

CORRESPONDENCE

Honorable City of Pasadena Mayor

Terry Tornek

During the Boza Board of Commissioners' meeting on Feb 17, two out of the five members voted against the second story addition at 518 Glen Holly Dr. They had visited the site while the remaining three who voted for the addition did not.

I implore you to come to my property and see the devastating impact this second story addition would have on my home, before the City Council meeting.

I have no doubt that once you see the temporary constructed silhouette, you will feel compelled to take this to a vote.

Thank you.



Greg Chilingirian

* This project violates City Ordinance Section E. of Chapter 17.29.06

The Issue

On Dec 2, 2015 the City of Pasadena Zoning Division conducted a hearing, to discuss an application requesting a permit to build a second story addition at 518 Glen Holly Drive in the San Rafael Hillside Overlay District. The application for the permit called into question the City of Pasadena zoning code, Section E. of Chapter 17.29.060 of Article 2. This stipulates that new construction shall not be placed directly in the view of a primary living area, such as a patio, living area or a family room.

The property at 1460 Cheviotdale Drive, just directly north of the proposed addition, sits at an eight feet higher elevation with a patio overlooking the south. This patio has a panoramic view of the "Poppy Peak" hillside, with trees, houses and the beautiful Pasadena skyline.

In spite of this-clear cut Ordinance, the City staff composed of Mrs. Beilin Yu and Mr. Kelvin Parker, and the Hearing Officer Paul Novak, on December 2, 2015 agreed to give a permit to the applicant at 518 Glen Holly to build a second story addition. This would forcefully obstruct the view, the sun, reducing light on the adjacent property at 1460 Cheviotdale Drive and intrude privacy.

The actual distance of the applicant's house from the mutual property line is less than 4 feet. The adjacent property at 1460 Cheviotdale Drive has a back yard that consists of a patio of 9 feet wide by 60 feet long only. Due to the orientation of the Cheviotdale corner lot, the side yard set backs that impact the Glen Holly property, severely impact the back yard on Cheviotdale. The code doesn't address this and therefore this case is unique.

Mrs. Takako Suzuki, field representative of Council Member District 6, was invited to see the patio and the burden it proposes to the surrounding neighbors. After her visit, she promised to bring Council Member Steve Madison to come and see this project and the negative impact on the neighbors. Council Member Steve Madison visited the patio on Thursday February 25, 2016

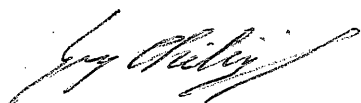
San Rafael Neighborhood Association (SRNA) President Mrs. Mary Dee Romney visited the site and invited the impacted neighbor adjacent to the applicant's property, to make a presentation during their Feb. 3rd meeting at Church of Angels Hall, located on Avenue 64. After the presentation the board members of SRNA unanimously agreed to oppose the second story addition, and requested from the president a letter to be written to the Board of Commissioners to oppose the project.

The owner of the adjacent property appealed to the Board of Commissioners, of which consists of 5 members. This meeting was held on February 17, 2016; after two hours of presentation and rebuttal, the two commissioners who visited the site, Greg Jones and Louisa Nelson, voted against the second story addition. The remaining three commissioners, Vince Farhat, Michael Williamson, and David Coher, who did not visit the site, voted for the project.

It was clear from the applicant statement that compliance is not a consideration for their project- but the degree to which compliance can be avoided.

The property at 1460 Cheviotdale Drive, an arm's reach away, will lose virtually all of two critical assets: 1) views of the hills and 2) the enjoyment of the living space provided by the patio, the only back yard space at this property.

In conclusion, an appeal has been made to the City Council to reject the permit allowing a 2nd story addition or build it at the front end of their house.



Greg Chilingirian

March 7, 2016

**RE: 518 Glen Holly Drive
PLN 2015-00162**

To Whom It May Concern:

San Rafael Neighborhoods Association (SRNA), following an on-site inspection, review of testimony, correspondence and photographs and attendance at the BOZA hearing, **supports appellant Greg Chilingirian** in the above-referenced BOZA appeal for the following reasons:

- 1) The intrusion of the proposed second-story addition from the side yard of the applicant onto the back yard of the appellant imposes set-back expectations established for side yards onto a very limited back yard;**
- 2) The 3-2 BOZA vote in favor of the applicant does not capture the statement made by Commissioner Louisa Nelson who, along with Commissioner Greg Jones, walked the site and voted against the project: *"This specific situation is exactly what the Hillside Ordinance is designed to protect . . . the spirit of the Ordinance is aimed at protecting against this . . . the (appellant's) patio is cheek-by-jowl with the (applicant's) roof!"***
- 3) During the hearing Commissioner Farhat questioned the Assistant City Attorney as to whether the project would be "precedential," to which the Assistant City Attorney answered "Yes, it will be precedential." Mr. Farhat, not having seen the site, nonetheless voted to approve the precedent-setting project.**
- 4) SRNA has concerns such precedent erodes established Ordinance protections in hillside neighborhoods by legitimizing violations and contributing to collateral damage throughout the San Rafael Hills.**

Thank you for your consideration of this serious matter.

Mary Dee Romney, President
San Rafael Neighborhoods Association (SRNA)

Law Offices of Eric A. Altoon
A Professional Corporation
19360 Rinaldi Street, #339
Porter Ranch, CA 91326
Office: (213) 422-1835

June 6, 2015

VIA U.S. MAIL
Paul and Tracie Watson
518 Glen Holly Drive
Pasadena, CA 91105

Re: **Proposed Construction of Second Story to Existing Home Located at
518 Glen Holly Drive, Pasadena, CA 91105**

Dear Mr. and Mrs. Watson:

My firm represents Greg and Nora Chilingirian, your neighbors to the north of your above-referenced home. The Chilingirians reside at 1460 Cheviotdale Drive, Pasadena, CA.

It has come to my attention that you are in the process of seeking a permit from the City of Pasadena to build a second story on your existing home. Please be aware that Section E. of Chapter 17.29.060 of Article 2 of the City of Pasadena Zoning Code provides as follows:

E. View protection. A proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority, and as follows. See and . For purposes of this Chapter, "surrounding" properties refers to all abutting properties as well as properties directly across a street from the subject property.

1. New structures and tall landscaping shall not be placed directly in the view of the primary living areas on a neighboring parcel. For purposes of this Chapter, "primary" living area refers to living rooms, family room, patios, but not a kitchen, bedroom, or bathroom.
2. Mechanical equipment other than vents or solar panels shall be placed on a rooftop or below a deck only if the equipment is not visible from off the site. This equipment shall also comply with the height limits in Subsection B. above.

