCE AFTER PROJECT COMPLETION**

The Project meets the Secretary of the Interior's Standards and would not materially impair the significance of either the subject property as a district contributor, or the potential historic district as a whole. From a conservative perspective, it is recommended that prior to the Project's initiation, the subject property be recorded on a DPR form to incorporate historical information about the subject property as summarized above and record the physical appearance of the existing Residence as described herein.

After Project completion, the Residence would retain the character defining features associated with its Craftsman style and will continue to convey its historic association as a contributor to the potential North Milan District. The Residence would remain eligible as a contributor to the proposed historic district and the district would retain its character defining features, making it eligible as a historic resource. Therefore, pursuant to CEQA, the Project would have a less than significant impact on historical resources. It is therefore recommended that a Certificate of Appropriateness be issued for the proposed project, as it has been shown "that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment."

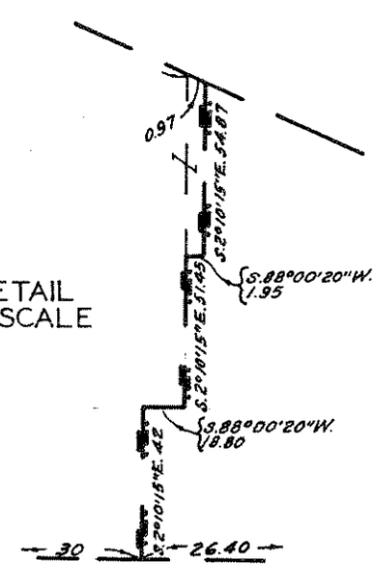
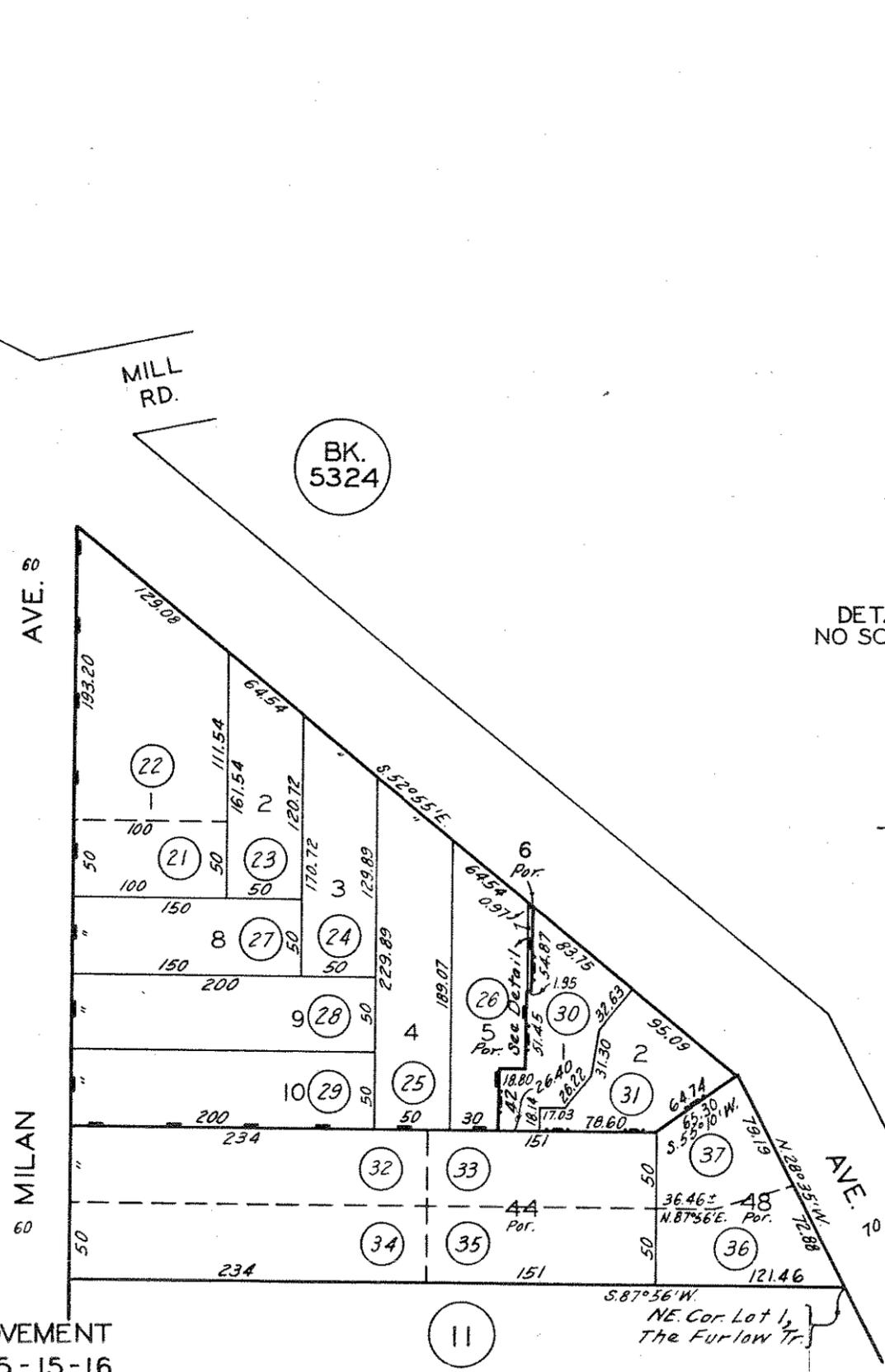
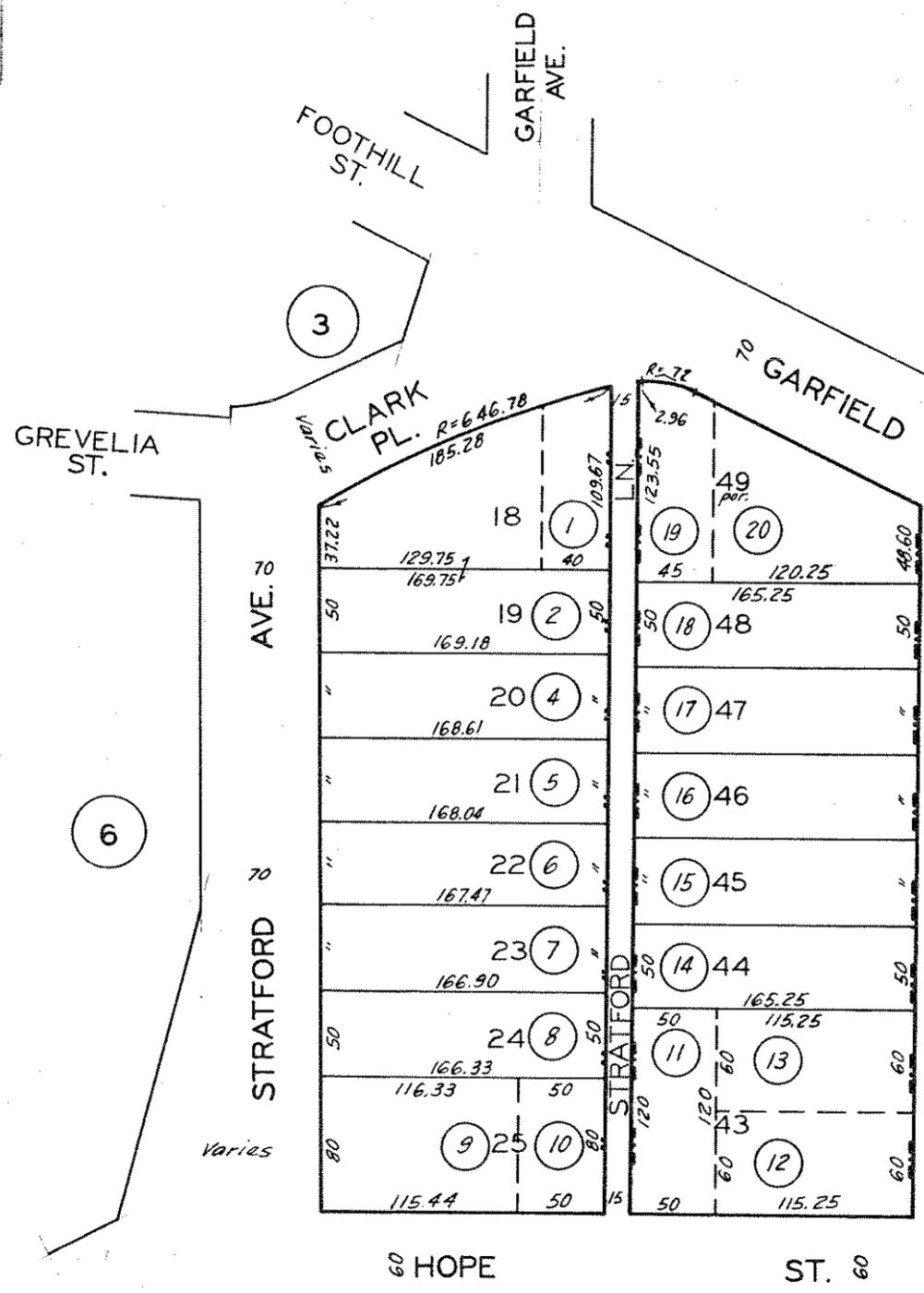
Should you have any questions or require additional information please feel free to contact me at (310)-451-4488 or via email at [m.jerabek@pcrnet.com](mailto:m.jerabek@pcrnet.com). Thank you for allowing PCR the opportunity to carry out the preservation consultation services for this important project.

Sincerely,  
**PCR SERVICES CORPORATION**

A handwritten signature in black ink, reading "Margarita Jerabek".

Margarita Jerabek, Ph.D.  
Director of Historic Resources

EXHIBIT A – Current Assessor Map



BK. 5324

RESUBDIVISION OF THE RAYMOND IMPROVEMENT COMPANY'S TRACT M.R. 55-15-16  
 GRAPEFRUIT TRACT M.B. 11-118  
 TRACT NO. 434 M.B. 14-173  
 TRACT NO. 806 M.B. 16-53  
 TRACT NO. 7093 M.B. 171-14-15

CODE 9030

FOR PREV. ASSM'T SEE: 5318 - 7, 8 & 9

EXHIBIT B – Historic Tract Map



EXHIBIT C – Sanborn Fire Insurance Maps (1910, 1930)

Assessor's Map No. 2  
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SOUTH PASADENA

CLARK PLACE  
PLAZA



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EL CENTRO

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ORANGE GROVE AV.

