

ATTACHMENT E
APPEAL APPLICATION OF HEARING OFFICER'S DECISION
DECEMBER 14, 2015



REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 518 Glen Holly Dr. Pasadena 91105
Case Type (MCUP, TTM, etc.) and Number: HDP # 6315
Hearing Date: Dec 2nd, 2015 Appeal Deadline: Dec 14, 2015

APPELLANT INFORMATION

APPELLANT: Greg & Nora Chilingirian Telephone: [626] 421-6879
Address: 1460 Cheviotdale Drive Fax: []
City: Pasadena State: CA Zip: 91105 Email: gchilin@gmail.com
APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

- Hearing Officer
- Design Commission
- Historic Preservation
- Zoning Administrator
- Director of Planning and Development
- Film Liaison

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

1- The City zoning Code (Section E of Chapter 17.29.060) requires that views from adjacent properties be protected to the maximum extent feasible.

The applicant's plans do not accomplish this. On the contrary, views from living areas and the patio of our property will be very negatively impacted and also result in the loss of sun light during significantly portion of the year. I have shown in the public hearing that the project as proposed will have a huge impact on market value of our property. See next page.

Signature of Appellant

12-14-15

Date

* OFFICE USE ONLY			
PLN #	<u>2015-00695</u>	CASE #	<u>Appeal HDP # 6315</u>
DESCRIPTION	<u>Appeal of HDP # 6315</u>		PRJ # _____
DATE APPEAL RECEIVED:	<u>12-14-15</u>	APPEAL FEES: \$	<u>272.95</u>
		RECEIVED BY:	<u>FEL</u>

Reason for Appeal (Page 2)

Moving the 2nd story addition closer to the street will significantly reduce these negative impacts. Any additional cost to the applicant will be far less than the negative fiscal impact imposed on my property by reduced property value if the project proceeds as proposed.

2- The living area of applicant's property, per the Los Angeles County Assessor's Office, is 1606 sq. ft. and NOT 1547 sq. ft. This will allow only an addition of 518 sq. ft. and NOT 577 sq. ft.

3- The Hearing Officer made errors in his findings, found in Attachment A during Dec 2 , as follows :


Finding # 4: The Hearing Officer minimized the impact of the 2nd story addition on the health, safety and general welfare of neighbors located at 1460 Cheviotdale Drive. Officer ignored compelling testimony presented by family occupants.

Finding # 5: The Hearing Officer ignored testimony by the Real Estate professional that the value of the property at 1460 Cheviotdale Drive would decrease by over \$100,000 due to encroachment by proposed construction.

