

8/2/04  
JAMES  
I WANT TO  
ADDRESS THIS FOR  
CONSIDERATION OF COUNCIL  
STAFF MANAGER

MINUTES  
BOARD OF ZONING APPEALS  
JULY 21, 2004

Public Meeting 6:00 PM  
175 North Garfield Avenue  
Permit Center Hearing Room, 1<sup>st</sup> Floor

Received  
7:58 AM  
Aug. 2, 2004  
City Clerk  
gfk

1. ROLL CALL AND READING OF PROCEDURES
2. PUBLIC HEARINGS

CONTINUED CASES

A. **MOD-CUP #4012: 485 South Grand Avenue – Council District #6**  
Conditional Use Permit: To allow the construction of a 38 square foot second-floor addition over a porte-cochere such that the house will exceed 4,000 square feet.  
Variance: To allow the addition to have a 5'-1" setback where 9'-1" is required.  
Staff Recommendation: Denial  
Case Manager: David Sinclair  
**THE BOARD OF ZONING APPEALS DECIDED TO UPHOLD THE ZONING HEARING OFFICER DECISION AND DENY THE APPLICATION ON A VOTE OF 3-2.**

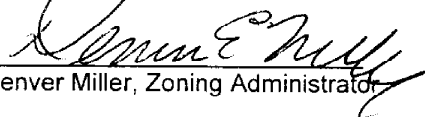
REGULAR CASES

B. **TR #2004-00170: 847 South Madison Avenue – Council District #6**  
Tree Appeal: Appeal of staff decision to deny removal of a protected Oak Tree.  
Staff Recommendation: Approval subject to submittal of landscape plan.  
Case Manager: Robert Avila  
**THE BOARD OF ZONING APPEALS DECIDED TO APPROVE THE APPLICATION ON A VOTE OF 5-0.**

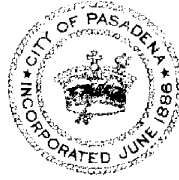
3. **ADJOURNMENT**

POSTING STATEMENT:

I HEREBY CERTIFY that this Agenda was posted in its entirety on the City of Pasadena Chamber Building bulletin boards in the lobby area and north outside entrance at 117 E. Colorado Boulevard, [if applicable -- and the bulletin board at Hale Building, and a copy was distributed to Central Library for posting this 14<sup>th</sup> day of July 2004, by 5:30 p.m.

  
Denver Miller, Zoning Administrator

  
Carrie Banks, Recording Secretary



FILE COPY

PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

July 22, 2004

Christopher V. Ward, AIA  
8060 Melrose Avenue, Suite 230  
Los Angeles, CA 90046

**RE: Modification to Conditional Use Permit #4012  
485 south Grand Avenue  
Council District #6**

Dear Mr. Ward:

Your application for a **Modification to Conditional Use Permit** at **485 South Grand Avenue**, was considered by the **Board of Zoning Appeals** on **July 21, 2004**.

**MODIFICATION TO CONDITIONAL USE PERMIT - To allow the construction of a 38 square foot second-floor addition over a porte-cochere such that the house will exceed 4,000 square feet.**

**Variance: To allow the addition to have a 5'-1" setback where 9'-1" is required.**

After careful consideration of this application, and with full knowledge of the property and vicinity, the Board of Zoning Appeals made the findings as shown on Attachment A to this letter.

Based upon the findings, the Board of Zoning Appeals decided to **uphold** the decision of the Zoning Hearing Officer and **deny** the application.

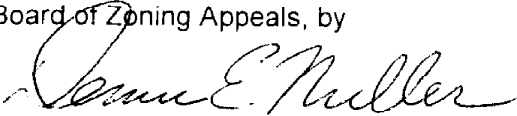
You are hereby notified that the decision of the Board of Zoning Appeals is not subject to further appeal. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **August 2, 2004**. However, prior to the effective date, a member of the City Council may stay the decision and request that it be called for review to the City Council.