Figure 2-6 — Siting New Building to Preserve Views

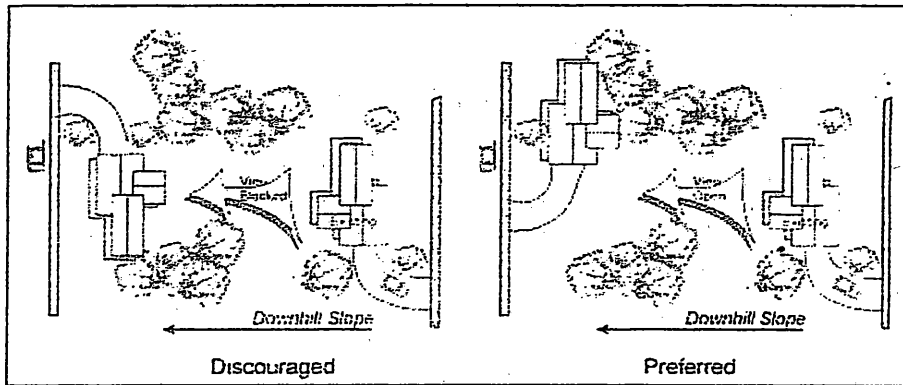
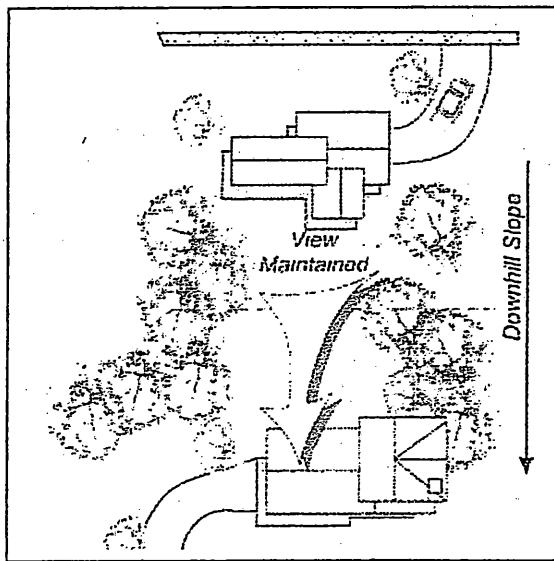


Figure 2-7 — Example of Preferred Location of Second Floor to Preserve Views



Based on the foregoing and given the fact that your one story home is approximately ten (10) feet lower in elevation than the Chilingirians' home, the construction of a second story on your existing home *would* interfere with the view of the primary living area (in particular, the patio) of the Chilingirians' home, which is currently unobstructed. Any obstruction of that view would **significantly depreciate** the appraised value of the Chilingirians' home. The view from the north side of Mr. Chilingirian's home is already blocked by an approximately twenty (20) foot high hill.

It is my understanding that the City is sending one of its inspectors to your and the Chilingirians' respective homes to assess the situation. The Chilingirians will be providing a copy of this letter to the City.

Nothing in this letter, any other correspondence or any oral communications between you and the Chilingirians should be construed to be a waiver, modification or release of any breach of the above-referenced Zoning Code provisions, whether now existing or hereafter arising, or any of the Chilingirians' rights and remedies under applicable law. Any forbearance by the Chilingirians does not constitute a course of dealing or a course of conduct.

Please contact me at your earliest convenience so that we can promptly discuss a resolution of this matter.

Sincerely,
LAW OFFICES OF ERIC A. ALTOON,
A Professional Corporation,
Attorney for Greg and Nora Chilingirian

By: Eric A. Altoon

cc: Mr. and Mrs. Greg and Nora Chilingirian
City of Pasadena, Planning and Zoning Department



GOLDEN REALTY

482 N. Rosemead Blvd.

Pasadena, California 91107

Business 626.797.7622

Fax 626.797.3865

Website www.c21golden.com



Office
2007



Office
2007

July 22, 2015

To Whom It May Concern:

I was informed by my clients Greg and Nora Chilingirian, who reside at 1460 Cheviotdale Drive Pasadena, that their neighbors Stacy & Paul Watson, who reside at 518 Glen Holly Drive Pasadena, are planning to add a second story to their house (which is currently 10 feet below Greg & Nora Chilingirian's house).

I was asked by my clients to analyze the financial impact this project would have on the value of my clients' house. According to my Financial Impact Analysis, completion of this pending project will drastically devalue the Chilingirians' property, due to loss of privacy and complete obstruction of the view from the south side of the property.

If you have any questions or concerns, please do not hesitate to contact me at (626)204-2338.

Thank you,

Ohanes Dimejian

Broker

BRE# 00945543

Ada Gates

448 Laguna Road

Pasadena CA 91105

626-327-3650

adagates1@gmail.com

Opposition to Hillside Development Permit # 6315 PLN2015-00162; 518 GLEN HOLLY DRIVE

In favor of Mr. Greg Chilingirian

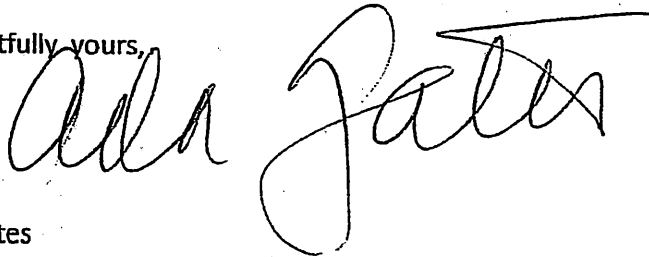
To the Planning and Community Development Department, City of Pasadena

I have been a resident at 448 Laguna Road , 91105 in the hillside district of Pasadena since 1980. I have long been aware of the restrictions for development in this area of Pasadena and have always abided by and lauded the fairness and wisdom of protection for our hillside districts.

I am deeply opposed to the project at 518 Glen Holly drive for its blatant disregard of the Hillside Ordinance protections of the neighboring residences, most particularly, the residence of Mr. Greg Chilingirian at 1460 Cheviotdale Dr. His property would be intensely affected in the negative as regards view, sunlight, privacy, and loss of value. Any action that so clearly disregards the well thought out restrictions of the Hillside Ordinance portends disintegration of the unique quality of these neighborhoods.

I am confident 518 Glen Holly has the option of an alternative design. I am adamant about any arbitrary special needs exceptions that open the door to future, on going , case by case studies that burden the City's Planning Council.

Respectfully yours,

A handwritten signature in black ink that reads "Ada Gates". The signature is written in a cursive style with a large, sweeping initial "A".