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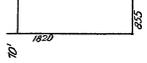
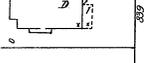
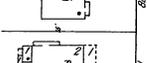
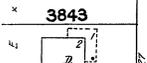
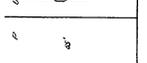
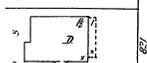
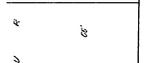
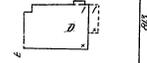
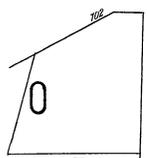
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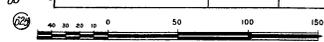
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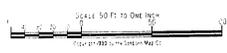
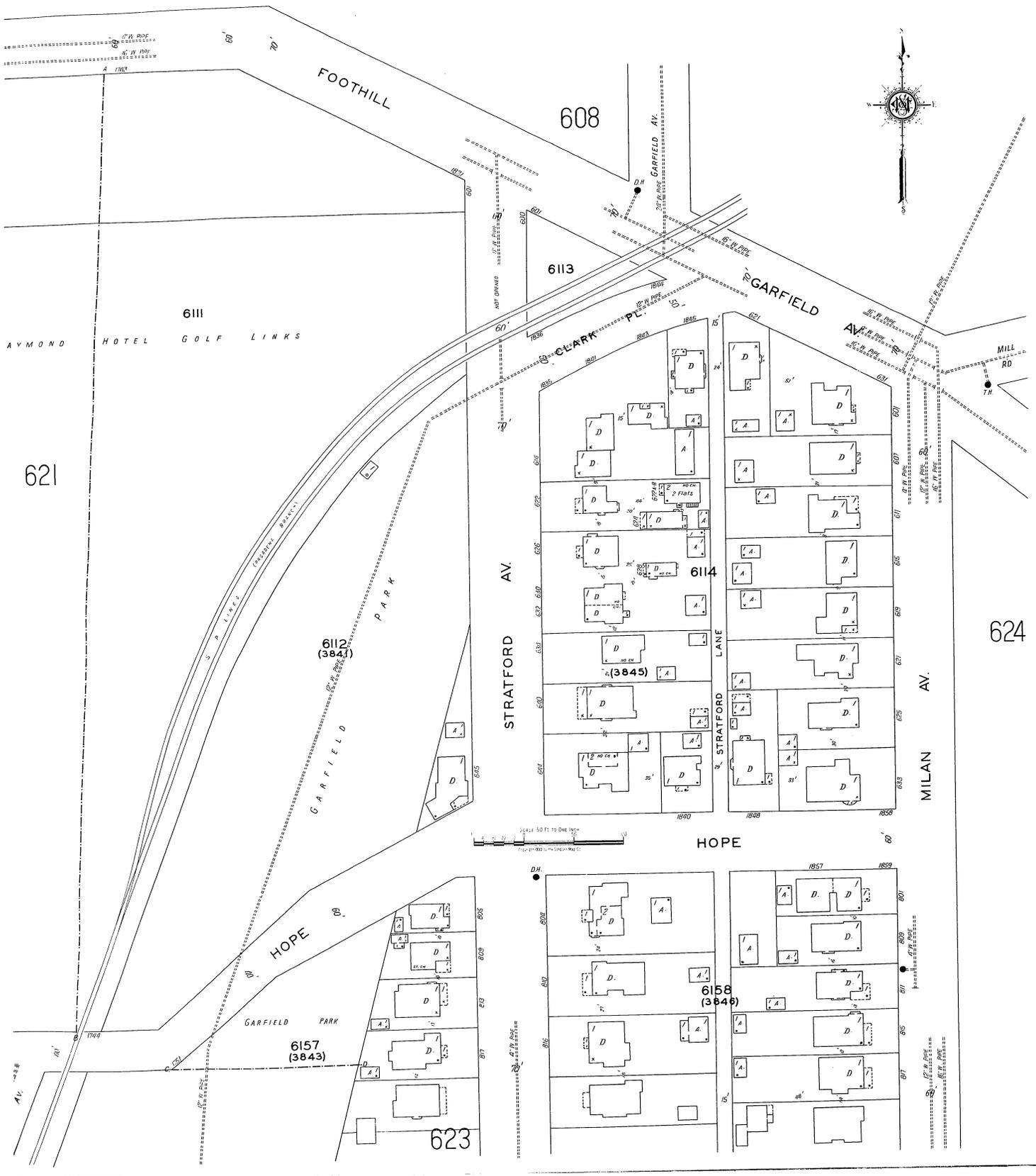
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SOUTH PASADENA

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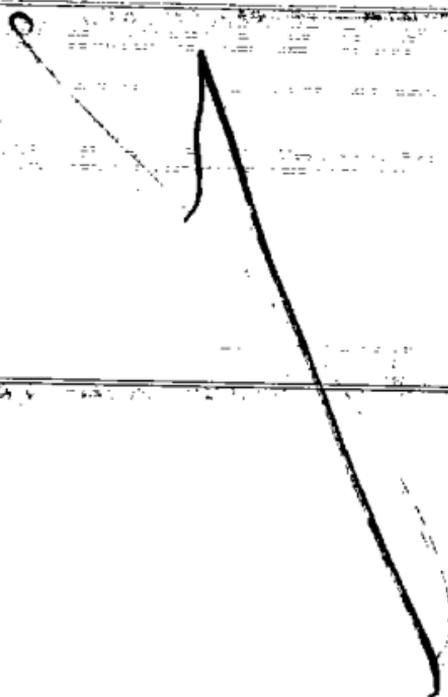
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EXHIBIT D – Building Permits

625 MILAN AVENUE

Lot 43, Tract 806





# CITY OF SOUTH PASADENA

1414 Mission Street

Inspection Request (626) 403-7226

Office Phone: (626) 403-7220

Fax: (626) 403-7221

## CORRECTION NOTICE

625 MILAN

ADDRESS

1-16-01

DATE

TIME

A. DINALI

INSPECTOR'S NAME

Page \_\_\_\_\_ of \_\_\_\_\_

1- PAINT ALL METAL

2- RESCHEDULE INSPECTION



# CITY OF SOUTH PASADENA

1414 Mission Street

Inspection Request (626) 403-7226

Office Phone: (626) 403-7220

Fax: (626) 403-7221

## CORRECTION NOTICE

625 MILAN

ADDRESS

12-22-00

DATE

A. DINAALI

TIME

INSPECTOR'S NAME

Page \_\_\_\_\_ of \_\_\_\_\_

1 - REPLACE ALL DAMAGED /

MISSING SHEATHING

2 - COVER ALL HOLES GREATER

THAN 1" WITH TIN PLATE

3 - CALL FOR REINSPECTION



**CITY OF SOUTH PASADENA**  
**HOME IMPROVEMENT PROGRAM**  
**INITIAL PROPERTY INSPECTION REPORT**  
**WORK WRITE-UP AND COST ESTIMATE**

**HOMEOWNER: Williams, Melitta**  
**ADDRESS: 625 Milan Avenue**

**DATE: 12/11/00**

Final Work-Write-Up

YARD & SITE		
Item No.	Description of Work	Estimate

GARAGE & CARPORT		
Item No.	Description of Work	Estimate

BUILDING EXTERIOR		
Item No.	Description of Work	Estimate

ROOFING		
Item No.	Description of Work	Estimate
1.	Replace all damaged rafter tails fascia boards/and eaves. Remove and haul away existing deteriorated roofing material. Provide and install new plywood sheathing, as required, new approved roofing material per contractor's proposal and industry standard. Owner to select color and style. Painting of new wood by owner.	\$9,375.00 (GVS Const.)

WINDOWS		
---------	--	--

MISCELLANEOUS		
Item No.	Description of Work	Estimate

Obtain all necessary permits from appropriate local jurisdiction prior to commencing construction. ALL BUILDING PERMIT FEES WILL BE WAIVED.

CONTRACTOR'S ESTIMATE:

\$9,375.00

Submitted by:

\_\_\_\_\_  
 Contractor's City Business License Number                      Date

\_\_\_\_\_  
 Contractor's Signature

**STRUCTURAL PEST CONTROL**

\_\_\_\_\_ Complete all recommended corrections contained in structural pest control inspection report, dated \_\_\_\_\_ issued by \_\_\_\_\_

Provide stamp completion notice and clearance. \$N/A

Reviewed and Approved by:

12-20-2002                      Melitta Williams  
 Date                                      Homeowner's Signature

\_\_\_\_\_                                      \_\_\_\_\_  
 Date                                      Homeowner's Signature

TOTAL REHABILITATION AMOUNT                      \$9,375.00

\* Owner to pay difference of 3,375.00 X Melitta Williams



# City of South Pasadena

1414 Mission Street  
 South Pasadena, CA 91030  
 Office Hrs: 7:30 am to 5:00 pm, M-F  
 Phone Number (626) 403-7220  
 Insp. Request (626) 403-7226

## REROOF APPLICATION

### OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors License Law for the following reason (Section 7031.5 of the Business and Professions Code):

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Section 7044 of the Business and Professions Code).

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044 of the Business and Professions Code).

I am exempt under Section \_\_\_\_\_ Business and Professions Code for the following reason: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### LICENSED CONTRACTOR'S DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are listed in the left column of this application.

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and I agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Signature: *George V. Sverev* Date: 12-21-00

### CONSTRUCTION LENDING AGENCY

See the back of this form for required statement

### AUTHORIZATION OF ENTRY

I certify that I have read this application and state that the information given is correct. I agree to comply with all federal and state laws and city ordinances relating to building construction, and I authorize a representative of this City to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Name: *George Sverev*

Signature: *George Sverev* Date: 12-21-00

DESCRIPTION OF WORK	
<input type="checkbox"/> Reroof Over Existing	<input checked="" type="checkbox"/> Tear-Off and Reroof
<input type="checkbox"/> New Plywood and Roof	<input type="checkbox"/> Metal Roof o/Existing
<input type="checkbox"/> Other _____	

TYPE OF STRUCTURE	
<input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> NONRESIDENTIAL

AREA	SQUARES / SQ. FT	CODE IN EFFECT
20		LACO 99
\$ 9375.00		
INITIAL VALUATION		REVISED VALUATION

### PRE-ROOF INSPECTION IS REQUIRED

**DO NOT COVER THE ROOF UNTIL APPROVAL FROM THE CITY BUILDING INSPECTOR HAS BEEN OBTAINED**

**ANY PORTION OF THE ROOF WHICH IS COVERED WITHOUT INSPECTION SHALL BE ENTIRELY UNCOVERED AT THE EXPENSE OF THE APPLICANT**

BUILDING PERMIT FEE	\$ 187.59	
ISSUANCE FEE	\$ 24.50	
NO CHARGE	\$ _____	
HOME IMPROV. PROGRAM	\$ N/A	
HIP - 2000-01	\$ _____	
FOR BUSINESS LICENSE	\$ 0.00	
ACC # 83174	\$ _____	
PERMIT NUMBER	INITIALS	DATE
005839	GS	12/21/00
DATE OF FINAL	FINAL BY	
1-17-01	GS	

SITE ADDRESS 625 MILAN AVE		
ASSESSOR PARCEL NUMBER		
BOOK	PAGE	PARCEL
ADDITIONAL INFORMATION / LEGAL DESCRIPTION		
OWNER'S NAME MELITA WILLIAMS		
STREET ADDRESS 625 MILAN AVE		
CITY So. Pas.	STATE CA.	ZIP CODE 91030
PHONE NUMBER		
PRINCIPAL DESIGNER'S NAME		LICENSE NO.
STREET ADDRESS		
CITY	STATE	ZIP CODE
PHONE NUMBER		
CONTACT PERSON GEORGE V. SVEREV		
PHONE NUMBER 902 490-0555		
CONTRACTOR'S NAME GVS CONST.		
STREET ADDRESS 3134 Rose Ave		
CITY Lombard CA.	STATE CA.	ZIP CODE 90007
LICENSE CLASS B	LICENSE NUMBER 1523966	EXPIRATION DATE 12-25-02
PHONE NUMBER 902 490-0555		
WORKER'S COMPENSATION INSURANCE COMPANY NAME open PT		
WORKER'S COMP. INSURANCE POLICY NUMBER		EXPIRATION DATE



# REROOF COVERING REQUIREMENTS

## 1. A PREROOF COVERING INSPECTION IS REQUIRED.

If the new roof covering is being applied over an existing roof covering, the City Building inspector must make an inspection to determine the number of existing roof Coverings and the serviceability of the existing, exposed roof covering before the new Roof covering is applied.

If the contractor is removing one or more of the existing roof coverings, but not all of The existing roof coverings, the City building Inspector must make an inspection to Determine the number of remaining roof coverings and the serviceability of the Remaining, exposed roof covering before the new roof covering is applied.

If the contractor is removing all the existing roof coverings, the City building inspector Must make an inspection of the exposed wood base (spaced sheathing, solid board Sheathing, plywood sheathing, etc) to determine the serviceability of the existing, Exposed wood base before the new roof covering is applied.

If the contractor is removing all the existing roof coverings and applying new plywood Sheathing, the City building inspector must make an inspection of the plywood nailing Before the new roof is applied.

## 2. ANY PORTION OF THE ROOF WHICH IS COVERED WITHOUT INSPECTION SHALL BE ENTIRELY UNCOVERED AT THE EXPENSE OF THE CONTRACTOR.

It shall be the duty of the permit applicant to cause the work to remain accessible and Exposed for inspection purposes. Neither the building official nor the jurisdiction shall Be liable for the expense entailed in the removal or replacement of any material required To allow inspection.

## 3. A FINAL INSPECTION IS REQUIRED.

The reroof permit will not be approved and finaled unless a final inspection has been made, And all noted deficiencies corrected.

### CHECK ONE OF THE FOLLOWING

- I am the owner doing the roof covering work.
- I am the contractor doing the roof covering work.
- I am a responsible employee of the contractor doing the roof covering work, and assume full responsibility for insuring that all necessary people will be notified of the city's roof Covering requirements.
- I am a responsible agent acting on behalf of the contractor doing the roof covering work, and assume full responsibility for insuring that all necessary people will be notified of the City's roof covering requirements.

I certify that I have read and understand the requirements listed above, and agree to comply fully with these Requirements. I also agree to comply fully with all Federal and State laws, City ordinances, and the currently Adopted Los Angeles County Building Code.