Projects, which are denied, are statutorily exempt from the California Environmental Quality Act. Please note that the time within which judicial review of this action must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

Appeal of the Modification to Conditional Use Permit #4012  
Page 2

For further information regarding this case, please contact **David Sinclair** at **(626) 744-6766**.

Board of Zoning Appeals, by



DENVER E. MILLER  
Zoning Administrator

DEM:ds:cb

Enclosures: Attachment A, Attachment B, Attachment C

xc: City Clerk, City Council, Building Division, Public Works,  
Power Division, Water Division, Design and Historic  
Preservation, Hearing Officer, Code Enforcement-Ellen  
Clark, Case File, Decision Letter File, Planning  
Commission (9).

**ATTACHMENT "A"**  
**ZONING ADMINISTRATOR FINDINGS OF FACT**  
**FOR MODIFICATION TO CONDITIONAL USE PERMIT #4012**

Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet.

1. *The location of the conditional use permit is not in accordance with the special purposes of Title 17 of the Pasadena Municipal Code and the purposes of the RS-2 HD district in which the proposed project is located. Specifically, the proposal does not comply with the intent of the development standards as specified in Section 17.48 (Hillside Development Standards) and 17.20 (Single-Family Residential) of the Zoning Code. Although the proposed addition will be below the allowed square footage of the subject site, the location of the addition is located entirely within the required side yard setback. No unique or extraordinary circumstance exist that permit staff to recommend approval.*

Variance – To Locate Addition in the Required Side Setback.

2. *There are no exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district. In this case, the circumstances that have resulted in this Variance request are a self-imposed hardship, not in response to unique conditions of the property. The Zoning Code does not allow buildings to increase an existing non-conforming standard, in this case reducing a non-conforming side yard setback. The proposed addition would result in second-floor living space located 5'-4 ½" into the required 9'-1" side yard setback, where the existing non-conforming setback is 7'-2". No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the previously approved Conditional Use Permit (CUP#4012).*

**BOARD OF ZONING APPEALS  
STAFF REPORT  
July 21, 2004**

**SUBJECT:** Modification to Conditional Use Permit #4012

**LOCATION:** 485 South Grand Avenue

**ZONING DESIGNATION:** RS-4-HD

**GENERAL PLAN  
DESIGNATION:** Low Density Residential

**CASE PLANNER:** David Sinclair

**APPLICANT/APPELLANT:** Call for review by City Council

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**ZONING HEARING OFFICER AND ZONING ADMINISTRATOR'S RECOMMENDATION:** Acknowledge the Environmental Determination and the Specific Findings in Attachment A to **deny** the Conditional Use Permit and **deny** the Variance to encroach into the required side yard.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 1, Class 1, §15301, Existing Facilities.

**STAFF ADDENDUM:**

On April 21, 2004, the Zoning Hearing Officer adopted the Zoning Administrator's recommended findings and denied the proposed modification for Conditional Use Permit #4012. The applicant, Christopher V. Ward, A.I.A., on behalf of the property owners, Jack and Smooch Reynolds, had filed an application to modify Conditional Use Permit #4012. The original application approved in March 2002, included a Conditional Use Permit and Variance that allowed the construction of a 789 square foot second floor addition, and a 469 square foot first floor addition to the existing two-story residence. The original Variance was required because a portion of the second floor addition over the porte-cochere would maintain the existing 7'-2" setback from the north side property line where 9'-1" is required. A Conditional Use Permit was required because the second-floor addition exceeded 500 square feet and total gross floor area exceeded 4,000 square feet in the Hillside Overlay district. Staff supported the original Variance and Conditional Use Permit.

The applicant submitted an application modifying the original Variance request to allow a 38 square foot addition over the porte-cochere such that the previously approved 7'-2" setback would be reduced to 5'-4 ½". This modification request has come about as a result of the addition not being constructed to the approved plans and in conformance with the original

CONDITIONAL USE PERMIT #4012 (MODIFICATION)  
BOARD OF ZONING APPEALS  
STAFF REPORT – JUNE 16, 2004  
PAGE 2

approval. Because the house would continue to exceed 4,000 square feet a Conditional Use Permit was also required. The proposed gross floor area would be increased to 6,362 square feet.