Ada Gates

October 28, 2015

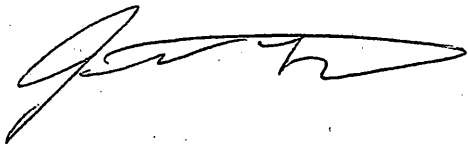
Re: proposed addition at 518 Glen Holly Dr.

Pasadena planning and community development department
Zoning division

Dear Hearing Officer,

It is not in the best interest of our neighborhood to build out the property located at 518 Glen Holly Dr.. By doing so, it will initiate the overbuilding of lots in these hills. The proposed addition will also encroach upon the surrounding neighbor's privacy and property. Furthermore, it will take away from the charm of the neighborhoods small single family dwellings. The Muir family has been in our house at 508 Avon Ave since 1932 and involved in maintaining the neighborhood charm. Please do not approve a variance to allow the second story addition at 518 Glen Holly Dr., Pasadena.

Thank you,

A handwritten signature in black ink, appearing to read 'Jeanne Muir', with a long horizontal flourish extending to the right.

Jeanne Muir, owners
508 Avon Ave, Pasadena 91105

October 30, 2015

Beilin Yu

Planning & Community Development Department

Planning Division, Current Planning Section

175 North Garfield Avenue Pasadena, CA 91101

Re: Hillside Development Permit #6315

518 Glen Holly Drive

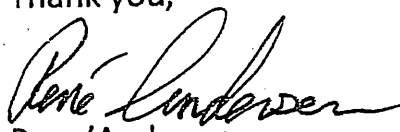
Dear hearing officer,

Building the proposed 583 square foot second story addition as proposed would have a very negative impact on the residence directly to the North and would look out of place with the other adjoining properties.

The residence to the North would lose privacy since their only private patio area would be directly below the addition, also part of the charm of this neighborhood is the views of the surrounding hills; they would lose a substantial part of their view and property value.

I built my house at 1437 Cheviotdale Drive 32 years ago, I am in favor of development as long as it doesn't diminish other neighbor's enjoyment and value of their existing properties.

Thank you,


Rene Andersen

Owner, 1437 Cheviotdale Drive

Dear Ms. Yu:

AS WE DISCUSSED, I AM WRITING IN OPPOSITION TO THE PROPOSED 2ND STORY ADDITION FOR 518 GLEN HOLLY AS OUTLINED IN PERMIT APPLICATION # 6315.

NO MATTER HOW WELL INTENTIONED OR ELEGANTLY DESIGNED, THE PROJECT DISRUPTS AND HAS THE POTENTIAL OF DESTROYING THE PEACEFUL AND CHARMING CHARACTER OF THIS NEIGHBORHOOD. THE NEIGHBORHOOD CONSISTING OF THE HOUSES ALONG GLEN HOLLY DRIVE AND AVON STREET, BETWEEN CHEVIOTDALE DRIVE AND LA LOMA ROAD, ARE ALL ONE STORY TRADITIONAL LOW DENSITY HOMES THAT COMPLEMENT EACH OTHER WELL. THE LOTS ON GLEN HOLLY HAVE ABUNDANT MATURE TREES THAT DOMINATE THE SKYLINE AND PROVIDE SUBSTANTIAL PRIVACY TO THE OWNERS.

ALTHOUGH THIS PROJECT IS NOT EXTENSIVE, IT WILL NONETHELESS SET AN UNFORTUNATE PRECEDENT THAT WILL SET OFF A RASH OF 2ND STORY ADDITIONS AND THE MANSIONIZATION OF THE NEIGHBORHOOD. NEW OWNERS WILL BE TEMPTED TO ADD VALUE TO THEIR HIGH PRICED PROPERTIES AND THE ONLY WAY IS UP.

THIS WILL DESTROY THE PEACE AND QUIET THAT OUR CURRENTLY LOW DENSITY NEIGHBORHOOD ENJOYS, NOT TO MENTION THE REPLACEMENT OF OUR VERDANT VIEWS WITH MULTIPLE 2ND STORY ADDITIONS.

WE HAVE LIVED IN THIS NEIGHBORHOOD FOR 25 YEARS AND APPRECIATE OUR NEIGHBORS IMPROVING THEIR PROPERTIES, BUT THIS IS NOT THE EXAMPLE WE WANT TO ENCOURAGE.

PLEASE VOTE NO TO THIS DEVELOPMENT.

THANK YOU FOR YOUR ATTENTION.

By Adolfo Mendez 1445 Cheviotdale Dr.
Copy to Greg Ch. Longirion

1469 Cheviotdale Drive
Pasadena, CA 91105

29 October 2015

Dear Hearing Officer:

With regard to the construction that is being proposed for 518 Glen Holly Drive, I oppose additions that do not comply with all of the current City of Pasadena/San Rafael Hills code requirements.

Sincerely,



Gregory C. Fu

Dear Hearing Attendees,

My parents reside at 1460 Cheviotdale Drive, located directly north of the property desiring construction of a second story level. The construction in question will obstruct the only outdoor view my parents have as they sit in their backyard. My parents chose the San Rafael area to retire peacefully, instead they are forced to deal with a rather selfish matter brought forth by their neighbors.

Upon bringing to attention this matter to a real estate lawyer, the city code for building in front of a residential view of a back yard or patio was found and cited to the planning department. According to the real estate lawyer, this construction is in violation of city code. The response from the city and planning department is that, so long as the construction does not hinder the "entire" view of the patio, it could be acceptable. According to one representative from the planning department, the construction would leave about 2-3 feet of visual field on the left side of the construction, if you sat in the patio. If you originally had 12 feet of a view from your open patio, and now you have 2-3 feet, does that make the construction now magically okay? If this second story is built and you sit in my parents patio and stare 7 feet out in front of you, you will see a building. No matter how many inches of visual field you have to the slight left of the building, you still see nothing but walls of this new construction. The argument anybody has in favor of building this second story makes no logical sense.

The neighbors who will have a view of this new construction, such as those residing at (345 Glen Holly, 214 Cheviotdale, and 456 Glen Holly) are against this construction and ready to open suit if the discussion of this matter continues in favor of the construction. When the county of LA wanted to build the continuation of the 710 freeway for the convenience of millions of drivers commuting on the 5, 210 freeways, through the San Rafael area, the RESIDENTS of San Rafael protested to maintain the integrity of their peaceful residential community, and the county stood IN FAVOR of the residents, not the automobile drivers. We have 3-4x the number of people protesting this construction in order to maintain the integrity of their residential community, I would think that it would be prudent for the city of Pasadena to realize that being in favor of this construction would go against the ideals and values of every other city and county planning department that has put the safety and respect of their residential community as a whole before those with greedy and selfish needs.