GEORGE V. SVEDEN

Name

[Signature]

Signature

12-21-00

Date

NUMBER  
&  
STREET

625 MILAN

APPLICATION FOR A  
PLUMBING PERMIT  
BUILDING DEPARTMENT • CITY OF SOUTH PASADENA, CALIFORNIA  
TELEPHONE 799-9101 • 682-2175

CONTRACTOR <b>VAS BINDER PLUMB CO</b>		ST. LIC. NO. <b>153233</b>
MAIL ADDRESS <b>2226 E. Foothill Blvd. PASADENA, CALIF.</b>		CITY LIC. NO. <b>D-475</b>
OWNER <b>MRS MELITTA</b>		PHONE <b>796-1448</b>
MAIL ADDRESS <b>625 MILAN So. PASADENA CALIF.</b>		PHONE <b>799-4296</b>

PROPOSED USE	USE ZONE
NO. EACH FIXTURE	NO. EACH FIXTURE
BATHTUBS	ACC. SINKS
STALL SHOWERS	FLOOR SINKS AND DRAINS
LAVATORYS	"P" TRAPS
WATER CLOSETS	GARBAGE DISPOSALS
URINALS	DISHWASHERS
KITCHEN SINKS	LAUNDRY TRAYS
	NO. EACH FIXTURE
	WASHING MACHINES
	WATER HEATERS
	VENTS
	WATER PIPE
	SPRINKLER SYSTEM
	DRINKING FOUNTAINS

TOTAL FOR ABOVE FIXTURES	@2.00 ea.	\$ _____
SAND OR GREASE TRAPS	@2.50	\$ _____
GAS PIPE SYSTEM, 1 - 5 OUTLETS	1 2.50	\$ <u>2.50</u>
+ EACH ADDITIONAL OUTLET	.50	\$ _____
SOIL OR VENT PIPE ALTER OR REPAIR	2.00	\$ _____
DILUTING TANK OR WATER SOFTENER	3.50	\$ _____
BUILDING DRAIN, ALTER OR REPAIR	4.00	\$ _____
SEWERS, CESSPOOLS, SEPTIC TANKS	@6.00 ea.	\$ _____
SWIM POOL	10.00	\$ _____
ADDITIONAL INSPECTION	@5.00 hr.	\$ _____
INVESTIGATION FEE		\$ _____
OTHER		\$ _____
BLANKET PERMIT	3.00	\$ _____
PLUMBING PERMIT	2.50	\$ <u>2.50</u>

TOTAL FEE \$ 5.00

WHEN PROPERLY VALIDATED, HERE, THIS FORM CONSTITUTES A PERMIT FOR THE WORK DESCRIBED HEREON.

7205-324 L -5.00 PM

I have carefully read and examined the above application and find the same to be true and correct. All provisions of the Laws and Ordinances governing building construction will be complied with whether specified herein or not. No person shall be employed in violation of the Labor Code of the State of California. I agree not to occupy or allow occupancy of any building authorized by this permit until final inspection has been received.

*William J. Liddy Jr.*

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

PERMANENT





**City of South Pasadena**  
 1414 Mission Street  
 South Pasadena, CA 91030  
 Office Hrs: 7:30 am to 5:00 pm, M-Th  
 7:30 am to 4:00 Friday  
 Phone Number (626) 403-7220  
 Insp. Request (626) 403-7226

# PLUMBING PERMIT APPLICATION

QTY.

ITEM

FEE

### OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law for the following reason (Section 7031.5 of the Business and Professions Code):

I, as owner of the property, of my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Section 7044 of the Business and Professions Code).

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044 of the Business and Professions Code).

I am exempt under Section \_\_\_\_\_, Business and Professions Code for the following reason: \_\_\_\_\_

Signature: WCS Date: 10-11-2007

### LICENSED CONTRACTOR'S DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury the following declarations:

I have not, with malicious intent, caused or allowed for workers' compensation insurance as provided in Section 3700 of the Labor Code and the performance of the work for which this permit is issued.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the work for which this permit is issued. My workers' compensation insurance carrier and policy number are listed in the left column of this application.

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and I agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall fully comply with those provisions.

Signature: WCS Date: 10-11-2007

### CONSTRUCTION LENDING AGENCY

See the back of this form for required statement

### AUTHORIZATION OF ENTRY

I certify that I have read this application and state that the information given is correct. I agree to comply with all federal and state laws and city ordinances relating to building construction, and I authorize a representative of this City to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Name: MIKE SHIMPACK

Signature: WCS Date: 10-11-2007

SITE ADDRESS <u>625 Milan Ave</u>		
ASSESSOR PARCEL NUMBER		
BOOK	PAGE	PARCEL
ADDITIONAL INFORMATION/LEGAL DESCRIPTION		
OWNER'S NAME <u>Mike Shimpack</u>		
STREET ADDRESS <u>625 Milan Ave</u>		
CITY <u>So. Pas.</u>	STATE <u>CA</u>	ZIP CODE <u>91030</u>
PILOT		
DESIGNER		LICENSE NO.
STREET ADDRESS		
CITY	STATE	ZIP CODE
PHONE NUMBER		
CONTACT		
PHONE NUMBER		
CONTRACTOR'S NAME <b>BUILDING AND SAFETY</b>		
STREET ADDRESS		
CITY	STATE	ZIP CODE
LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
PHONE NUMBER		
WORKER'S COMPENSATION INSURANCE COMPANY NAME		
WORKER'S COMP INSURANCE POLICY NUMBER	EXPIRATION DATE	

Plumbing fixtures: _____ water closets _____ tubs	
_____ lavatories _____ sinks _____ floor drains	
_____ floor sinks _____ showers _____ trap primers	
_____ clothes washers _____ dishwashers	\$
Repair or alteration of drainage and/or vent piping per fixture	\$
Interceptor(s), clarifier(s) and grease trap(s)	\$
Water pressure regulator(s)	\$
Water heater(s) including vent	\$
Water treatment equipment	\$
Gas piping system(s) with 5 or less outlets	\$ <u>14.70</u>
Additional gas outlet(s) per system	\$
Drains in a rain water system	\$
Lawn sprayer system(s)	\$
Hose bibs (first 5)	\$
Backflow / sewer backwater valve(s)	\$
Water service: _____ 1 1/2 inch and smaller	
_____ 2 inch to 3 inch _____ Over 3 inches	\$
Repair or alteration of water piping per fixture, or per water-using or water-dispensing device	\$
Solar water heating system	\$
Connection of new sewer to existing sewer	\$
Disconnection, abandonment or repair of sewer	\$
Installation of grey water system	\$
Public or private spa	\$
Public or private swimming pool	\$
Subtotal	\$ <u>14.70</u>
Plan Checking Fee	\$
Additional Plan Checking Fee	\$
Plan Maintenance Fee	\$
Permit Issuance Fee	\$ <u>25.30</u>
Total Permit Fee	\$ <u>40.00</u>

PLAN CHECK NUMBER	INITIALS	DATE
ADDITIONAL PLAN CHECK NUMBER	INITIALS	DATE
<u>Rech 167657</u>		
PERMIT NUMBER	INITIALS	DATE
<u>021523</u>	<u>MR</u>	<u>10-11-07</u>
DATE OF FINAL	FBNL BY	
<u>10/22/07</u>	<u>W/hand</u>	



# JOINT OWNERSHIP

Made in Duplicate

No. 6564

## City of South Pasadena

### Department of Building Inspection

This permit becomes null and void if work is not commenced within 90 days from date of issue.

South Pasadena, Calif. 4-21 1930

Permission is hereby granted to I. TABOR 625 MILAN  
ARTHUR SHAW, Owner

Owner's Address 633 MILAN

City and State So. PASA. Phones

Contractor's Name ED J. WILBER

Contractor's Address 1900 MISSION

City and State So. PASA. Phones

To REBUILO & REPAIR

GARAGES

On Lot 49 Block

Tract 806

Street and Number 633 MILAN 200' 0"  
625 MILAN 100' 0"

Subject to the provisions of the Building Ordinances of the City of South Pasadena.

Estimated Value, \$ 300.00

Fee, \$ 70.00 etc.

BUILDING INSPECTOR

By

(Owner must post Inspection Card on job)

NOTIFY FOR INSPECTION

- 1-Trench is dug.
- 2-Foundation is in.
- 3-Joists are laid.

- 4-Frame is up.
- 5-Rough plumbing is in.
- 6-Electric wires are in.

- 7-Plumbing fixtures are in.
- 8-Electric fixtures are in.
- 9-Final completion.

WHEN

Date 12-13-66

TO: THE BUILDING DEPARTMENT

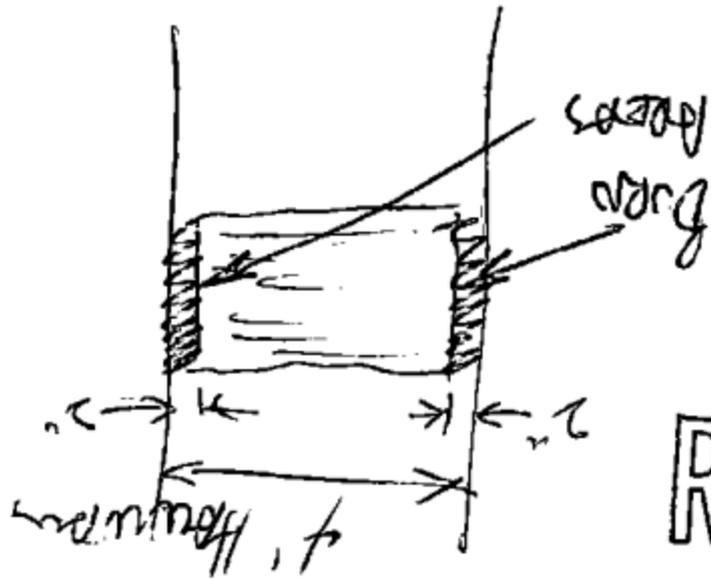
FROM: THE FIRE DEPARTMENT

We were called out for a fire at 625 Milan

Nature of damage: Charred flooring around  
floor furnace.

Cause - Rug placed over some

(over) permit resp'd.  
NOT SIGNED Schenk



12-14-66  
*[Signature]*

RECEIVED  
 DEC 13 1966

Hardware frame - 17 cts  
 To be replaced

BUILDING DEPT.

Spoke frame to plaster (small amount)  
 Mouldings at wall base to be replaced.

CITY OF SOUTH PASADENA  
BUILDING AND ALLIED PERMITS

LOCATION 625 MILAN

LOT 43

BLOCK

TRACT

434

OWNER LAWRENCE KECK

TRENCH

FRAME

WIRING

RGH. PLMB.

SEWER

FIN. PLMB.

FIN. BLDG.

ELEC. FIX.

DATE

NUMBER

CLASSIFICATION

CONTRACTOR

ESTIMATED  
COST

3-2-14

1231

BUILDING

WAS NELSON

2,200

00

ELEC. WIRING

ELEC. FIXTURES

PLUMBING

SEWER

HOUSE CONN.

# CITY OF SOUTH PASADENA

1414 Mission Street • South Pasadena • California 91030 • 799-8101

PLANNING & BUILDING DIVISION

# SWIMMING POOL AND/OR SOLAR HEATER

department of PUBLIC WORKS

Building Address <b>625 MILAN</b>			U.S.C. Edition	Type Const.	Occ. Group	
Lot No.	Block	Tract	Occ. Load	F. D. Appr. <input type="checkbox"/>	H. D. Appr. Required <input type="checkbox"/>	
Owner <b>MELITA SVEREV</b>			Grading Permit <input type="checkbox"/>	Obtained <input type="checkbox"/>	Variance Required <input type="checkbox"/>	
Mailing Address <b>625 MILAN</b>			Use Permit Required <input type="checkbox"/>	Des. Rev. <input type="checkbox"/>	AFN <input type="checkbox"/>	
City <b>S PAS</b>	Zip <b>91030</b>		Bedrooms	Size		
Contractor <b>SELF</b>			Special Conditions			
Address			VALUATION \$ <b>1000</b>			
City	Zip	Tel.	F E E S  B O N D S	PLAN CHECKING FEE (BLDG)		
State Lic. & Classif.	City Lic. No.			PLAN CHECK VALIDATION		
Arch., Engr., Designer	Address	Tel.		PERMIT FEE	<b>20</b>	<b>00</b>
City	Zip	State Lic. No.		TOTAL	<b>20</b>	<b>00</b>
Private Pool <input type="checkbox"/>	Spa <input type="checkbox"/>	Hot Tub <input type="checkbox"/>	Solar Heater <input type="checkbox"/>			
Pool Heater			Solar Panels No. of Panels	Size		
Weight of Panels						
Empty <input type="checkbox"/> Full <input type="checkbox"/>						
ICBO and/or IAPMO No.						
Purpose of Heater			VALIDATION			
Pool <input type="checkbox"/> Hot Water <input type="checkbox"/> Other <input type="checkbox"/>			Permit No. <b>140</b>	Processed by <b>EL</b>	Date <b>6-19-82</b>	

**LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 9 of the Business and Professions Code, and my license is in full force and effect.