Since the original approval, an additional Variance (CUP#4188, approved July 2003) was granted to the applicant for a detached garage in front of the house. The applicant notes that this approval allowed the construction of the detached garage such that the side setback from the garage to the south property line would be five feet, similar to the current proposal. However, staff has determined that the previous approval is not the same as this request. Staff agrees that both the north and south property lines are adjacent to the driveways for flag-lots. However, the approved garage is a single-story detached accessory structure, and as allowed by the Zoning Code cannot include living space or exceed one story in height. Detached garages by right can be built to the property line if they are more than 100 feet from the street property line. This garage was granted a variance because a portion of it met that requirement.

The current proposal consists of a first floor porte-cochere and second-floor living space. Allowing second floor living space to encroach further into the side yard setback is not consistent with the original approval and staff has not been able to make the findings for this modification.

Staff determined that the Variance, and therefore the Conditional Use Permit, could not be approved for the following reasons:

- No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the previously approved Conditional Use Permit (CUP#4012).
- The original approval granted the applicant a variance based on the existing setback of the porte cochere.
- The circumstances that have led to this request are a self-imposed hardship (construction error) and have no bearing on this application.
- The approval of a side-yard Variance for a detached garage does not have any bearing on the current proposal as it includes two stories and habitable space. The Variance was granted because the garage is an accessory structure which is permitted to go to the property line and is limited to one story. The south side of the side is heavily landscaped and had a minimum impact on the adjacent property.
- The Zoning Code does not allow buildings to increase an existing non-conforming standard, in this case reducing a non-conforming side yard setback.

At the public hearing there were no speakers other than the applicant, nor was any correspondence received, either in support or opposition.

The applicant appealed the case (see Attachment E) on May 3, 2004. However, on May 14, 2004, the City Council voted to call this case for review by the Board of Zoning Appeals.

Prior to the originally scheduled Board of Zoning Appeals hearing on June 16, 2004, staff received a letter in opposition to the Conditional Use Permit application from the adjacent

CONDITIONAL USE PERMIT #4012 (MODIFICATION)  
BOARD OF ZONING APPEALS  
STAFF REPORT – JUNE 16, 2004  
PAGE 3

neighbor to the north; the neighbor that is most affected by the proposed addition. This letter is enclosed as Attachment D.

No additional information has been presented to cause Staff to alter its recommendation for denial and as such, continues to recommend denial of this Conditional Use Permit.

**ZONING HEARING OFFICER ADDENDUM:**

On April 21, 2004, a public hearing was held to consider Conditional Use Permit No. 4012. After reviewing the application, hearing testimony, and visiting the site, the application was denied for the following reasons:

- 1) While the Conditional Use Permit could have been approved, the variance for the encroachment into the required side yard was not adequately supported by the necessary findings.
- 2) The findings for the variance cannot be supported inasmuch as the original approval for the detached garage was the applicant's only justification for the variance. The applicant argued that the same setback standard should be applied to the house as was applied to the garage.

When approved in July of 2003, the variance for the garage was justified because on (sic) its one story and height and location. The current variance request is similar in setback request; however, involves the main residence and would be two stories in height. This is a vastly different request that would be much more visible and imposing from the street.

**Attachments:**

- Attachment A – ZHO and ZA Recommended Findings of Fact
- Attachment B – Staff Report, April 21, 2004
- Attachment C – Decision Letter
- Attachment D – Letter from Neighbor
- Attachment E – Original Appeal Application

ATTACHMENT A  
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #4012 (MODIFICATION)

Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet

1. *The location of the conditional use permit is not in accordance with the special purposes of Title 17 of the Pasadena Municipal Code and the purposes of the RS-2 HD district in which the proposed project is located. Specifically, the proposal does not comply with the intent of the development standards as specified in Section 17.48 (Hillside Development Standards) and 17.20 (Single-Family Residential) of the Zoning Code. Although the proposed addition will be below the allowed square footage of the subject site, the location of the addition is located entirely within the required side yard setback. No unique or extraordinary circumstance exist that permit staff to recommend approval.*

Variance – To Locate Addition in the Required Side Setback.