Lastly, this new construction, that has caused so much anguish, emotional pain and frustration among so many neighbors, is only suppose to provide 500 sq ft of space for our selfish neighbors. I ask you, is this worth it? According to the design plans of the property in question, there is plenty of space around the perimeter of their current residence to build a substantial amount of additional square footage at the base level of the home as opposed to building upwards as a skyscraper in a hilly community such as this.

Thank You for your attention.

Hasmy Chilingirian Karayan

October 28, 201

Hearing Officer
Planning and Community Development Department
Planning Division, Current Planning Section
175 North Garfield Avenue
Pasadena, CA 91101

Re: Hillside Development Permit #6315, 518 Glen Holly Drive, Pasadena CA 91105

Dear Sir/Madam,

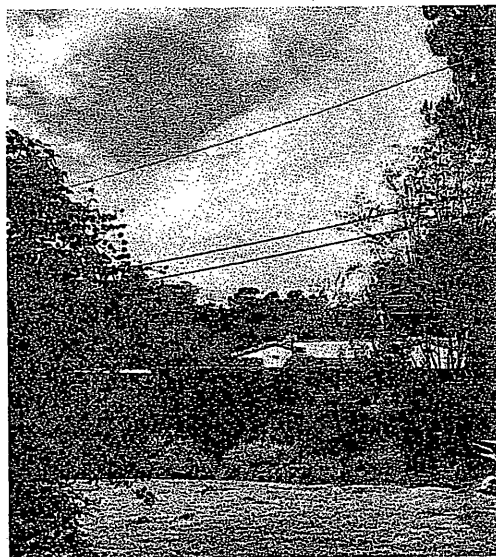
We wish to express our concerns with regard to the proposed addition to the above referenced property. Our property, 493 Avon Avenue, shares the back lot line with 518 Glen Holly Drive and our main concern is the impact on our privacy and views.

Our neighborhood within the San Rafael Hills sits in a low point of the hillside area. Our view is not the classic view associated with hillside properties, but a view that is enjoyed looking up toward the tree covered slopes and sky. The proposed addition will impact that view from the back of our home and yard. Two sections of the City of Pasadena Zoning Code specifically address this issue:

17.22.010, Part B.1b: *"Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects"* and **17.29.010, Part G:** *"Provide development standards that promote orderly development consistent with the traditional scale and character of the community, and that preserve privacy and views"*.

We are requesting that the owners of the proposed addition complete the temporary silhouette in compliance with Section 17.60.080 so that a City Planning Officer can perform a full visual analysis with regard to the privacy and view concerns.

This is the view from our back patio that shows the partial silhouette on the right side of the existing structure:



At the suggestion of city planner Beilyn Yu, we met with the owners and they showed us a photo they had taken from their roof that simulates the view from their addition toward our property. We were stunned by the fact that their new view will be the back of our home, yard and patio that we use as an outdoor dining room. When we suggested a landscape screen of trees or hedges, Ms. Mayoras suggested we plant something on our property because "our yard is too small". **Section 17.29.050, Part C.2:** "Each structure shall be located to take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation, where appropriate", addresses this issue as their responsibility, not ours. We request that a landscape screen or other plantings be a condition of this permitting process.

During this meeting, the owners showed us the plan for the master bedroom and bathroom with windows and balconies that will face the back of our home and yard. Not only will they be able to see into our outdoor spaces and patio dining area, but they will have a clear view into all of our bedrooms and master bath. It is our understanding that the proposed master closet with no windows is facing Glen Holly. We request that the window placement, size and height be re-evaluated. A window-less wall facing our property would alleviate most of our privacy concerns and provide the owners of 518 Glen Holly with privacy, as well. The following sections support this request: **Section 17.29.060, Part C.2:** "**Privacy - surrounding lots.** Windows, balconies, and outdoor living areas generally shall be located to protect the privacy of adjacent homes and yards", and **Part E.1:** "New structures and tall landscaping shall not be placed directly in the view of the primary living areas on a neighboring parcel. For purposes of this Chapter, "primary" living area refers to living rooms, family room, patios, but not a kitchen, bedroom, or bathroom."

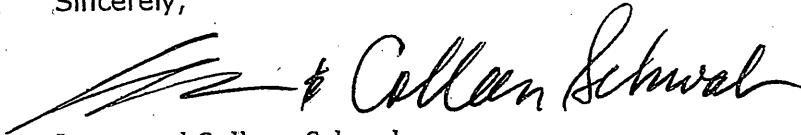
This is the view of the back of our property from their proposed addition. Please note the patio dining area at left:



Finally, during the open house the owners hosted to show neighbors the plans for the proposed addition, their architect, Mr. Schwark said, "everyone's losing some privacy" and we immediately recognized this attitude as coming from someone unfamiliar with the values of those who live in Pasadena and familiar with the congestion and density of areas west of our city.

We have lived in our home for over 22 years and appreciate the intent of the proposed addition. However, we feel that the adverse effects stated in this letter will not only diminish the enjoyment of our home, but will reduce the value of our property. We hope you will consider these issues and will rule against issuing the permit on November 4, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason & Colleen Schwab". The signature is written in a cursive style with a large, sweeping flourish at the beginning.

Jason and Colleen Schwab

493 Avon Avenue

Pasadena, CA 91105

(626) 441-2674


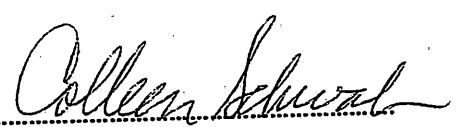
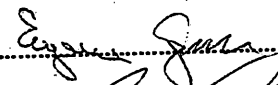
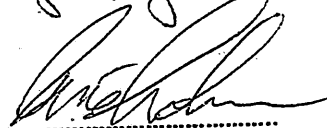
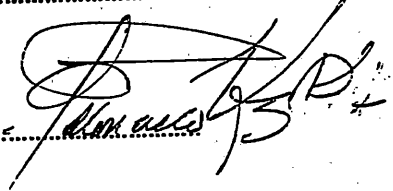
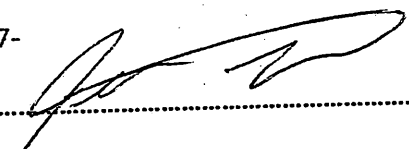
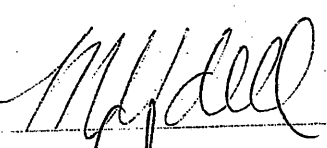
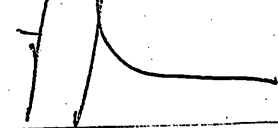
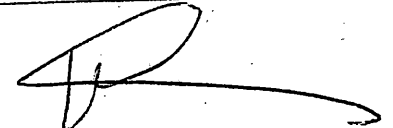
cc: Steve Madison