**OWNER-BUILDER DECLARATION**

I hereby affirm that I am exempt from the Contractor's License Law for the following reasons (See Title 18, Business and Professions Code and city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to the license also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law, Chapter 9 (commencing with Section 7000) of Division 9 of the Business and Professions Code, or that he is exempt therefrom, and the basis for the signed statement. Any violation of Section 7012.8 by any applicant for a permit, subject the applicant to a civil penalty of not more than five hundred dollars (\$500).)

- I am owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale. (See Title 18, Business and Professions Code) The Contractor's License Law does not apply to an owner of property who builds or improves structure and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. (If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.)
- I, as owner of the property, am exclusively contracting with licensed contractors to construct the project. (See Title 18, Business and Professions Code) The Contractor's License Law does not apply to an owner of property who builds or improves structure, and who contracts for such projects with a contractor's license pursuant to the Contractor's License Law.
- I am exempt under Sec. \_\_\_\_\_, B. & P. C. for this reason.

Date **6-19-82** City **South Pasadena**

**WORKERS' COMPENSATION DECLARATION**

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof. (See, 2600, Labor Code.)

Policy No. \_\_\_\_\_ Company \_\_\_\_\_  
 Copy is filed with the city.  Certified copy is hereby furnished.

**CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE**

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

**NOTICE TO APPLICANT:** If, after making this Certificate of Exemption you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

**CONSTRUCTION LENDING AGENCY**

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued. (See, 9001, Civil Code.)

Lender's Name \_\_\_\_\_  
 Lender's Address \_\_\_\_\_

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

# INSPECTION RECORD

<b>FOUNDATION:</b> Gr. Certif. Comp. Tests, Setbacks, Firms, Reinf. Steel, Excavation.		<b>INSPECTION NOTES</b>
<b>FLOOR SLAB/JSTS., GIRDERS:</b> Mesh, Vap. Barrier, Blkg., Spans, Access, Vents, Tr. Lmbr.		
<b>MASONRY:</b> Reinf., Mortar Jts., Grout Lifts, Clean-Outs, Bolts.		
<b>ROOF SHTG:</b> Nailing, Diaph. Blocking, Material Grade and Thickness, Roof Drains.		
<b>FRAMING:</b> Walls, Raft., Jsts., Blocking, Bracing, Nailing, Backing, Diaphr. Draft Stops.		
<b>INSULATION:</b> Thickness, R-Values, Piping, Sound Caulking.		
<b>FIREWALLS:</b> Material, Thickness, Dampers, Doors, Closers, Fusible Links.		
<b>INTERIOR LATH/DRY WALL:</b> Nailing, Supports, Laps, Joint Reinf.		
<b>EXTERIOR LATH/SIDING:</b> Mesh, Fasteners, Laps, Paper, Thickness, Backing.		
<b>FINAL INSPECTION:</b> Finish Grading Certif., Slope Plant., Energy Compl. Card Posted, Pkg. Access, Fire Doors, Exits, Locking Devices, Landings, House Numbers, Weather Stripping, Pl./Engr. Clear.		

## SWIMMING POOL/SPA

<b>EXCAV. REINF. SETBACKS:</b> Radius Sit., Bonding, Exp. Soil, Ramp Loc., Surcharge.		
<b>FENCE/GATES:</b> Height, Closers, Accessibility, Latches, Stability.		
<b>FINAL INSPECTION</b>	12/13/83 JS	

**SETBACKS:**

FRONT
SIDE
SIDE
FRONT

**PLOT PLAN**

## MISCELLANEOUS

<b>SPRAY PAINT BOOTH:</b>		
<b>RETAINING WALL:</b>		
<b>DUST COLLECTION SYSTEM:</b>		
<b>VENEER:</b>		
<b>RE-ROOF:</b>		
<b>SIGN(S):</b>		
<b>INSPECTION</b>	<b>DATE</b>	<b>INSP. SIGN.</b>

STREET

PLEASE PLAN A 1" SQ. SCALE

# CITY OF SOUTH PASADENA

1414 Mission Street • South Pasadena • California 91030 • 799-9101

## PLANNING & BUILDING DIVISION

# ELECTRICAL

# PERMIT

### PUBLIC WORKS DEPARTMENT

### APPLICATION FOR AN

### ELECTRICAL PERMIT

BUILDING DIVISION • CITY OF SOUTH PASADENA, CALIFORNIA

TELEPHONE 799-9101 • DATE:

### DESCRIPTION OF WORK

NEW BUILDING	EXISTING BUILDING	NO SERV. CHANGE	RECONNECT OR REBAL.
	X		

### FEE COMPUTATION

FIXTURES	RECEPTACLES	SWITCHES	First 10 @ 80c ea. Ea. Additional @ 30c ea. \$
RANGES	OVENS	GARB. DISP.	} @ 3.00 ea. \$
WATER HTR.	FAN OUTLET	DISH WSHR.	
Wall Heaters Up to 1650 W		Calling Heaters Up to 1850 W	
WASHING MACHINES			@ 2.00 ea. \$
220 VOLT OUTLETS			@ 50¢ ea. \$
SIGN FIXTURES			@ 4.00 ea. \$
AIR HEATERS OVER 1650 W			@ 5.00 ea. \$
TEMPORARY POWER POLE			4.00 (NO ADD'L FEE) \$
NEW SERVICE UP TO 100 AMPS			4.00 \$
" " 200 AMPS			5.00 \$ 5.00
" " 400 AMPS			8.00 \$ 010.00
" " Over 400 AMPS			7.00 \$
Motors under 2 hp @ \$3.00 ea.	\$	Motors 60-100 hp @ 10.00 ea.	\$
Motors 2-8 hp @ 4.00 ea.	\$	Motors 100-500 hp @ 20.00 ea.	\$
Motors 8-15 hp @ 5.00 ea.	\$	Motors 500-1000 hp @ 30.00 ea.	\$
Motors 16-50 hp @ 6.00 ea.	\$	Motors over 1000 hp @ 40.00 ea.	\$
			COLLUM TOTAL → \$

INVESTIGATION FEE	\$
OTHER	\$
BLANKET PERMIT	6.00 \$
ELECTRICAL PERMIT	5.00 \$
TOTAL	\$ 5.00

VALUATION OF ABOVE WORK	\$
P. C. FEE AND VALIDATION	\$

PERMIT FEE \$

INVESTIGATION FEE \$ TOTAL FEE \$ 10.00

PROCESSED BY *EPH* SPEC. COND.

PERMIT NO. 521 VALIDATION DATE 12-4-81

Building Address: 625 MILAN AVE  
 Owner: MELISSA SVERDZ WILLIAMS  
 Mailing Address: 625 MILAN AVE  
 City: So. Pas Zip: 91030 To: [REDACTED]  
 Contractor: SELF  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip: \_\_\_\_\_ Tel. \_\_\_\_\_  
 Store Lic. & Classif. \_\_\_\_\_ City Lic. No. \_\_\_\_\_

### LICENSED CONTRACTOR'S DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

### OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason:

- I, as owner of the property, or my employees with wages at their sole compensation, will do the work, and the structure is not intended or offered for sale.  
 I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.  
 I am exempt under Sec. \_\_\_\_\_, B. & P. C. for the reason: \_\_\_\_\_

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

### WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof. (Ser. 5800, Labor Code.)

Policy No. \_\_\_\_\_ Company \_\_\_\_\_

- Copy is filed with the city.  Certified copy is hereby furnished.

### CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

NOTICE TO APPLICANT: If, after making this Certificate of Exemption you should become subject to the Workers' Compensation provisions of the Labor Code, you must furnish receipts with each provision on this permit shall be deemed received.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes.

Signature of Applicant: Melissa Williams 12-4-81

Mailing Address: 625 Milan Ave.

City, State, Zip: So. Pasadena, CA 91030

INSPECTOR COPY CONST. HRS. 8 AM - 7 PM C.V.L.

ORD. NO. 1582

department of PUBLIC WORKS





# City of South Pasadena

1414 Mission Street  
 South Pasadena, CA 91030  
 Office Hrs: 7:30 am to 5:00 pm, M-Th  
 7:30 am to 4:00 Friday  
 Phone Number (626) 403-7220  
 Insp. Request (626) 403-7226

## ELECTRICAL PERMIT APPLICATION

QTY.

ITEM

FEES

### OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law for the following reason (Section 7031.5 of the Business and Professions Code):

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Section 7044 of the Business and Professions Code).

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044 of the Business and Professions Code).

I am exempt under Section \_\_\_\_\_, Business and Professions Code for the following reason: \_\_\_\_\_

Signature: XPR Date: 6/29/05

### LICENSED CONTRACTOR'S DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

I have not obtained workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. The carrier's name, policy number, insurance carrier and policy number are listed in the left column of this application.

I certify that in the performance of the work for which this permit is issued, I have not been, and I will not become, subject to the Workers' Compensation laws of California, and I agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall comply with those provisions.

Signature: XPR Date: 6/29/05

### CONSTRUCTION LENDING AGENCY

See the back of this form for required statement

### AUTHORIZATION OF ENTRY

I certify that I have read this application and state that the information given is correct. I agree to comply with all federal and state laws and city ordinances relating to building construction, and I authorize a representative of this City to enter upon the property for which I have applied for this permit for the purpose of making inspections.

Name: Alex Melendez

Signature: [Signature] Date: 6/29/05

SITE ADDRESS <u>625 MILAN AVE</u>		
ASSESSOR PARCEL NUMBER		
BOOK	PAGE	PARCEL
ADDITIONAL INFORMATION / LEGAL DESCRIPTION		
OWNER'S NAME <u>Alex Melendez</u>		
STREET ADDRESS <u>625 MILAN AVE</u>		
CITY <u>S. PASADENA</u>	STATE <u>CA</u>	ZIP CODE <u>91030</u>
PHONE NUMBER [REDACTED]		
LICENSE NO.		
STREET ADDRESS		
CITY	STATE	ZIP CODE
PHONE NUMBER		
CONTACT PERSON <u>Alex Melendez</u>		
PHONE NUMBER <u>626 441 5633</u>		
CONTRACTOR'S NAME <u>CAVANA ELECTRICAL</u>		
STREET ADDRESS		
CITY	STATE	ZIP CODE
LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
PHONE NUMBER		
WORKERS' COMPENSATION INSURANCE COMPANY NAME		
WORKERS' COMP. INSURANCE POLICY NUMBER	EXPIRATION DATE	

# FINAL

## BUILDING AND SAFETY

# OWNER-BUILDER

Less than 3 units: _____ sq. ft. ....	\$
3 or more units: _____ sq. ft. ....	\$
Outlet Boxes(s) for receptacles, switches, lights & similar	
First 20 .....	\$
21 or more .....	\$
Lighting Fixture(s)	
First 20 .....	\$
21 or more .....	\$
Branch circuit(s) (in lieu of Outlet Box fees above)	
First 10 branch circuits .....	\$
11 to 40 branch circuits .....	\$
Residential appliances .....	\$
Nonresidential appliances .....	\$
Power apparatus (size in HP, KW, or kVA)	
Over 1 but not over 10 .....	\$
Over 10 but not over 50 .....	\$
Over 50 but not over 100 .....	\$
Signs, outline lighting, and marquees	
Supplied from one branch circuit .....	\$
Additional circuits within the same sign .....	\$
<input checked="" type="checkbox"/> Service New <input checked="" type="checkbox"/> Change Size: <u>200A</u> .....	\$ <u>27.50</u>
Switchboards, subpanels, motor control centers	
0 to 399A .....	\$
400A to 1,000A .....	\$
Over 1,000A .....	\$
Misc. apparatus, conduit, and conductors .....	\$
Temporary power pole(s) .....	\$
Temporary distribution system .....	\$
Subtotal .....	\$ <u>27.50</u>
Plan Checking Fee .....	\$
Additional Plan Checking Fee .....	\$
Plan Maintenance Fee .....	\$
Permit Insurance Fee .....	\$ <u>27.75</u>
Total Permit Fee .....	\$ <u>55.25</u>

PLAN CHECK NUMBER	INITIALS	DATE
ADDITIONAL PLAN CHECK NUMBER	INITIALS	DATE
PERMIT NUMBER <u>013599</u>	INITIALS <u>MR</u>	DATE <u>6/29/05</u>
DATE OF FINAL <u>7/28/07</u>	FINAL BY <u>[Signature]</u>	



# OWNER-BUILDER VERIFICATION

Type of Permit:     BLDG     ELEC     GRAD     MECH     PLMB     \_\_\_\_\_

Site Address: 625 MILAN AVE

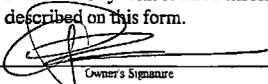
- I, or immediate members of my family living with me, will provide all the labor and materials for the permit identified above. I understand that it is illegal for me to employ any individuals without providing workers' compensation insurance, and I further understand that it is illegal for me to employ any individual who is not licensed as a contractor where the value of labor and materials exceeds \$300.
- I have contracted with the licensed person(s) and/or firm(s) listed below to provide all the labor and materials for the permit identified above. I understand that it is my responsibility to verify that the person(s) and/or firm(s) listed below have and maintain workers' compensation insurance. I also understand that it is illegal for me to employ any individuals without providing workers' compensation insurance, and I further understand that it is illegal for me to employ or contract with any individual who is not licensed as a contractor where the value of labor and materials exceeds \$300.
- I, or immediate members of my family living with me, plan to provide portions of the labor and materials, but I have hired the licensed person(s) and/or firm(s) listed below to coordinate, supervise, and/or provide a portion of the labor and materials for the permit identified above. I understand that it is my responsibility to verify that the person(s) and/or firm(s) listed below have and maintain workers' compensation insurance. I also understand that it is illegal for me to employ any individuals without providing workers' compensation insurance, and I further understand that it is illegal for me to employ or contract with any individual who is not licensed as a contractor where the value of labor and materials exceeds \$300.