2. *There are no exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district. In this case, the circumstances that have resulted in this Variance request are a self-imposed hardship, not in response to unique conditions of the property. The Zoning Code does not allow buildings to increase an existing non-conforming standard, in this case reducing a non-conforming side yard setback. The proposed addition would result in second-floor living space located 5'-4 ½" into the required 9'-1" side yard setback, where the existing non-conforming setback is 7'-2". No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the previously approved Conditional Use Permit (CUP#4012).*



## ATTACHMENT B

### ZONING HEARING OFFICER STAFF REPORT April 21, 2004

**SUBJECT:** Modification to Conditional Use Permit #4012

**LOCATION:** 485 South Grand Avenue

**APPLICANT:** Christopher V. Ward, A.I.A.

**ZONING DESIGNATION:** RS-4-HD

**GENERAL PLAN  
DESIGNATION:** Low Density Residential

**PREPARED BY:** David Sinclair

**STAFF RECOMMENDATION:** Acknowledge the Environmental Determination and the Specific Findings in Attachment A to **deny** the Conditional Use Permit and **deny** the Variance to encroach into the required side yard.

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**PROJECT PROPOSAL:** Conditional Use Permit – Hillside home exceeding 4,000 square feet; and  
Variance – To locate a portion of a porte-cochere and second-floor addition in the required side yard.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities).

#### BACKGROUND:

- **Site characteristics:** The project site is a roughly rectangular shaped lot that is approximately 23,960 square feet (0.55 acres) in size. The property is located within a hillside district, and is developed with a single-family residence with a detached 2-car garage.
  
- **Adjacent Uses:** North – Single-Family Residential  
South – Single-Family Residential  
East – Single-Family Residential  
West – Single-Family Residential
  
- **Adjacent Zoning:** North – RS-4-HD (Single-Family Residential)  
South – RS-4-HD (Single-Family Residential)  
East – RS-4 (Single-Family Residential)  
West – RS-4-HD (Single-Family Residential)

CONDITIONAL USE PERMIT #4012 (MODIFICATION)  
STAFF REPORT – APRIL 21, 2004  
PAGE 2

**Previous Zoning Cases:** CUP#4188 – Construction of a 826 square foot detached garage such that the gross floor area exceeded 4,000 square feet, and a Variance to allow the new detached garage to be five feet from the property line where a minimum of 9'-1" is required. Approved with conditions 7/16/03

CUP#4012 – Construction of a 789 square foot second story addition and a 469 square foot first story addition such that the gross floor area exceeded 4,000 square feet, and a Variance to allow the addition to be 7'-2" from the north side property line where a minimum of 9'-1" is required. Approved with conditions 3/20/02.

V#10696 – Construction of a 28-foot long lattice fence, 7 feet in height with a 10-foot high center portion, located within the side yard. Approved 4/1/87.

**ANALYSIS:**

The applicant, Christopher V. Ward, A.I.A., on behalf of the property owners, Jack and Smooch Reynolds, has filed an application to modify Conditional Use Permit #4012. The original application approved in March 2002, included a Conditional Use Permit and Variance that allowed the construction of a 789 square foot second floor addition, and a 469 square foot first floor addition to the existing two-story residence. A Variance was required because a portion of the second floor addition over the porte-cochere would maintain the existing 7'-2" setback from the north side property line where 9'-1" is required. A Conditional Use Permit was required because the second-floor addition exceeded 500 square feet and total gross floor area exceeded 4,000 square feet in the Hillside Overlay district.