City of Pasadena

Planning & Community Development Department

Dear Hearing Officer,

The following residents of Pasadena objecting the construction of the second story at 518 Glen Holly Drive

Name	Address	Signature
1- Greg & Nora Chilingirian	1460 Cheviotdale Dr.	
2- Colleen and Jason Schwab	493 Avon Ave	
3- Rose + John Dale	540 Avon Ave.	Rose W - Dale
4- Eugenia Furukawa	550 Glen Holly Dr.	
5- RENÉ ANDERSEN	1437 CHEVIOTDALE DR.	
6- F. Anthony	1423 Cheviotdale Dr.	
7- 	508 Avon Ave	Jeanne Muir
8- Melissa Udell	1413 Cheviotdale Dr.	
9- Anthony Argili	1360 Cheviotdale Dr.	
10- Ron Vanderhaar	1363 Cheviotdale	

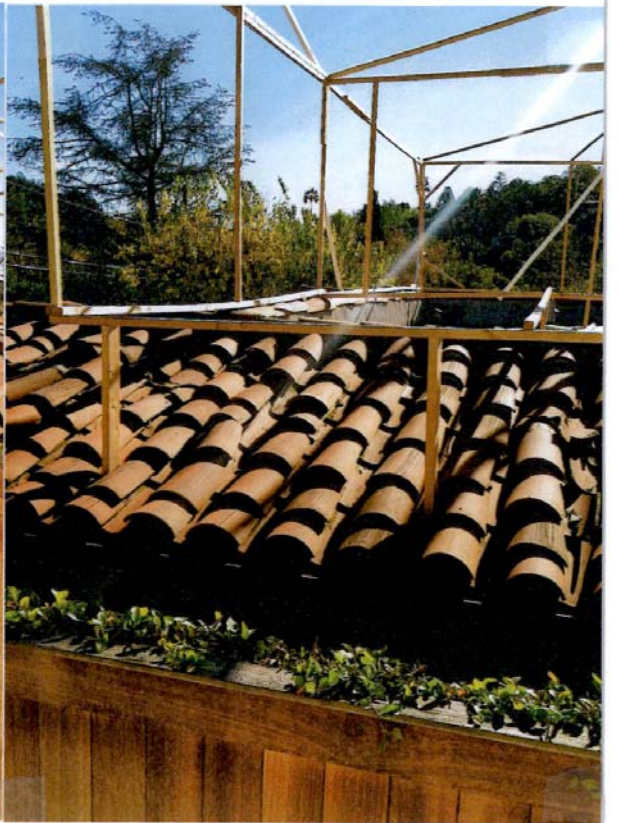
City of Pasadena

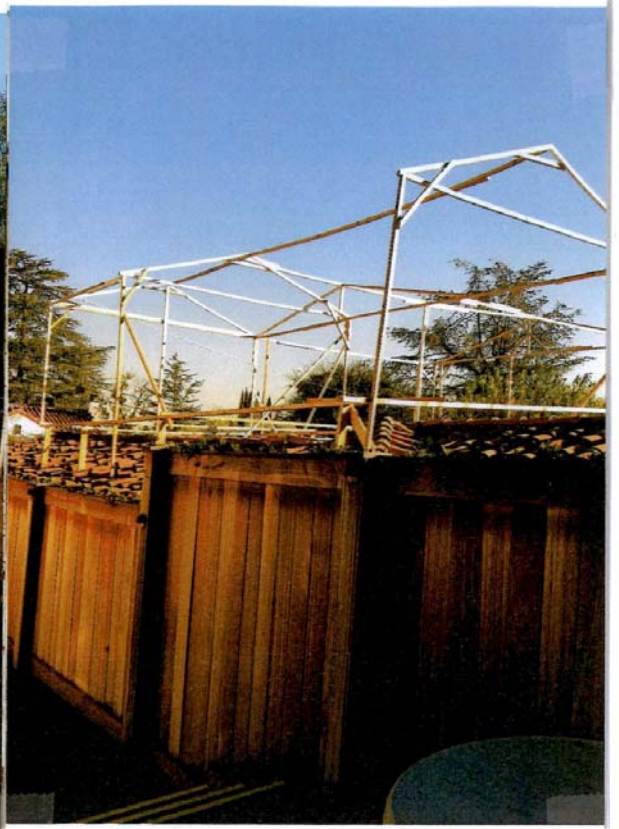
Planning & Community Development Department

The following residents of Pasadena objecting the construction of the second story at 518 Glen Holly Drive

Name	Address	Signature
11-	GERARDINE LANZA Geraldine Lanza	G. Lanza
12-	540 Glen Holly Dr PASADENA CA 91105	Kenyon Harrison
13-	1445 CITEVIOTORNERA P	ADOLFO MENDOZ
14-	LLEWELLY NICHOLS	Carlton L. Cockmeyer
15-	CARLTON L. COCKMEYER 539 AVON AVE	Judy Silver
16-		
17-		