PERSONS OR FIRMS NAME <u>LAGUNA ELECTRIC</u>		
STREET ADDRESS <u>446 MONTELEONE BL #12</u>		
CITY <u>HELENA BIRTH</u>	STATE <u>CA</u>	ZIP CODE <u>90054</u>
PHONE NUMBER <u>310 379 8759</u>		
LICENSE CLASS <u>859162</u>	LICENSE NUMBER <u>C-10</u>	EXPIRATION DATE <u>5/31/07</u>
DESCRIPTION OF LABOR AND MATERIALS TO BE PROVIDED <u>UPGRADE EXISTING</u> <u>ELECTRICAL SERVICE TO 200AMP</u>		

PERSONS OR FIRMS NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
PHONE NUMBER		
LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
DESCRIPTION OF LABOR AND MATERIALS TO BE PROVIDED		

I certify that I have read this application and the information on the front side. I state that the information given is correct. I agree to comply with all federal and state laws and city ordinances relating to building construction and workers' compensation insurance. I also agree to provide the City with revised information in the event labor and materials will be provided in a manner other than as described on this form.

Alex Melendez  
Print Owner's Name

  
Owner's Signature

6/29/05  
Date



**CITY OF SOUTH PASADENA**  
PLANNING AND BUILDING DEPARTMENT  
1414 MISSION STREET, SOUTH PASADENA, CA 91030  
TEL: 626.403.7220 • FAX: 626.403.7221  
WWW.CI.SOUTH-PASADENA.CA.US

Dear Property Owner:

For your protection you should be aware that as an owner-builder you are the responsible party of record on such permit. If your work is being performed by a licensed individual other than yourself, you may help reduce your personal liability by having that individual obtain the permit in his or her name.

Contractors are required by law to be licensed and bonded by the State of California and to have a business license from the City. They are also required by law to put their license number on all contracts and permits for which they apply.

If you employ or otherwise engage any persons other than immediate family members living with you, and the work, including labor and materials, exceeds \$300; and such persons are not licensed as contractors or subcontractors; then you are their employer.

If you are an employer, you must register with the State and Federal Government as an employer, and you are subject to several obligations including state and federal income tax withholding, federal social security taxes, and worker's compensation contributions. Failure to properly withholding required income tax is a crime.

For more specific information about your obligations under federal law, contact the Internal Revenue Service (and, if you wish, U.S. Small Business Administration). For more specific information about your obligations under state law, contact the Department of Benefit Payments and the Division of Industrial Accidents.

Property owners who are not licensed contractors are allowed to perform work personally or through their own employees, without being a licensed contractor or subcontractor, only under the following conditions:

- The homeowner has actually resided in the residence for 12 months prior to or immediately after completion of the work.
- The homeowner has not availed him/herself of this exemption on more than two structures in any three-year period.
- The work is performed prior to sale.

Information about licensed contractors may be obtained by contacting the Contractor's State License board by mail at P.O. Box 26000, Sacramento, California 95826.

Please complete and return the owner-builder declaration statement on the back of this form so that we can confirm that you are aware of your obligations under the law. The permit will not be issued until the declaration is completed.

EXHIBIT E – Current Photographs



Southeast corner of Primary Elevation viewed from Milan Avenue, view to northwest (PCR 2016)



Primary Elevation viewed from Milan Avenue, view to west (PCR 2016)

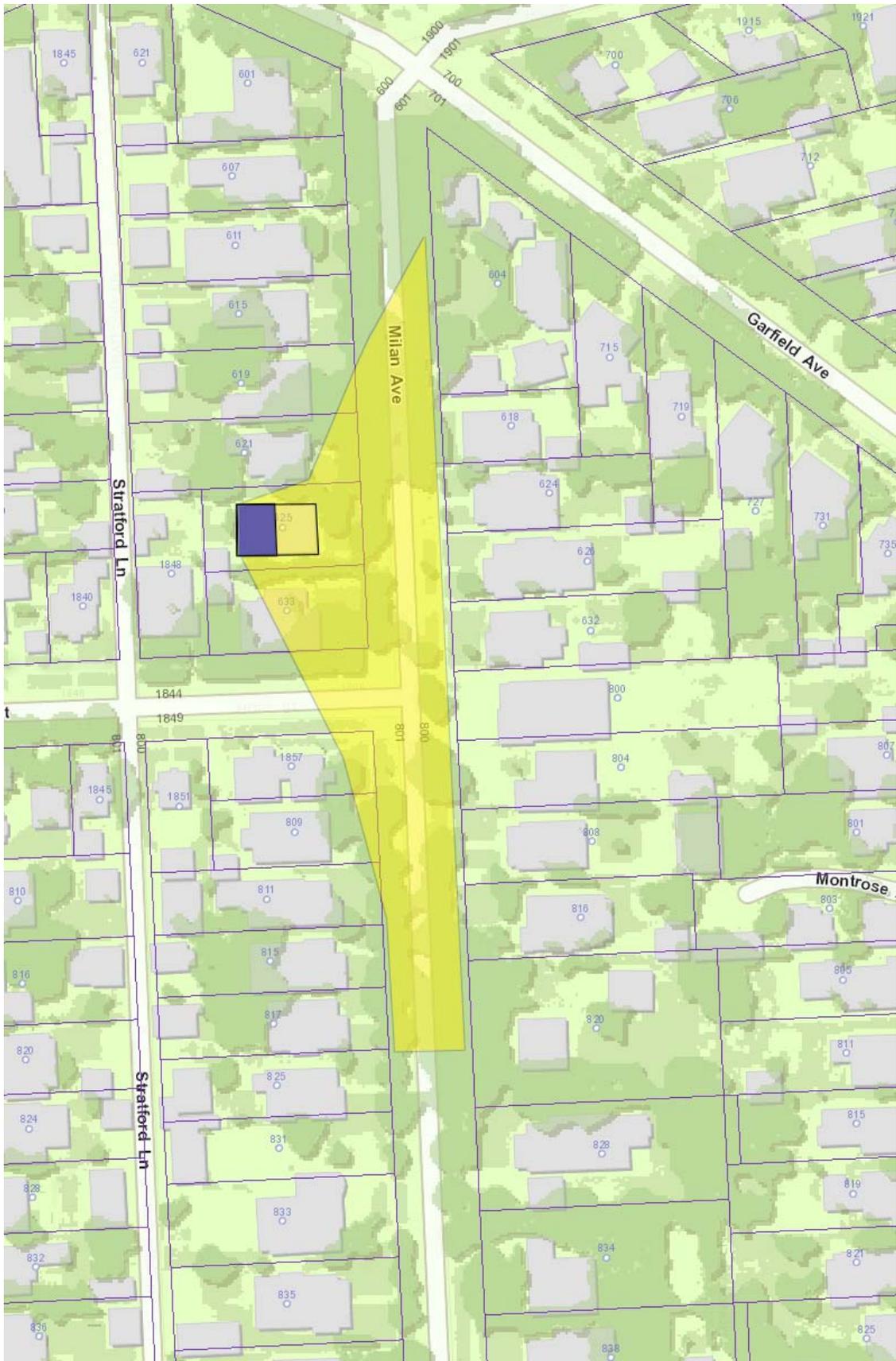


Northeast corner of Primary Elevation viewed from Milan Avenue, view to southwest (PCR 2016)



North Elevation viewed from Milan Avenue, view to southwest (PCR 2016)

EXHIBIT F – Potential Impact Area





# Margarita Jerabek, Ph.D.

ASSOCIATE PRINCIPAL, DIRECTOR OF HISTORIC RESOURCES

## SUMMARY

Margarita Jerabek has 25 years of professional practice in the United States with an extensive background in historic preservation, architectural history, art history and decorative arts, and historical archaeology. She specializes in Visual Art and Culture, 19th-20th Century American Architecture, Modern and Contemporary Architecture, Architectural Theory and Criticism, Urbanism, and Cultural Landscape, and is a regional expert on Southern California architecture. Her qualifications and experience meet and exceed the Secretary of the Interior's Professional Qualification Standards in History, Archaeology, and Architectural History. She has managed and conducted a wide range of technical studies in support of environmental compliance projects, developed preservation and conservation plans, and implemented preservation treatment projects for public and private clients in California and throughout the United States.

## EXPERIENCE

Dr. Jerabek has prepared a broad range of environmental documentation and conducted preservation projects throughout the Los Angeles metropolitan area and Southern California counties. She provides expert assistance to public agencies and private clients in environmental review, from due diligence through planning/design review and permitting and when necessary, implements mitigation and preservation treatment measures on behalf of her clients. As primary investigator and author of hundreds of technical reports, plan review documents, preservation and conservation plans, HABS/HAER/HALS reports, construction monitoring reports, salvage reports and relocation plans, she is a highly experienced practitioner and expert in addressing historical resources issues while supporting and balancing project goals.

She is an expert in the evaluation, management and treatment of historic properties for compliance with Sections 106 and 110 of the NHPA, NEPA, Section 4(f) of the Department of Transportation Act, CEQA, and local ordinances and planning requirements. Dr. Jerabek regularly performs assessments to ensure conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and assists clients with adaptive reuse/rehabilitation projects by providing preservation design and treatment consultation, agency coordination, legally defensible documentation, construction monitoring and conservation treatment.

She is a regional expert on Southern California architecture. She has prepared a broad range of environmental documentation and conducted preservation projects throughout the Los Angeles metropolitan area as well as in Ventura, Orange, Riverside, San Bernardino and San Diego counties. Beyond her technical skill, Dr. Jerabek is a highly experienced project manager with broad national experience throughout the United States. She currently manages PCR's on-call preservation services with the City of Santa Monica, County of San Bernardino Department of Public Works, City of Hermosa Beach, Los Angeles Unified School District, and Long Beach Unified School District.

## Education

Ph.D., Art History, University of California, Los Angeles, 2005

M.A., Architectural History, School of Architecture, University of Virginia, Charlottesville, 1991

Certificate of Historic Preservation, School of Architecture, University of Virginia, Charlottesville, 1991

B.A., Art History, Oberlin College, Oberlin, Ohio, 1983

## Awards/Recognition

2014 Preservation Award, *The Dunbar Hotel*, L.A. Conservancy

2014 Westside Prize, *The Dunbar Hotel*, Westside Urban Forum,

2014 Design Award: *Tongva Park & Ken Genser Square*, Westside Urban Forum

2012 California Preservation Foundation Award, *RMS Queen Mary Conservation Management Plan*, California Preservation Foundation

## Professional Affiliations

California Preservation Foundation

Santa Monica Conservancy

Los Angeles Conservancy

Society of Architectural Historians

National Trust for Historic Preservation Leadership Forum

American Institute of Architects (AIA), National Allied Member

American Architectural Foundation

Association for Preservation Technology



# Amanda Kainer, M.S.

## SENIOR ARCHITECTURAL HISTORIAN

### SUMMARY

Amanda Kainer has more than eight years of professional and academic experience in the practice of historic preservation and architectural history. Ms. Kainer has conducted extensive archival research, field observation, recordation, and prepared survey documentation and assisted in database management for numerous PCR historic resources projects. She has training and substantial experience in the evaluation and conservation of art and architecture and passion for interior design.