The applicant has submitted an application modifying the original Variance request to allow a 38 square foot second floor addition over the porte-cochere such that the previously approved 7'-2" setback would be reduced to 5'-4 ½". Because the house continues to exceed 4,000 square feet a Conditional Use Permit is also required. The proposed gross floor area would be 6,362 square feet.

**Variance – To Locate Addition in the Required Side Setback.**

Pursuant to Zoning Code Section 17.20.030, the side yard setback shall be 10% of the width of the lot. The lot in question is 91 feet wide; therefore the required side yard setback is 9'-1". Per the original Conditional Use Permit (CUP#4012), the applicant was allowed to encroach into the required side yard setback such that the second story addition would match the existing 7'-2" setback of the existing porte-cochere. During construction, the building inspector noted that the addition and reconstructed porte-cochere had been placed 5'-4 ½" from the north property line instead of the 7'-2" side yard setback that was previously approved by the Zoning Hearing Officer to match the existing nonconforming side yard setback. The applicant has therefore chosen to submit a Variance application to modify the original approval to allow a reduced side yard setback.

Staff has closely analyzed the proposed Variance and notes that constructing an addition such that it does not conform to the approved plans and previously approved Variance does not justify the approval of a Variance. The original staff report noted that the applicant had originally

proposed a two-foot setback for this addition, but after discussions with staff, chose to modify the design; the same design that was eventually approved. It is clear from the original approval that the intent of the allowing the 7'-2" setback was to allow the addition to be in line with the existing nonconforming side yard setback of the porte-cochere.

The applicant has noted that CUP#4188, approved in July 2003, allowed the construction of a detached garage such that the side setback from the garage to the south property line would be five feet, virtually the same as the current proposal. However, staff has determined that the previous approval has no bearing on the current proposal. Staff concurs that both the north and south property lines are adjacent to the driveways for flag-lots. However, the approved garage is a single-story detached accessory structure, and as allowed by the Zoning Code cannot include living space or exceed one story in height. The current proposal consists of a first floor porte-cochere and second-floor living space. Allowing second floor living space to encroach further into the side yard setback is directly contradictory to the development standards of the Zoning Code.

In order to approve a Variance there must be relevant conditions present in the configuration or situation of the property such that the strict application of the Zoning Code would result in a 'hardship' and deprive a property owner privileges enjoyed by other properties in the same zoning district. However, a hardship cannot result from circumstances related to a mistake or error made during the construction of the second story addition and porte-cochere. Accordingly, the circumstances that have resulted in this Variance request are a self-imposed hardship, not in response to unique conditions of the property. The Zoning Code does not allow buildings to increase an existing non-conforming standard, in this case reducing a non-conforming side yard setback. The proposed addition would result in second-floor living space located 5'-4 1/2" into the required 9'-1" side yard setback, where the existing non-conforming setback is 7'-2". No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the previously approved Conditional Use Permit (CUP#4012). Based on this analysis, staff must recommend denial of the modification request.

#### **Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet.**

Pursuant to Section 17.48.072 of the Hillside Overlay District, a Conditional Use Permit is required when the gross floor area of a proposed dwelling and all other related structures is greater than 4,000 square feet, or an addition to an existing dwelling would create gross floor area greater than 4,000 square feet. The subject site is currently occupied with a 4,921 square foot single-family residence and a 570 square foot detached accessory structure (pool house). A building permit has been issued for an 833 square foot detached garage in front of the house. The applicant is proposing to add 38 square feet to the second floor of the house over the porte-cochere. As a result, the proposed construction would result in a total of 6,362 square feet of gross floor area on the site.