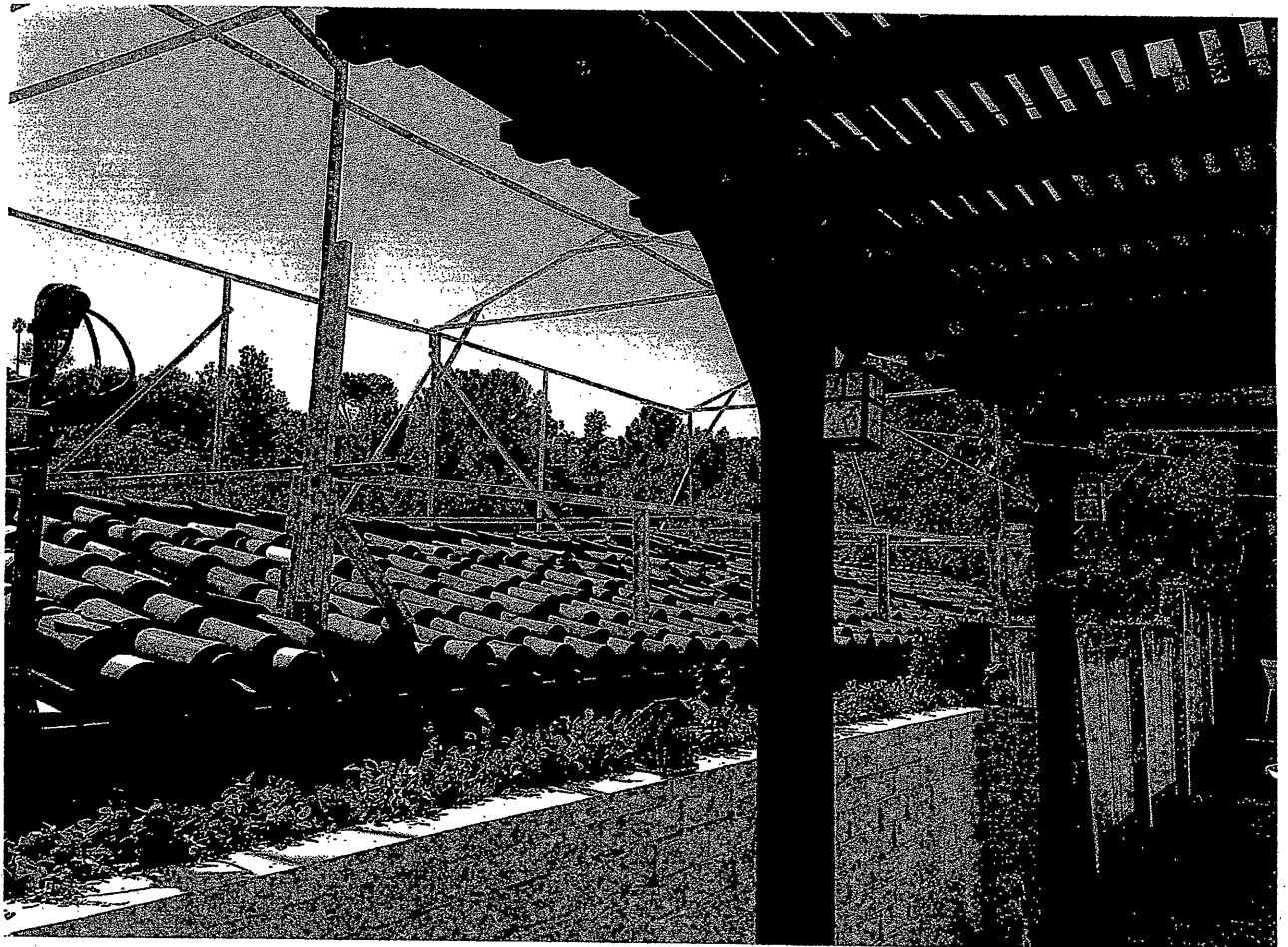
Finding # 6 & 7 are completely erroneous as to "view protection". Hearing Officer incorrectly observed that the property at 1460 Cheviotdale drive does not currently enjoy a view worth protecting. Occupants deserve a more accurate and less condescending professional assessment as to loss of skyline, sunlight and privacy protection. (Details at hearing)

Note: 1- Please come and see from our patio the effect of the proposed 2nt story addition on my property.

2- Attached 2 pictures

 12-14-15
Greg Chilingirian

(Page 2)





PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

December 7, 2015

Stacie Mayoras and Paul Watson
518 Glen Holly Drive
Pasadena, CA 91105

RE: Hillside Development Permit #6315
518 Glen Holly Drive
Council District #6

PLN2015-00162

Dear Ms. Mayoras and Mr. Watson:

Your application for a Hillside Development Permit at 518 Glen Holly Drive was considered by the Hearing Officer on December 2, 2015.

Hillside Development Permit: To allow the construction of a 577 square-foot two-story addition to an existing 1,547 square-foot, single-story, single-family residence with a 329 square-foot detached garage in the RS-6-HD-SR zoning district. A Hillside Development Permit is required for a second-story addition exceeding 500 square feet in the Hillside Development Overlay District.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter. Based upon these findings, it was decided by the Hearing Officer that the **Hillside Development Permit** be approved with the conditions in Attachment B and in accordance with submitted plans stamped December 2, 2015.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Hearing Officer can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued to completion prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

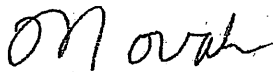
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within ~~ten days (December 14, 2015)~~. The effective date of this case will be **December 15, 2015**. Prior to such effective date, a member of the City Council or Planning Commission may request that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. 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 \$272.95. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$136.48.

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. A copy of this decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the 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, §15301, Class 1, Existing Facilities). Section 15301 exempts the construction of additions to existing single-family residences from environmental review. The use of the site would remain as a single-family residence.

For further information regarding this case please contact **Beilin Yu** at **(626) 744-6726**.