### EXPERIENCE

Ms. Kainer has completed and co-authored a wide range of architectural investigations including historic resources assessment and impacts analysis reports for compliance with CEQA, character-defining features reports, plan reviews, investment tax credit applications, Section 106 significance evaluations, and HABS documentations. She has also performed extensive research, survey work, and prepared numerous landmark and preliminary assessment reports as a part of PCR's On-Call Historic Preservation Contract with the City of Santa Monica.

She is involved a diverse set of projects and analyses. These include anything from a California Register nomination for the UCLA Faculty Center to a paint analysis for a Churrigueresque style 1920s commercial building in Santa Monica. She has co-authored Section 106 reports for the residential development in Thousand Oaks, Santa Monica Pier, Avalon Fuel Dock on Catalina Island, and a Mid-Century roadside motel in Bakersfield. For LAUSD, Ms. Kainer authored a character-defining features analysis for seven historic schools, provided historic analysis for an MND, and preliminary resource evaluations and plan reviews for various historic schools.

**Historic Resources Assessments:** Ms. Kainer has contributed to the research, site inspections, and report preparation of a number of historic resources assessments in the Los Angeles metropolitan area for compliance with CEQA. Ms. Kainer has evaluated a number of different types of potential historical resources, including single-family and multi-family residences, banks, commercial buildings, schools, hotels, and cultural landscapes in Beverly Hills, Venice, Los Angeles, and Santa Monica.

**Large Scale Survey Experience:** She was a contributing author for three major Community Redevelopment Agency of the City of Los Angeles—Adelante Eastside, Wilshire Center/Koreatown, and Normandie 5 Redevelopment Areas. Ms. Kainer also served as PCR Survey Team Leader and co-author for the comprehensive survey of over 4,000 objects of fine and decorative arts aboard the RMS Queen Mary in Long Beach. Additionally, Ms. Kainer helped complete the district-wide survey and evaluation of the Long Beach Unified School District and a windshield survey of Hermosa Beach for the Historic Resources Chapter of the Hermosa Beach General Plan Update.

### Education

M.S., Historic Preservation  
(Emphasis: Conservation Science),  
Columbia University, New York, New  
York, 2008

B.S., Design (Emphasis: Interior  
Architecture), University of  
California, Davis, 2002

B.A., Art History, University of  
California, Davis, 2002

### Awards/Recognition

Joel Polsky Academic Achievement  
Award, American Society of Interior  
Designers, 2008

### Continuing Education

CEQA and Historic Resources:  
Thresholds, Mitigation & Case  
Studies, California Preservation  
Foundation Workshop, March 2011

### Professional Affiliations

California Preservation Foundation

Los Angeles Conservancy

Santa Monica Conservancy  
(Volunteer Docent for the Shotgun  
House)

Docomomo SoCal

Association of Preservation  
Technology Western Chapter



PCR

# Christian Taylor, M.H.P.

## ASSISTANT ARCHITECTURAL HISTORIAN

### SUMMARY

Christian Taylor is a historic resources specialist with academic and professional experience in assessing historic structures and contributing to California Environmental Quality Act (CEQA)-level documents. Mr. Taylor has continued to hone his skills in management of rehabilitation and restoration projects, preparation of documentation of historic contexts, and the use of non-invasive material investigation methods.

### EXPERIENCE

Working for the California Department of Parks & Recreation (DPR), restoration contractors, and environmental consultants, Mr. Taylor has become versed in the research, writing, and assessment of historic resources from the public and private perspective.

Serving first as a History Intern and then Interpretive Specialist for the DPR, Mr. Taylor served as the lead representative for the Crystal Cove State Historic Park during the second phase of the cottage restoration project program. His primary role was to liaise with contractors ensure the project met both the Parks Department and Secretary of the Interior's Standards. Also with the DPR,

Mr. Taylor worked alongside resident historians to organize the contributing documentation and assist with the historic landscape report documenting La Purisima Mission's structures and their significance in relation to the original restoration work done in the 1930s.

Mr. Taylor also familiarized himself with historic restoration field through the preparation of thousands of pages of documentation associated with the Wilshire Temple and Atascadero City Hall projects.

While with PCR, Mr. Taylor has performed architectural history research, survey and assessment work for the Hermosa Beach General Plan Update, the Capitol Mills project in Los Angeles, and assisted with historic resources assessments for a commercial property and an education center in West Hollywood, as well as multiple residential properties in Venice and Los Angeles.

### RESEARCH PROJECTS

*Mission La Purisima: Civilian Conservation Corps Historic Garden and Cultural Landscape Report*, California Department of Parks and Recreation, January 2011

*Manufacturing America: Alexander Hamilton's Efforts to Industrialize the Nation*, University of Southern California, November 2009

*Sculpting Liberty: Augustus Saint-Gaudens's Standing Lincoln*, University of Southern California, May 2010

*Googie: Unsavory Design or Tasteless Inspiration?*, University of Southern California, May 2009

*The Shankland House, 715 West 28th Street: Assessment of Materials and Recommendations for Treatment and Maintenance (Metal)*, University of Southern California, May 2009

### Education

Master's Degree, Historic Preservation, University of Southern California, Los Angeles, 2015

B.A., History, University of Oklahoma, Norman, 2008



PCR

# Virginia Harness, M.A.

## ASSISTANT ARCHITECTURAL HISTORIAN

### SUMMARY

Virginia Harness has one year of professional experience and two years of academic experience in the practice of historic preservation and architectural history. Additionally, her professional background includes a year of professional experience in archival work and a summer of training in archaeology. She has also worked in the field of public history, conducting oral history interviews and creating a museum exhibit.

She earned her M.A. in Architectural History and Certificate in Historic Preservation from the University of Virginia (UVA) where she studied under architectural historian Dr. Richard Guy Wilson (thesis advisor) and preservationist Dr. Daniel Bluestone. Her wide range of work across preservation and history fields brings a depth of experience to her current work in historic resources.

### EXPERIENCE

Ms. Harness has extensive experience in archival research, first as an archivist with the Brethren Historical Library and Archives and during her time as a student at UVA. While at UVA she worked on the Historic American Building Survey (HABS) recordation of Little Mountain Farm in Albemarle County and was a contributing author of the National Register Nomination for a corridor in Dillwyn, Virginia to assess its eligibility for listing as a historic district on the National Register of Historic Places.

As a public history intern with Historic Vienna, Inc. in northern Virginia, she designed and created a small scale museum exhibit which included traditional board mounted displays and a touch-screen interface.

Since commencing work at PCR, first as an intern and now as a technician, she has worked on historic resources assessment and impacts analysis reports, character-defining features reports, plan reviews, and HABS documentation for projects in the greater Los Angeles metropolitan area. Recent projects include HABS documentation, plan review, and construction monitoring for a late 19th century residence in Laguna Beach; a historic resource assessment and impacts analysis report for a new construction project in the Old Pasadena historic district; research for an impact report for a pipeline in San Diego County; historic resource assessments for buildings in Los Angeles, Laguna Beach, South Pasadena and Santa Monica; and a peer review of a Los Angeles Historical-Cultural Monument Application. Additionally, Ms. Harness has assisted in the completion of character defining features analysis, most recently for seven historic schools within LAUSD, and also recently completed an architectural survey of the RMS Queen Mary in Long Beach.

### Education

M.A., American Architectural History  
University of Virginia, Charlottesville,  
2014

Certificate in Historic Preservation,  
University of Virginia, Charlottesville,  
2014

B.A., Liberal Arts, St. John's College,  
Annapolis, Maryland, 2011

### Continuing Education

Section 106: A Guide to Federal  
Protections for Historic Properties,  
California Preservation Foundation  
Workshop, May 2015

CEQA: How it Really Works,  
California Preservation Foundation  
Workshop, May 2015

### Professional Affiliations

Society of Architectural Historians

California Preservation Foundation

Los Angeles Conservancy



# Adam F. Rajper, M.S.

## ARCHITECTURAL HISTORIAN TECHNICIAN

### SUMMARY

Adam Rajper is an architectural historian experienced in the research and education of cultural resources in the United States and abroad. His combination of degrees provides him with a broad and advantageous skill set, including strong documentation and research skills, as well as the ability to approach preservation from an interdisciplinary perspective.

### EXPERIENCE

Mr. Rajper has worked as an assistant in architectural firms throughout Southern California, most recently KTG Group, Inc. in Irvine, as well as a preservation consultant in South Asia and the Middle East. While receiving his architectural training, Mr. Rajper interned at the Los Angeles Conservancy where he helped prepare National Register Nominations.

Mr. Rajper has a strong interest in the history and theory of historic preservation, both in the United States and abroad. In 2012, he completed a course offered by the Critical Conservation Program at Harvard's Graduate School of Design and taught by Philadelphia-based architects and cultural and architectural historians, Susan Snyder and Dr. George Thomas. As part of that course, Mr. Rajper examined the origins of the preservation movement in the American Southwest, including Southern California. Mr. Rajper also has a passion for earthen architecture. As a graduate student, he documented historic mud brick palaces in Tarim, Yemen under the auspices of the Samuel H. Kress Foundation and Columbia University. He has conducted extensive research on adobe buildings throughout Southern California and is currently receiving training in earthen construction through Adobe in Action, a New Mexico-based non-profit organization.

In addition to his experience in architecture and preservation, Mr. Rajper has taught undergraduate and graduate seminars on architectural history in Cairo, Egypt. He has also worked as a research and teaching assistant, under the direction of faculty affiliated with the History, Theory, and Criticism of Architecture Program at the Massachusetts Institute of Technology. At Columbia, he focused on architectural conservation and studied under noted conservators, Dr. George Wheeler and Norman Weiss.

### Education

M.S., Historic Preservation, Columbia University, New York, New York, 2008

Bachelor of Architecture, California State Polytechnic University, Pomona, 2004

### Professional Affiliations

Preservation Alumni

Society of Architectural Historians

### Awards/Recognition

Robert C. Weinberg Award for Excellence in Preservation Planning and Design, 2008

William Kinne Fellows Traveling Prize, 2008

Alpha Rho Chi Medal for Leadership, Service, and Merit, 2004



# Stephanie Hodal

## ARCHITECTURAL HISTORIAN INTERN

### SUMMARY

Stephanie Hodal is an experienced professional with expertise in communications for the architectural and engineering sector. She will apply her corporate communication and marketing expertise and academic experience in historic preservation/conservation to support the Historic Resources Division.

Ms. Hodal provides research and writing support regarding permit and assessor information, construction and owner chronologies, architectural descriptions, and historic context. Thus far, she has provided a brief history of golf course design for the Verdugo Hills Golf Course, the history of San Fernando Valley development as context for an early house in Studio City; and LGBT history as context for an office/retail/restaurant complex in West Hollywood. Ms. Hodal has also prepared an architectural description for a multi-building mid-century apartment complex in Hollywood and comprehensive research on the land development, corporate, and design history regarding a factory complex in Whittier.

### RELEVANT COURSEWORK

History of the American City  
History of American Architecture and Urbanism  
Cross Cultural Issues in Landscape Design  
Topics in Modern Architecture in Southern California  
Global History of Architecture to 1500

Introduction to Historic Site Documentation  
Fundamentals of Historic Preservation  
Historic Preservation Management, Planning and Development  
Historic Preservation Philosophy

Conservation Methods and Materials  
Historic Materials and Construction  
Sustainable Conservation of the Built Environment

Smart Growth Planning  
Urban Villages  
Design Skills for Urban Planners  
Introduction to City Planning  
Communicating City Design

### Education

Candidate, Master of Heritage Conservation, University of Southern California School of Architecture, 2016

Certificate of Historic Preservation, Boston Architectural College, 2009

A.B., American Studies, Smith College, Northhampton, Massachusetts, 1980

### Continuing Education

*Historic Real Estate Finance + Real Estate Deal Structuring*, National Trust for Historic Preservation, Philadelphia, PA + Washington, D.C.

MAR 14 2016

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City Clerk's Division

**TO:** Mayor Diana Mahmud, Mayor Pro Tem Michael Cacciotti, Hon. Robert Joe, Hon. Marina Khubesrian, M.D., and Hon. Richard Schneider, M.D.  
**FROM:** Michael Shimpock and Kim Nguyen, Property Owners  
**SUBJECT:** Request to Reject Appeal of CHC Decision Regarding 625 Milan Ave.  
**DATE:** March 12, 2016

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**I. Executive Summary**

• **CHC Has Approved the Project**

The Cultural Heritage Commission, i.e., the body of experts appointed by the City Council to determine when a project meets the City's design guidelines and the Secretary of the Interior's Standards, has approved the Project and issued a Certificate of Appropriateness.