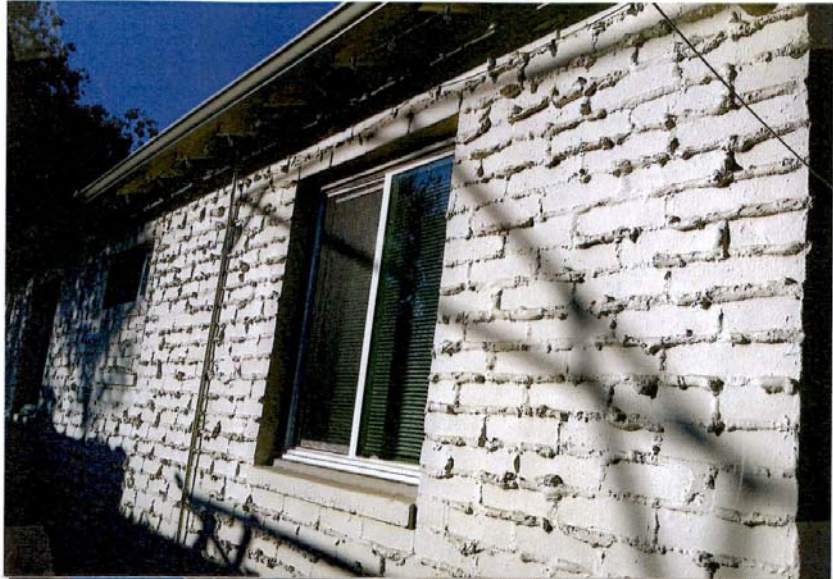












Jomsky, Mark

From: Hasmig Karayan <chilingirianh@gmail.com>
Sent: Tuesday, April 05, 2016 2:26 PM
To: Bell, Cushon; Morales, Margo; West, Jana; Sullivan, Noreen; vdelacuba@cityofpasadent.net; Madison, Steve; Thyret, Pam; Tornek, Terry; Hampton, Tyron; McAustin, Margaret; Kennedy, John; Wilson, Andy; Jomsky, Mark; Masuda, Gene
Cc: greg chilingirian
Subject: City of Pasadena Violates Its Own Hillside Overlay District Ordinance
Attachments: IMG_4762.JPG; IMG_4761.JPG; IMG_4760.JPG; IMG_4765.JPG; photo 1.JPG; photo 2.JPG; IMG_4780.JPG; IMG_4781.JPG; IMG_4782-2.JPG; IMG_4783.JPG; Letter to Watson Family.docx

Dear Council Members and Board of Commissioners,

Our family members, Greg & Nora Chilingirian, appellants to the 518 Glen Holly Drive Addition, as well as friends of the community, will be negatively impacted by the second story addition on Glen Holly Drive. The project property already sits at the highest promontory on the block overlooking SINGLE-STORY homes. A second-story addition would loom over neighboring homes, permanently altering views, scale and compatibility, otherwise protected by the Hillside Ordinance. This project, both for the protection of the neighborhood and for the resident confidence in safeguards set out in the Hillside Ordinance, should be decided on the merits of the ordinance, not narrow legalisms allowing incremental violations and damaging precedents. Once collateral damage is put in motion in a neighborhood it cannot be contained, as one case leads to another. Similar construction cases have been denied in Hastings Ranch, as well as west and northwest Pasadena for the very same reason of view obstruction. Please review the following objections to this development:

- Petition (see attached) signed UNANIMOUSLY by surrounding neighbors in the San Rafael area objecting to the construction of the 2nd floor addition at 518 Glen Holly. This portion of the closely knit, snug homes in San Rafael, sit on a hillside development. Any upward-rising construction, impedes and disrupts the pre-existing community appearance and quality.
- Unanimous vote from the San Rafael Neighborhood Association (SRNA) adamantly opposing the second story addition, and objection letter from SRNA President Mary Dee Romney to the Board of Commissioners.
- Objections from Pasadena ex-zoning officer, Shoghig Yepremian regarding several code violations of this construction, including light, view, and privacy.
- Letter from the Law Offices of Eric A. Altoon (see attached), bringing to attention the code violation status of this construction, obstruction of patio view as well as significant depreciation of the home value at 1460 Cheviotdale Drive.
- Pictures denoting the proposed framing of the 2nd story addition and the intrusion of property walls onto the patio and violation of privacy, lighting and view. (see attached)
- Pictures denoting the proximity (~5 feet) of the existing roof at 518 Glen Holly to the property line of 1460 Cheviotdale Drive. The property that will be most affected by this construction, located at 1460 Cheviotdale Drive, has a backyard that sits above 518 Glen Holly on a hillside development. Thus a second floor addition will overlook and impede light and privacy, and intrude walls onto the patio of the home at 1460 Cheviotdale Drive. (see attached)
- Statement by Commissioner Louisa Nelson and Greg Jones that the appellant's, Greg Chilingirian, case is protected by the Hillside Ordinance.

-Statement by the Assistant City Attorney that this is a precedential decision, in violation of the Hillside Ordinance.

We ask that careful attention is brought forth to this matter in preparation for District 6 Call up on Monday April 11, 2016.

Regards,

Drs. Ronnie & Hasmig Karayan

(323) 255-3290

Law Offices of Eric A. Altoon
A Professional Corporation
19360 Rinaldi Street, #339
Porter Ranch, CA 91326
Office: (213) 422-1835
eric.altoon@altoonlaw.com

June 6, 2015

VIA U.S. MAIL

Paul and Tracie Watson
518 Glen Holly Drive
Pasadena, CA 91105

Re: **Proposed Construction of Second Story to Existing Home Located at
518 Glen Holly Drive, Pasadena, CA 91105**

Dear Mr. and Mrs. Watson:

My firm represents Greg and Nora Chilingirian, your neighbors to the north of your above-referenced home. The Chilingirians reside at 1460 Cheviotdale Drive, Pasadena, CA.

It has come to my attention that you are in the process of seeking a permit from the City of Pasadena to build a second story on your existing home. Please be aware that Section E. of Chapter 17.29.060 of Article 2 of the City of Pasadena Zoning Code provides as follows:

E. View protection. A proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority, and as follows. See Figures 2-6 and 2-7. For purposes of this Chapter, "surrounding" properties refers to all abutting properties as well as properties directly across a street from the subject property.

1. New structures and tall landscaping shall not be placed directly in the view of the primary living areas on a neighboring parcel. For purposes of this Chapter, "primary" living area refers to living rooms, family room, patios, but not a kitchen, bedroom, or bathroom.
2. Mechanical equipment other than vents or solar panels shall be placed on a rooftop or below a deck only if the equipment is not visible from off the site. This equipment shall also comply with the height limits in Subsection B. above.

Figure 2-6 — Siting New Building to Preserve Views

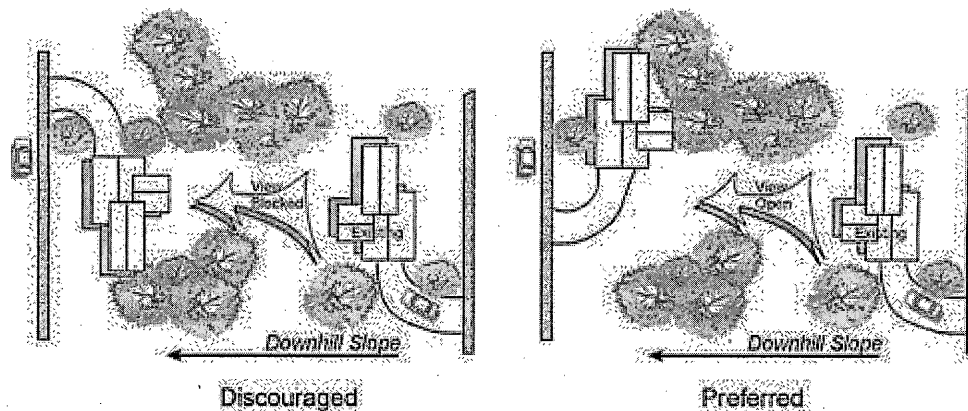
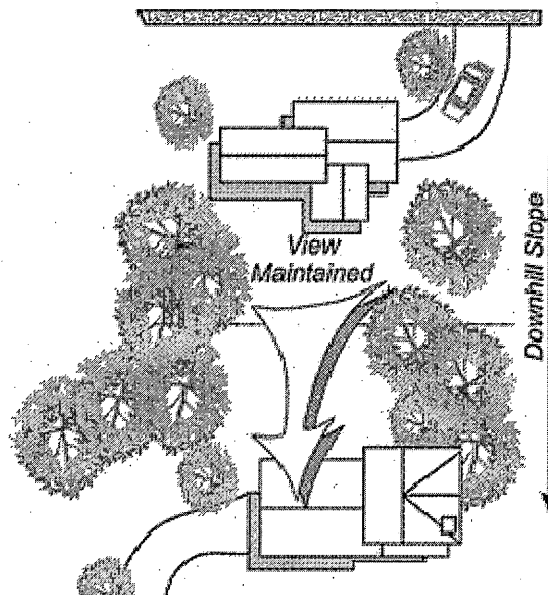