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C (site map)

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

ATTACHMENT A
SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6315

Hillside Development Permit – Construction of a second-story addition in the Hillside Overlay District:

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code. A single-family residential use is allowed in the RS-6-HD-SR (Residential Single-Family, Hillside Overlay District, San Rafael Area) Zoning District. In addition, the proposed addition will be in compliance with all applicable development standards, including maximum allowable floor area, lot coverage, setbacks, building height, and off-street parking requirements of the RS-6-HD-SR Zoning District.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district. The subject property is zoned RS-6-HD-SR, which is designated primarily for single-family residential purposes. The properties in the neighborhood are currently developed with single-family residences, and the project, as conditioned, will be consistent with existing development in the vicinity. As analyzed, the project will meet all applicable development standards of the Zoning Code and no variances are required in conjunction with the proposal.*
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site will remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires additions to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed addition complies with all the development standards set forth in the City's Zoning Code, the habitable area of the proposed residence is compatible with the habitable area of the residences in the immediate neighborhood, and the project has been designed to match the architectural style of the existing residence. Additionally, the addition's scale and massing is in keeping with the scale and setting of the surrounding residences. Therefore staff finds that the project would be consistent with General Plan objectives and policies.*
4. *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 second-story addition has been designed to avoid blocking the views to the maximum extent feasible as it has not been placed directly in the view from the patio at 1460 Cheviotdale Drive. The fenestration on the proposed addition has been designed to avoid impacting the privacy of the adjacent residences. Additionally, the proposed project meets all adopted Code requirements and will be subject to all current Code provisions. As proposed, the height of the new building will be below the maximum allowable height, and the floor area will be within the maximum floor area permitted for the site. The project meets all Code requirements and no variances are required. Therefore, the proposed project will not be detrimental to the public health, safety, or welfare of persons or properties within the surrounding neighborhood. The addition will also be compatible with the character and scale of the existing development on the adjacent properties. Thus, the project is consistent with development in the neighborhood.*

5. *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 proposed addition will be constructed in compliance with the current Building and Zoning Code. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Department of Public Works. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed additions.
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 aesthetic values, character, scale, and view protection.* The project complies with all the development standards of the Zoning Code. The project is not located on the top of any prominent ridgelines, and has been designed to avoid blocking the views to the maximum extent feasible as it has not been placed directly in the view from the patio at 1460 Cheviotdale Drive. The proposed project complies with the maximum allowable floor area requirements and is within the Neighborhood Compatibility guidelines; and will be compatible with the architectural character of the existing residence, as the addition will maintain the same Spanish architectural style as the existing residence. The addition will also be compatible with the character and scale of the existing development on the adjacent properties. Thus, the project is consistent with development in the neighborhood.
7. *The design, location, and size of the proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots as described in Section 17.29.060.D of this ordinance and in terms of aesthetics, character, scale, and view protection.* The Neighborhood Compatibility guidelines are established to ensure that a project is compatible with the character and scale of existing development in the vicinity. The size of the proposed project (not including the proposed garage) is 2,124 square feet, and within the Neighborhood Compatibility threshold of 2,190 square feet. Furthermore, the addition has been designed to avoid blocking the views to the maximum extent feasible as it has not been placed directly in the view from the patio at 1460 Cheviotdale Drive. Thus, the project is in scale with the context and character of existing and future development in the neighborhood.
8. *The placement of the proposed additions avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.* The subject property has an average slope of 17.2 percent as it slopes upwards from Glen Holly Drive to a previously graded portion of the lot, which gradually slopes upwards from south to north, and the driveway slopes from Glen Holly Drive to the rear of the lot. The existing residence is located on the flat portion of the lot, and the proposed addition will be constructed entirely above the footprint of the existing residence, therefore avoid any sloping portion of the site. No grading is proposed as part of the project, and drainage plans for building permits will be based upon the hydrology study and recommended on-site improvements. The project shall meet all applicable Standard Urban Stormwater Mitigation Plan requirements of the Building Division.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6315

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Received at Hearing, December 2, 2015," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval allows for a 577 square-foot one-story addition to an existing single-story 1,547 square-foot, single-family residence, with a 329 square-foot detached two-car garage. The gross floor area of the residence shall not exceed 2,124 square feet.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **PLN2015-00162** is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Beilin Yu, Current Planning Section, at (626) 744-6726 to schedule an inspection appointment time.

Planning Division

7. No more than fifty percent of the existing exterior walls shall be removed in conjunction with this project. In the instance fifty percent or more of the existing exterior walls are removed, the project must be considered a new single-family residence.
8. All rooms of the proposed single-family residence must be accessible from the interior of the dwelling unit, except for the attached garage.
9. The applicant shall comply with all requirements of Chapters 17.22 and 17.29 that relate to residential development in the Hillside Development Overlay District.
10. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.