• **Architectural Historian Has Certified the Project as Meeting Secretary of Interior Standards and is CEQA Exempt; Improved Residence Will Remain Contributor to Potential Historic District**

Dr. Margarita Jerebek, an architectural historian from the same firm that the City hired to perform the prevailing historic survey of the City's properties, has certified in an expert report that: (1) the project meets all 10 of the Secretary of the Interior's Standards; (2) the project is categorically exempt from CEQA; (3) the project is a "classic example" of an appropriate second-story addition to a one-story residence that is a contributor to a potential historic district; and (4) upon completion, the residence will remain a contributor to the potential North Milan District, and the North Milan District will remain eligible as a potential historic district.

• **Property Has Severe Lot Constraints**

Property sits on a lot that is 115.25 ft. deep; 50 feet less in depth than the typical lot depth of 165.25 ft., which is noted as a typical lot depth in the North Milan potential district primary record form. This imposes severe constraints on adding additional space on the ground floor. For the modest space that we need, we are forced to go up.

• **Proposed Addition is Modest in Scope and Scale:**

Property is currently 1475 sq. ft. Proposed addition is 119 sq. ft. on the first floor, and 519 sq. ft. on the second floor. Homes in the neighborhood (i.e., Milan Ave. between Mission St. and Garfield Ave.) range from 1368 sq. ft. to 4097 sq. ft., with an average of 2259.75 sq. ft. The proposed addition would make the home a total of 2113 sq. ft., which is still below the average square footage of the neighborhood and is well below the Zoning Code's limit of 2415.70 sq. ft. for this particular property.

CC: Council; CM; CA; CACC; Swatkins; J. Mayer; Reference Binder; Original to 3/16/16 ADPL Docs

- **No Prohibition Exists on 2<sup>nd</sup> Story Additions on 600 Block of Milan**

The Appellants do not object to the design, scale, or massing of the proposed second story addition. Rather, they have a *per se* objection to *all* second story additions on the 600 block of Milan Ave and are asking the City Council to impose a de facto prohibition on second-story additions. But *no* such categorical prohibition on second-story addition exists in the City's Municipal Code. And, the City's Design Guidelines in fact expressly permit second story additions. Imposing a prohibition of second story additions on the 600 block of Milan amounts to an inverse condemnation and regulatory taking that exposes the City to liability for damages and attorneys fees.

- **Proposed Second Story Addition Is Consistent with Neighborhood**

Although the immediately adjacent homes are one-story homes, there is a mix of one-story and two-story homes in the neighborhood. As accurately conveyed to the CHC, thirty-nine percent of the homes on Milan Ave. between Mission St. and Garfield Ave. (600 and 800 blocks) are second-story homes.

- **Overwhelming Neighborhood and Community Support**

We have signed letters of support from EVERY house on the 600 block of Milan except for two and every courtyard bungalow except for one, and signed letters of support from EVERY house on the 800 block of Milan except for one.<sup>1</sup> And, we have letters from nearly 250 residents of South Pasadena who support our efforts to remodel our home in a way that is consistent with City zoning laws and design guidelines. (Please see attached map showing neighborhood support.)

- **Bottom Line**

The Appellants have absolutely no viable grounds for an appeal. We respectfully urge the City Council to deny their appeal and allow us to move forward with the Project.

## II. Introduction

We are Michael Shimpock and Kim Nguyen, the owners of the property located at 625 Milan Ave. ("Property"), which we purchased in August 2007. We and our young children love our house, so much so that we have undertaken a costly, time-consuming, and emotionally draining effort to make the house large enough to fit our expanding family and thereby create our "forever" house.

On January 21, 2016, after careful and thorough consideration, the Cultural Heritage Commission approved our application, by a vote of 3-2, to add 119 sq. ft. to our

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<sup>1</sup> Councilman Cacciotti lives within 500 ft. of the Project. Accordingly, we did not approach him about our Project.

existing 1475 sq. ft. one-story home and an additional 519 sq. ft. in a second-story addition. We have a Certificate of Appropriateness, overwhelming support from almost all of our neighbors for the project, and are ready to move forward with our project.

The appeal filed by Mr. Lony Ruhman and Ms. Margie Antonetti (“Appellants”), which categorically opposes the second-story addition, is meritless. The appeal fails because it relies on misleading and fabricated excerpts from the record, inaccurate factual assertions, and a fundamental misunderstanding of applicable law.

Appellants erroneously claim that *any* second-story addition, *regardless* of its size, design, scale, and massing is absolutely prohibited on the 600 block of Milan Ave. But, *no* such prohibition exists in the City’s Municipal Code, Design Guidelines, or the Historic Context Statement. In short, the relief that the Appellants seek from the City Council is a de facto prohibition on second-story additions on the 600 block of Milan Ave.

If the City Council grants the Appellants the relief they seek, the City’s action will be contrary to law and will almost certainly subject the City to liability for a regulatory taking, with resulting damages and attorney’s fees.

As demonstrated below, the appeal has no legs upon which to stand. We respectfully urge the City Council to deny the appeal and affirm the Commission’s decision.

### **III. Our Current Home and Needs as a Growing Family**

The Property is a three-bedroom, one-bathroom single family home that measures 1475 sq. ft. As a family of four, we line up for the bathroom in the morning, our son and daughter currently share a bedroom, and we are quickly outgrowing our beloved home. In short, we are in genuine need of additional space.

Our goal with this Project is modest and reasonable: to add just enough space so that our children can have separate bedrooms, the family can have additional bathrooms, and an additional family room that can double as a place for aging parents to have extended stays. Without this additional space, we will quickly outgrow our home and will be forced to leave South Pasadena as we cannot afford a new home that will fit our needs. The Project will allow us to remain in our home for the next several decades and our family to continue being an integral part of the South Pasadena community.

We hired Anthony George, a respected local architect to design our addition, keeping in mind all of the City’s zoning laws and its Design Guidelines. On December 15, 2015, we went before the Commission for a conceptual review of our proposed project. The Commission considered our proposed second-story addition, approved the

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massing of the second-story addition, and gave us the go ahead to prepare a full design for formal review.

In reliance on, and incorporating the Commission's positive feedback and suggestions received at the conceptual review, we proceeded with designing the second-story and first story additions in compliance with the City's zoning codes and Design Guidelines, as well as the Secretary of the Interior's Standards for Renovation and Restoration. To date, we have invested almost \$10,000 in the painstaking design phase of this project, in large part because our architect had zoning codes and Design Guidelines in mind every step of the way.

On January 21, 2016, we presented our design to the Commission. We demonstrated that we were in full compliance with the City's zoning requirements, Design Guidelines, Historic Context Statement, and the Secretary of the Interior's Standards for Restoration and Rehabilitation.

After extremely careful consideration, thorough review, and vigorous debate, the Cultural Heritage Commission approved our application, with the condition that we lower the proposed roof height of the second-story addition by 1 foot. We readily agreed to that condition, redesigned the roof height as requested by the Commission, brought the revised design back for a Chair review, and obtained final approval and a Certificate of Appropriateness. But for the Appeal, we would be breaking ground shortly.

**IV. The Appellants' appeal is utterly meritless, and based on factual inaccuracies and fabrications of the underlying record.**

**A. There is NO "dangerous precedent" that will result from approval of this Project.**

The Appellants claim that if the City Council affirms the Commission's decision, such a decision will become "precedence" that permanently binds the Commission (and this Council) into approving every single second-story addition request in the future. (Appeal Form, pg. 3.)

Such a statement reflects a complete and utter misunderstanding of the discretionary authority that the Commission and the City Council possess in *approving and rejecting* future projects according to whether those future projects comport with zoning requirements and the Design Guidelines. Each project that comes before the Commission and the Council will have different lot configurations, different designs, and different structural features. And with each future project, the Commission and the City Council will have the opportunity to assess, whether under City zoning laws and Design Guidelines, the project should be approved.

Arguments regarding so-called “dangerous precedent” based on future speculative cumulative impact have been squarely rejected by courts. In *Billings v. California Coastal Commission* (1980) 103 Cal.App.3d 729, for instance, the Coastal Commission denied an application for the subdivision of a large parcel of land into smaller ones. Although the subdivision of this particular parcel would have no adverse effect on the surrounding environment, the Coastal Commission rejected the application based on a concern that approving this application would encourage future similar applications and require future approval of those future applications, which could result in a significant adverse affect.

The Court of Appeal held that Coastal Commission “erroneously relied” on the incorrect assumption that if the Coastal Commission approved the application presently before it, the Commission could not reject other future requests for similar subdivisions. The Court explained: “[T]he Commission could not base its refusal of the permit on such a speculative future contingency. The Commission clearly has the authority to prohibit any future development whose cumulative effect is both significant and adverse.” (*Billings v. California Coastal Commission, supra*, 103 Cal.App.3d 729, 741.)

Likewise, here, the Cultural Heritage Commission continues to exercise discretionary review over every project that comes before it. And the City Council continues to exercise review over any appeals that are filed challenging decisions by the Commission. Approving this particular Project simply does not create the “dangerous precedent” that the Appellants fear.

**B. The Appellants rely on factual inaccuracies and quotes that are fabricated and taken out of context.**

**1. The Property is NOT located in a “Historic District”**

The Appellants claim that: “This is a historic district where the one story massing is its character defining feature.” (Appeal Form, p. 1.) Similarly, the Appellants warn: “If you can build a second story addition on a historic resource in a historic district where its defining feature is its one story character, you can build a second story addition anywhere in South Pasadena.” (Appeal Form, p. 3.)

The Appellants are flat out wrong. The Property is NOT located within a historic district. There are only five actual historic districts in South Pasadena, and they are the Oaklawn, Ramona Avenue, El Centro - Indiana – Palm, Mission West, and Oak – Laurel Districts.<sup>2</sup>

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<sup>2</sup> <https://www.google.com/maps/d/viewer?msa=0&mid=ztajinMmd85g.kyfz65tCtrcA>  
(This is the link to a map of the five historic districts, as provided on the City’s website.)

The Property is located in a potential historic district (of which the City has 69), and is listed on the City's Historic Resources Inventory (of which there are 2, 567 properties, i.e., 38% of all properties in the City). (Historic Context Statement, p. 21-22.) Potential historic districts are found throughout the City en masse, and there is no reason to single out this particular potential historic district for differential and more stringent treatment. Additionally, even in the historic districts there is no flat prohibition on second-story additions.

Furthermore, the expert report prepared by Dr. Margarita Jerebek concludes, unequivocally, that: (1) the proposed second-story addition, as it is currently designed with its limited scale, rear massing, and lowered roofline, permits the residence to remain a contributor to the potential North Milan district; (2) upon completion of the second-story addition, the potential North Milan district will remain eligible as a potential historic district; (3) the Project meets all 10 of the Secretary of Interior's Standards; and (4) the Project is categorically exempt from CEQA.

## **2. The Appellants support their appeal with a fabricated quote and other quotes taken out of context.**

In the additional materials submitted by the Appellants, the Appellants claim that the Commission was somehow tricked into approving the Project based on a neighborhood survey that the Project Architect prepared of the houses on Milan Ave. According to the Appellants, Mr. George misrepresented that 39% of the houses in the potential North Milan district are second-story homes, and that because of this so-called misrepresentation, the Commission approved the project.

But, as the City Council can clearly see from the cover page of the survey prepared by Mr. George (Attachment No. 6, pg. 18-36 of City Council's Packet), Mr. George provided an analysis of the "**neighborhood**," which he clearly defined as the portion of Milan Ave. between Garfield Ave. and Mission Ave. There is absolutely no mention of the potential North Milan District in this survey.

And the reason why Mr. George provided an analysis of the **neighborhood** is because the City's Design Guidelines specifically require all additions "to respect the character of the historic building, *the neighborhood*, and adjacent properties." (City's Design Guidelines, pg. 36, italics added.) The Design Guidelines speak in terms of "neighborhoods" and not "districts." Mr. George did not mislead the Commission in any way.

In fact, the Appellants are the ones who are misleading this Council. In support of their claim that Mr. George tricked the Commission into approving the Project, they attribute the following fabricated quote to Chair Jim McLane:

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“Mr. George's submittal says 39% of the houses on the block are two story. So to me that has some bearing on the one story character.” (See Appellants’ Additional Materials, 18-24 of City Council’s Packet.)

This fabricated quote makes it sound as through Chair McLane was focused only on the 600 block of Milan Ave. (i.e., the potential North Milan District) and that he believed the district contained only one-story homes.