Figure 2-7 — Example of Preferred Location of Second Floor to Preserve Views



Based on the foregoing and given the fact that your one story home is approximately ten (10) feet lower in elevation than the Chilingirians' home, the construction of a second story on your existing home *would* interfere with the view of the primary living area (in particular, the patio) of the Chilingirians' home, which is currently unobstructed. Any obstruction of that view would **significantly depreciate** the appraised value of the Chilingirians' home. The view from the north side of Mr. Chilingirian's home is already blocked by an approximately twenty (20) foot high hill.

It is my understanding that the City is sending one of its inspectors to your and the Chilingirians' respective homes to assess the situation. The Chilingirians will be providing a copy of this letter to the City.

Nothing in this letter, any other correspondence or any oral communications between you and the Chilingirians should be construed to be a waiver, modification or release of any breach of the above-referenced Zoning Code provisions, whether now existing or hereafter arising, or any of the Chilingirians' rights and remedies under applicable law. Any forbearance by the Chilingirians does not constitute a course of dealing or a course of conduct.

Please contact me at your earliest convenience so that we can promptly discuss a resolution of this matter.

Sincerely,
LAW OFFICES OF ERIC A. ALTOON,
A Professional Corporation,
Attorney for Greg and Nora Chilingirian

By: Eric A. Altoon

cc: Mr. and Mrs. Greg and Nora Chilingirian
City of Pasadena, Planning and Zoning Department



City of Pasadena

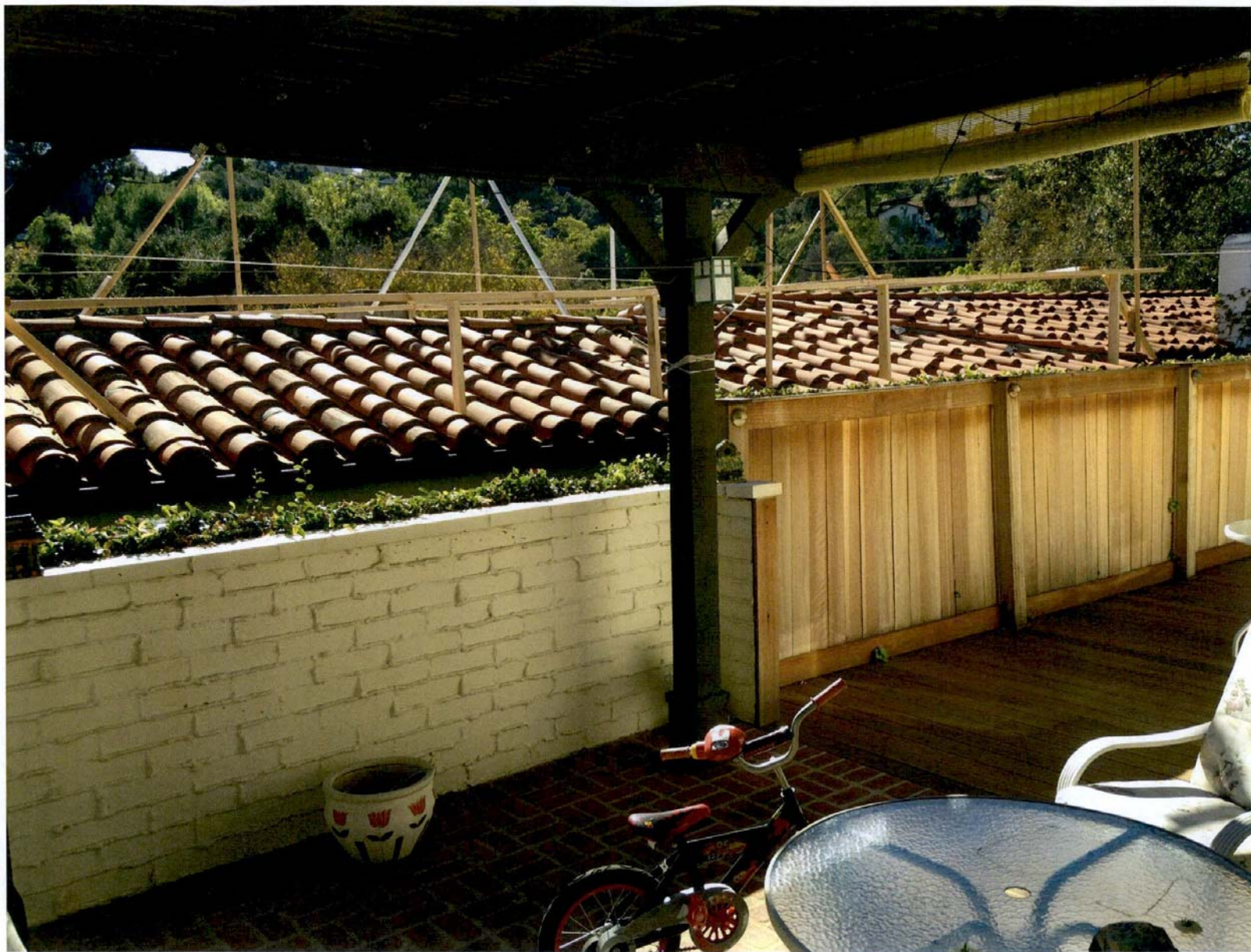
Planning & Community Development Department

Following residents of Pasadena objecting the construction of the second story at 518 Glen Holly Drive