11. In the event the paving in the front yard area is modified, no more than 30 percent of the front yard area shall be paved.
12. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
13. Any new construction shall meet all applicable SUSMP (Standard Urban Stormwater Mitigation Plan) requirements of the Building Division.
14. All landscape and walkway lighting shall be directed downward to minimize glare from the property.
15. For projects subject to a building permit, all construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.

Fire Department

16. All construction shall comply with California building Code (CBC) Chapter 7A, California Fire Code (CFC), and PMC.
17. Provide a Fire Flow Analysis (contact the Pasadena Water Department 626-744-7064). The available fire flow in the street shall not be less than 1000 GPM at 20 PSI, as required by CFC Appendix III-B, and shall be located within 600 feet of exterior wall of the building in compliance with CFC Section 507.5.1.
18. A complete automatic fire sprinkler system designed in compliance with NFPA 13D is required throughout all structures Per Pasadena Municipal Code Section 14.28 due to new addition is greater than 50% of existing square footage and new addition is greater than 1000 square feet.
19. Fuel Modification Landscape Plans: Provide separate fuel modification landscape plans complying with the Urban Wild land Interface Code for all structures located within the Fire Interface Zone (FIZ). Plans shall indicate all plant and tree species compliant with the FIZ in addition to planting distance, canopy sizes, irrigation systems, and landscape management within defensible spaces in proximity of all structures. Compliance is required prior to certificate of occupancy being issued
20. Smoke alarms shall be installed in each sleeping room, area(s) serving as a sleeping area, areas accessing all sleeping areas, and at the top of stairways. All smoke alarms are to be photoelectric or combination photoelectric/ionization. All smoke alarms throughout the dwelling unit shall be interconnected. All sounders are to produce a coded temporal pattern.

All smoke alarms shall be UL 217 and California State Fire Marshal (CSFM) Listed, manufactured by the same company, and listed by the manufacture as compatible with each other. Smoke alarms shall not be installed within 3-feet of return or supply air registers or 3-feet of bathroom openings. (CFC 907)

21. Provide approved spark arrestor(s) on all chimney(s).
22. Provide eave and projection details on drawings. All eaves and other projections are required to be "boxed" with one-hour fire resistive or noncombustible material, per CBC Section 707A.5
23. Exterior walls: the exterior wall covering or wall assembly shall comply with one of the following requirements:
 - a. Noncombustible material.
 - b. Ignition-resistant material
 - c. Heavy timber exterior wall assembly
 - d. Log wall construction assembly
24. No wood roof covering material shall be installed on any structure located in the fire zone. Per Pasadena Municipal Code. Section 1404
25. All new proposed gutters/downspouts shall be constructed of noncombustible material per UWIC Sec. 504.4.
26. Appendages and projections (ie: decks, balconies & etc.) shall be constructed with one of the following material:
 - a. Noncombustible material
 - b. Ignition-resistant material
 - c. Exterior fire retardant treated wood
27. All new exterior windows, skylights, etc. are required to be multi-layered glazing with a minimum of one tempered pane .CBC Section 708A.2.1
28. All new exterior doors are required to be 1¾" solid core per CBC Section 708A.3
29. Attic and foundation ventilation in vertical exterior walls and vents through roof shall not comply with requirements of CBC-Section 706A.
30. The vents shall be covered with noncombustible corrosion resistant mesh not exceeding 1/16 " and shall not exceed 1/8" openings.
31. Attic ventilation openings shall NOT be located in soffits, eave overhangs, between rafters at eaves or in other overhang areas. Gable and dormer vents shall be located at least 10 feet from property lines.

Public Works Department

32. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection tape submitted to the Department of Public Works for review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
33. Past experience has indicated that projects such as this tend to damage the existing public and private street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$1,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the existing public and private street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
34. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: http://cityofpasadena.net/PublicWorks/Engineering_Division/ A deposit, based on the General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction staging, material storage, or trailer in the public right-of-way.
35. All costs associated with these conditions shall be the applicant's responsibility.

Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

a) Sewer Facility Charge - Chapter 4.53 of the PMC

The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.

b) Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)

In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.

c) City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC

The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee.

d) Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at http://cityofpasadena.net/PublicWorks/Engineering_Division/ and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.

b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