The purpose of the Hillside Overlay district is to preserve and protect the views to and from hillside areas, to minimize massing of structures, to maintain the identity, image, and environmental quality of the City and to promote orderly development through the adopted development standards. The development standards of the base zoning district (RS-4) apply to the subject site in addition to the development standards of the Hillside Overlay district, one of which is maximum gross floor area. The maximum gross floor area permitted is based upon a formula that is directly related to the zoning designation, size of the lot, and the average slope of the site. Based on the lot area of 23,960 square feet and an average slope of less than 15%

CONDITIONAL USE PERMIT #4012 (MODIFICATION)  
STAFF REPORT – APRIL 21, 2004  
PAGE 4

(6.2%), the maximum permitted floor area is 6,490 square feet. The proposal, as submitted, is below the maximum allowed for the site, and is also within the 35% lot coverage limit (8,386 square feet) set forth in the Zoning Code.

However, the location of the addition is entirely located within the required side-yard setback on the north side of the property. As noted earlier in the Variance discussion, no unique or extraordinary circumstance exist that would allow the second story addition to encroach any closer to the north property line. Accordingly, staff cannot make the necessary findings to support the request to modify the existing Variance. Therefore, staff is recommending denial of the Conditional Use Permit to further exceed 4,000 square feet.

**CONCLUSION:**

It is staff's assessment that the findings necessary for approving the Variance to allow the construction of a 38 square foot second floor addition that encroaches 3'-7 ¾" into the required side yard setback cannot be made. The circumstances that have resulted in this Variance request are a self-imposed hardship, not in response to unique conditions of the property. Therefore, staff cannot make the findings necessary to approve the Variance request and must recommend denial.

Accordingly, staff must also recommend denial of the Conditional Use Permit to exceed 4,000 square feet of gross floor area. Although the applicant is proposing a minimal addition of 38 feet, for a total of 6,362 square feet, and that total is still below the maximum allowable of 6,490 square feet, the location of the addition is in direct contradiction of the intent of the development standards of the Zoning Code and the previously approved Conditional Use Permit (CUP#4012).

ATTACHMENT A  
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #4012 (MODIFICATION)

Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet.

1. *The location of the conditional use permit is not in accordance with the special purposes of Title 17 of the Pasadena Municipal Code and the purposes of the RS-2 HD district in which the proposed project is located. Specifically, the proposal does not comply with the intent of the development standards as specified in Section 17.48 (Hillside Development Standards) and 17.20 (Single-Family Residential) of the Zoning Code. Although the proposed addition will be below the allowed square footage of the subject site, the location of the addition is located entirely within the required side yard setback. No unique or extraordinary circumstance exist that permit staff to recommend approval.*

Variance – To Locate Addition in the Required Side Setback.

2. *There are no exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district. In this case, the circumstances that have resulted in this Variance request are a self-imposed hardship, not in response to unique conditions of the property. The Zoning Code does not allow buildings to increase an existing non-conforming standard, in this case reducing a non-conforming side yard setback. The proposed addition would result in second-floor living space located 5'-4 ½" into the required 9'-1" side yard setback, where the existing non-conforming setback is 7'-2". No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the previously approved Conditional Use Permit (CUP#4012).*

ATTACHMENT C



PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

April 23, 2004

Christopher V. Ward, AIA  
8060 Melrose Avenue, Suite 230  
Los Angeles, CA 90046

RE: **Modification to Conditional Use Permit #4012**  
**485 South Grand Avenue**  
**Council District #6**

Dear Mr. Ward:

Your application for a **Conditional Use Permit** at 485 South Grand Avenue, was considered by the **Zoning Hearing Officer** on April 21, 2004.

**Conditional Use Permit:** To allow the construction of a 38 square foot second-floor addition over a porte-cochere such that the house will exceed 4,000 square feet.

**Variance:** To allow the addition to have a 5'-1" setback where 9'-1" is required.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Zoning Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Zoning Hearing Officer that the Conditional Use Permit be **denied** in accordance with submitted plans stamped **April 21, 2004**.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.104, any person affected or aggrieved by the decision of the Zoning Hearing Officer has the right to appeal this decision within **ten days (May 3, 2004)**. The effective date of this case will be **May 4, 2004**. Prior to such effective date, a member of the City Council or Planning Commission may stay the decision and request that it be called for review to

the Board of Zoning Appeals. However, if the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$724.74. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$362.37.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. **You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed before you submit your building permit application.** A copy of this letter must be attached to all plans submitted for building permits.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities.