The actual quote, however, shows that Chair McLane rejected the notion of myopically focusing on the 600 block of Milan Ave., and in fact considered the 600 block and 800 block of Milan Ave. to contain the relevant streetscape by which to assess the Project.

Here is the full and actual quote, with the portion of the quote that Appellants have removed noted in italics. (We invite the City Council to confirm the accuracy of this quote from the audio recording at 1:55:35)

Chair McLane: “Then there's the notion that altering the original roofline is a key. Well, I don't think it's altered. I think it's easily perceived with the project. I think the degree to which the addition is set back really is maybe the saving grace of the effort here. One-story character, well, that's a guideline. It's an important one and a valuable one. Mr. George's submittal says that 39% of the properties on this block, and I think there's a question about defining what the block is. *He says that 39% of the houses on this block are two-story. I've heard some neighbors say there are none, so some people are talking about the 600 block and the 800 block. I don't understand that. I see it as one large block and I think Mr. George's survey surveyed this long block that seems to include addresses starting with 8 and 6. Can you just nod your head if that's true? Thank you.* So, that, to me, has some bearing on this one-story character.”

This fabricated quote serves as the centerpiece for the additional materials submitted by the Council in support of their appeal. These materials include: (1) a document purporting to be an expert opinion by M. Colleen Hamilton that is unsigned, and provides no clue as to Ms. Hamilton’s credentials; (2) an email from Scott Thompson, an architectural historian located in Arizona; and (3) an email from an attorney in Pasadena that provides no reliable opinion because it is based on the fabricated quote set forth above.

All three items submitted by the Appellants are of minimal value to the City Council for the following reasons:

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- (1) Neither Ms. Hamilton nor Mr. Scott state in their reports that they made site visits to the Project or the surrounding neighborhood. Thus, they appear to have no basis from which to draw conclusions regarding the Project's appropriateness. In stark contrast, the expert opinion provided by Dr. Jerebek (submitted to the City Council on March 11) is based on site visits, a viewshed analysis, and a review of the proposed design plans. Furthermore, Dr. Jerebek's report is accompanied by a detailed curriculum vitae, for both herself and PCR. No such credentials are presented to the Council for Ms. Hamilton or Mr. Scott.
- (2) Ms. Hamilton's opinion and the email from Attorney Carlson both rely heavily on the fabricated quotation created by the Appellants to make it seem as though the Cultural Heritage Commission was misled. As demonstrated above, the Commission was not tricked into anything. Opinions based on fabrications are of no use to this Council.
- (3) All three opinions are conclusory and almost bereft of analysis, in stark contrast to Dr. Jerebek's report.

### **3. Quotes From A Minority of Commissioners Who Voted Against the Project Do Not Tell the Whole Story.**

In addition to attributing a fabricated quote to Chair McLane, the Appellants quote, at length, the two commissioners who were *outvoted* by a majority of the Commission. These quotes, of course, do not tell the whole story of what transpired and what was said during the Commission's hearing. As a point in fact, Appellants cite a quote from Chair McLane to suggest that he disapproved of the project, *when in fact he made the motion to approve the project.*

We invite the Council to consider the following statements made by the commissioners in the majority as a counter balance to quotes provided by the Appellants:

#### **[Regarding the Design Guidelines]**

Commissioner West de Young: "Well, our guidelines, when I was reading through them, it says that second-story additions are discouraged, not forbidden. So, in this case a single-story addition is not practical. It doesn't work. And, as long as they can somehow design a second-story addition that fits what I believe my interpretation of the guidelines, I think would be fine with me at this point."

Chair James McLane: "I think it's actually commendable to approve a project that does everything possible within the parameters of the Secretary of Interior's standards

when it has constraints to show a successful project. That's actually where I'm coming down on this.”

Commissioner Steven Friedman: “We can't go down that path, but I would say that a second-story addition has been discouraged in this case. And, the consequence of the emphasis on discouraging them is that it generates the tremendous amount of thoughtfulness and mitigating activity that we've seen in the design of this project.”

**[Regarding Compatibility with the Neighborhood]**

Chair James McLane: “[The Project Architect] says that 39% of the houses on this block are two-story. I've heard some neighbors say there are none, so some people are talking about the 600 block and the 800 block. I don't understand that. I see it as one large block and I think Mr. George’s survey surveyed this long block that seems to include addresses starting with 8 and 6.”

**[Regarding Absence of Dangerous Precedent]**

Commissioner Steven Friedman: “And, if we believe that this project merits the findings to issue with certificate of appropriateness, that doesn't tie our hands in the future. What it does is it establishes a precedent for the amount of scrutiny that we will impose.”

**V. A prohibition of second-story additions on the 600 block of Milan amounts to an inverse condemnation and regulatory taking, resulting in City liability for damages and attorney’s fees.**

It is critical to underscore that the Appellants do *not* identify any particular flaw in our proposed design; nor do they claim that the proposed project fails to meet any particular zoning requirement. And to be absolutely clear, they do not take issue with the size, massing, or proposed exterior materials of the second-story addition, which have received nearly universal praise.

Rather, the Appellants claim that a second-story addition is *per se* and *categorically* prohibited on the 600 block of Milan Ave. because the 600 block is a “pristine” row of single-story houses. (Appeal Form, p. 1.) In other words, the Appellants claim that the City should create from whole cloth an unwritten zoning restriction on the 600 block of Milan – and, by implication, any other streets containing a small cluster of one-story bungalows – so as to prohibit all second-story additions. These zoning restrictions, of course, would be without any notice to the residents of the 600 block of Milan, and would be wholly outside the requisite public rulemaking procedures established by the City.

If the City grants the Appellants such relief, it will be doing so at great risk. In our view, such action amounts to an inverse condemnation and uncompensated regulatory taking (not just on our house, but every other affected house throughout the City), with resultant liability for damages and attorney's fees.

Our Constitution provides for the fundamental right against deprivation of property without due process and just compensation: "No person shall be deprived of property, without due process of law; *nor shall private property be taken for public use without just compensation.*" (U.S. Const., Amend. V, italics added.)

The Fifth Amendment protects against the taking of private property without just compensation. Thus, when a public entity, such as a city, invades or appropriates a valuable property right from a private landowner, that public entity has committed an inverse condemnation and the landowner is entitled to compensation in the form of damages. (*Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal.3d 110, 119.) An undue restriction on the use of private property amounts to a "taking" for constitutional purposes, and requires just compensation just as appropriation or invasion of the property. (*Candlestick Properties, Inc. v. San Francisco Bay Conservation* (1970) 11 Cal.App.3d 557, 572.)

One established form of inverse condemnation, is a "regulatory taking." A regulatory taking occurs when a public entity imposes an undue restriction on the use of private property that results in a "taking" of that property requiring just compensation. (*First English Evangelical Lutheran Church of Glendale v. Los Angeles County* (1987) 482 U.S. 304, 318.) A public entity that engages in an inverse condemnation and regulatory taking must provide just compensation in the form of monetary damages, and reimburse the landowner for costs and expenses, *including reasonable attorney's fees*, expended in defending his or her right to just compensation. (Cal. Code of Civ. Proc., section 1036.)

There is no way around it. The Appellants are urging the City to adopt a de facto prohibition on second-story additions that amounts to an undue restriction on the use of private property. Such action will embroil the City in litigation and expose the City to severe financial consequences.

**VI. Our project continues to tell the story of 20<sup>th</sup> century life, while also permitting room for a growing family in the 21<sup>st</sup> century.**

The Appellants claim that the one-story homes on the 600 block of Milan Ave. tell "the story of the first decades of the 20<sup>th</sup> century," and "the manner in which people lived." (Appeal, pg. 1.) From this the Appellants arrive at the unsupportable conclusion that any change to the one-story character of our home would destroy the story that it purportedly tells.

First, the report prepared by Dr. Jerebek makes absolutely clear that our home would remain a contributor to a potential historic district with the proposed addition. Further, the report concludes that the addition of a second-story, as currently designed with its modest size and rear massing, would not affect the character defining features of our home. So there is no threat to the 20<sup>th</sup> century story that is being told by the architecture of our home.

Second, the Appellants' argument fails to recognize an absolutely critical point. South Pasadena is a city that respects its history and pays homage to its period defining architecture. But, South Pasadena is not a museum for people to observe; it is a dynamic, thriving, and robust community in which people live and thrive. That is the vision of South Pasadena that we hold dear to our hearts. That is the vision that is shared by the nearly 250 residents of South Pasadena who have signed a letter of support for our project.

And that is the vision that we hope this City Council holds as well. Thank you for time and thoughtful consideration. We respectfully urge you to deny the appeal.

With gratitude and respect,



Kim Nguyen



Mike Shimpock

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**Attachment 1:**  
Map showing neighborhood support (purple highlights) for project



**LETTER IN SUPPORT OF SHIMPOCK PROJECT**

As residents of South Pasadena, we support the Shimpock Family's project at 625 Milan Ave., which has been approved by the Cultural Heritage Commission.

We support their efforts to add a reasonable, appropriate, and modest second-story addition to their home in order to accommodate their family, and believe doing so is completely compatible with the City's design guidelines and codes, rehabilitation standards, and our community's efforts to preserve the historic nature of South Pasadena.

We believe that appropriate and modest changes to one's property can be compatible with historic preservation goals and adaptation to the new and changing needs of residents.

We believe that it is important for our city council members to represent the families that make our city a special and unique place.

X

Printed Name:

Address:

SOUTH PASADENA CA 91030.

\* A total of 207 letters of support were submitted. Copies of the letters may be viewed in the City Clerk's Office.

# Memo

**Date:** March 16, 2016  
**To:** Honorable Mayor and City Council  
**CC:** Sergio Gonzalez, City Manager  
Teresa L. Highsmith, City Attorney  
Anthony J. Mejia, Chief Deputy City Clerk  
**From:** John Mayer, Senior Planner *JM*  
**Re:** Item Number 18 (625 Milan Avenue Appeal)

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Please find attached, a letter from CHC Chairman Jim McLane which describes his account of the review process for the approval of 625 Milan Avenue.

Thank you,  
John

Additional Material  
AGENDA ITEM # 18  
3/16/16 City Council Mtg.

*CC: Council; CM; CA; CDCC; P+B; Reference Binder; Original to 3/16/16 Addl Docs*

March 14, 2016

**To:** City Council of South Pasadena  
**Subject:** 625 Milan, Proposed Addition  
**From:** Jim McLane, Chairman, Cultural Heritage Commission

Dear Mayor Mahmud and City Councilmembers,

I have reviewed the letters of appeal by some neighbors regarding 625 Milan, and I wish to provide this account of our review process. Please consider this information in your discussion.

During the review process, the Commission reviewed the project twice, and the architect met with the Chairman twice. The Commission concluded the first review with direction to develop a second story addition, but they expressed concerns about the overall height and adverse impact on the historical resources such as the neighborhood context and the individual house. I worked with the architect to arrive at a design that meets the definition of "Compatibility," which is the cornerstone of designing alterations to historic properties. The architect made improvements to his design in response to Commission comments as well as the Chair Reviews. Public comments were heard during the second Commission meeting.

The Commission's perspective evolved over the course of the review process. While all of the Commissioners shared many of the concerns expressed in the appeals, the Commission reached a decision that fairly weighed all of the historic preservation issues. It is also fair to say that the Commission was not unanimous in approving the project.

Some of the appeal letters have taken isolated Commission comments out of context and misrepresented the content of the Commission's discussions. Moreover, the relevant preservation standards are misquoted, indicating an incomplete understanding of preservation practice.

The key points supporting our decision were:

**1. Compatibility of Architectural Character**

The design borrows features from the original, so that there is a consistent architectural character. Consequently, the addition is a subordinate element that is recognizable as a modern addition, both of which are also key characteristics of good preservation design.

**2. The Addition is a Subordinate Element with Minimal Visual Impact**

The second story addition has a diminutive size and scale, because it is set at the rear of the existing structure, its height is minimal, and the form of the roof is similar to the existing. It will be barely noticeable from the street.

**3. Second Story Additions are Supported in the Residential Design Guidelines. The proposed project meets these guidelines.**

- a. Page 38 states: "Adding vertically at the rear with matching roof forms that step back from the building footprint reduces the impact of the addition."
- b. Page 40 states: "A structure higher than others on its block can be incompatible when set at the front. However, the visual impact of an increase in height can be mitigated by front, side or rear setbacks."

**4. Process**

The applicants and their architect cooperated with the commission by taking its comments seriously and integrating them into their project as it evolved.

Sincerely,

Jim McLane