For further information regarding this case please contact **David Sinclair at (626) 744 - 6766.**

Sincerely,



Dave Mercer  
Zoning Hearing Officer

Enclosures: Attachment A

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Ellen Clark, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A  
FINDINGS FOR CONDITIONAL USE PERMIT #4012

Conditional Use Permit – Hillside Home Exceeding 4,000 Square Feet.

1. *The location of the conditional use permit is not in accordance with the special purposes of Title 17 of the Pasadena Municipal Code and the purposes of the RS-2 HD district in which the proposed project is located. Specifically, the proposal does not comply with the intent of the development standards as specified in Section 17.48 (Hillside Development Standards) and 17.20 (Single-Family Residential) of the Zoning Code. Although the proposed addition will be below the allowed square footage of the subject site, the location of the addition is located entirely within the required side yard setback. No unique or extraordinary circumstance exist that permit staff to recommend approval.*

Variance – To Locate Addition in the Required Side Setback.

2. *There are no exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district. In this case, the circumstances that have resulted in this Variance request are a self-imposed hardship, not in response to unique conditions of the property. The Zoning Code does not allow buildings to increase an existing non-conforming standard, in this case reducing a non-conforming side yard setback. The proposed addition would result in second-floor living space located 5'-4 1/2" into the required 9'-1" side yard setback, where the existing non-conforming setback is 7'-2". No unique or extraordinary circumstance is evidenced as to why the new construction cannot comply with the previously approved Conditional Use Permit (CUP#4012).*



ATTACHMENT D

June 14, 2004

Board of Zoning Appeals  
City of Pasadena Permit Center  
Attn: David Sinclair  
175 North Garfield Avenue  
Pasadena, Calif. 91109

Re: 485 South Grand Avenue

Proposed Modification to Conditional  
Use Permit # 4012

Hearing on Wednesday, June 16, 2004 at 8:00 pm

Dear Board of Zoning Appeals:

As a holder of the property located  
at 485 South Grand Avenue, Pasadena, Ca.  
which is immediately adjacent to  
the property at issue.

It is our understanding from  
the Notice of Public Hearing regarding  
Conditional Use Permit #4012 that  
the original Variance with respect  
to certain remodeling at the property  
at issue approved a 7'0" setback,  
as opposed to the normally required  
9'1" setback. We did not oppose  
this 7'0" setback.

However, we do oppose the new  
application modifying the original

Variance to reduce the previously approved 7'2" setback to 5'4 1/2". This proposed modification is nearly 4' less than the normally required setback and, particularly in an area of Pasadena valued for its beautiful, majestic homes, such an incursion into the setback is simply too much, surely resulting in a noticeable reduction of our privacy, an unreasonable loss of light and view, and a significant blight to the visual appeal of the respective properties.

Moreover, the proposed modification to Conditional Use Permit #14019 does not appear to reflect the actual intrusion into the setback created by the new construction. Specifically, above the outer wall of the new construction, which appears to be approximately 5' from the common property line, there are eaves and gutters that cannot be more

than 2' from the property line. A photograph of such eaves and gutters is enclosed for your consideration. Accordingly, the actual setback appears to be approximately 2', or closer, rather than the requested 5'4 1/2".

In fact, the eaves and the gutters are so close to the property line that we fear that any debris or weather elements will fall onto our property. Obviously, the normal 4' setback, or even the originally approved 4'2" setback variance, would avoid such difficulties. The proposed modification would not.

Accordingly, we respectfully oppose the proposed modification to Conditions of Use Permit # 4012.

Thank you for your consideration of these comments and objections.

Yours truly,



Mrs. & Mrs. Edward Turentine  
465 So. Grand Ave.  
Pasadena, Calif. 91105

Patricia Turentine