Name	Address	Signature
GERARDINE LANZA	540 Glen Holly Dr PASADENA CA 91105	G. Lanza
Gerardine Lanza	518 Avon Avenue	Kenyon

5-

7-











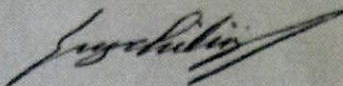
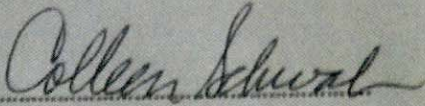
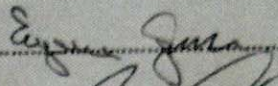
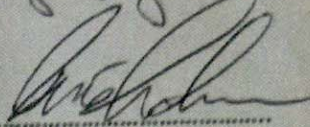
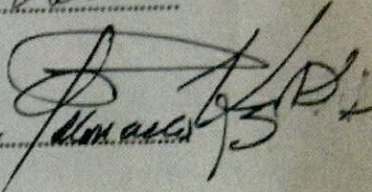
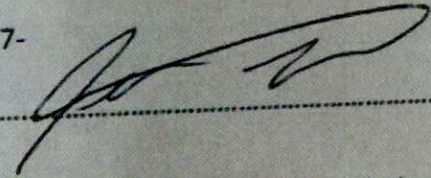
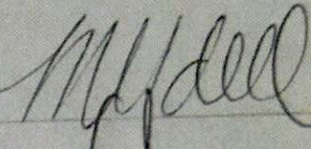
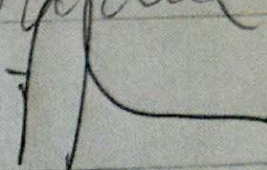
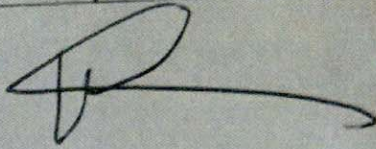


City of Pasadena

Planning & Community Development Department

Dear Hearing Officer,

The following residents of Pasadena objecting the construction of the second story at 518 Glen Holly Drive

Name	Address	Signature
1- Greg & Nora Chilingirian	1460 Cheviotdale Dr.	
2- Colleen and Jason Schwab	493 Avon Ave	
3- Rose + John Dale	540 Avon Ave.	Rose W-Dale
4- Eugenia Furukawa	550 Glen Holly Dr.	
5- RENÉ ANDERSEN	1437 CHEVIOTDALE DR.	
6- F. Henry Ph P	1423 Cheviotdale Dr.	
	508 Avon Ave	Jeanne Muir
8- Melissa Udell	1413 Cheviotdale Dr.	
9- Anthony Argili	1360 cheviotdale dr	
10- Ren vanderharden	1363 Cheviotdale	



Jomsky, Mark

From: Mary Dee Romney <marydee@gmail.com>
Sent: Tuesday, April 05, 2016 9:21 AM
To: Madison, Steve; Tornek, Terry; Hampton, Tyron; McAustin, Margaret; Kennedy, John; Masuda, Gene; Gordo, Victor; Wilson, Andy; Suzuki, Takako; Bell, Cushon; Morales, Margo; West, Jana; Sullivan, Noreen; De La Cuba; Vannia; Thyret, Pam
Cc: Mary Dee Romney; Jomsky, Mark; greg chilingirian
Subject: District 6 Call-up, Monday Night (April 11, 2016)
Attachments: SRNA.ChilinPhotoBackyard4.5.16.JPG

April 5, 2016

RE: 518 Glen Holly Drive, Hillside Development Permit 6315

PLN 2015-00162

Pasadena Mayor and City Councilmembers:

San Rafael Neighborhoods Association (SRNA), following an on-site inspection, review of testimony, correspondence and photographs and attendance at the BOZA hearing, supports appellant Greg Chilingirian in the above-referenced City Council appeal for the following reasons:

- 1) The intrusion of the proposed second-story addition from the side yard of the applicant onto the backyard of the appellant imposes set-back expectations established for side yards onto a backyard that is only 9-feet deep;
- 2) The 3-2 BOZA vote in favor of the applicant does not capture the statement made by Commissioner Louisa Nelson who, along with Commissioner Greg Jones, walked the site and voted against the project: *"This specific situation is exactly what the Hillside Ordinance is designed to protect . . . the spirit of the Ordinance is aimed at protecting against this . . . the (appellant's) patio is cheek-by-jowl with the (applicant's) roof!"*
- 3) During the hearing Commissioner Farhat questioned the Assistant City Attorney as to whether the project would be "precedential," to which the Assistant City Attorney answered "Yes, it will be precedential;"
- 4) SRNA has concerns such precedent erodes established Ordinance protections in hillside neighborhoods by explaining away violations with a legalized excuse of *avoiding the violations to the "maximum extent feasible" while, in real terms, condoning the violation*;

5) Growing reliance upon costly neighbor litigation to settle varying degrees of "violation" to the Ordinance comes with long-term collateral damage to the whole neighborhood; the combat of litigation, including personal attacks and mischaracterizations, is the sad reminder that the Hillside Ordinance is a necessary protection for all hillside neighbors, especially those who haven't the discretionary income for an attorney and related experts.

Please consider Mr. Chilingirian's appeal in the matter and find in his favor to keep his open view, the single asset of his 9-foot deep backyard upon which he and his family depend.

Mary Dee Romney, President

San Rafael Neighborhoods Association (SRNA)



Jomsky, Mark

From: Watson, Paul <Paul.Watson@disney.com>
Sent: Tuesday, April 05, 2016 3:01 PM
To: Jomsky, Mark
Cc: staciemayoras@mail.com; Paul Watson (paul.watson_usa@yahoo.com)
Subject: RE: RE: HDP #6315 @518 Glen Holly Drive, Pasadena CA

Mr. Jomsky,

I apologize, my last email oddly copied a section twice. Here is the correct easier to follow version.

You might recall that we are the applicants for Hillside Development Permit #6315 that has been appealed to the City Council and set for hearing on April 11, 2016. We wanted to thank you again for passing on the binders provided in March with the supporting information that the council members need to review in order to make the right decision with regard to this case.

Although we have received approval of our Hillside Permit from **ALL** off the following: the City Planning Staff, Hearing Officer Paul Novak, and the Board of Zoning Appeals, our neighbor Greg Chilingirian, has appealed this decision on CEQA grounds. However, CEQA (Code of Regulations, Title 14, Chapter 3, Section 15300 categorical exemptions, subsection 15303) states that "single-family residence(s)" are **exempt** from CEQA since they have minimal impact on the environment. As a result, this appeal is meritless. In addition, this CEQA objection has never been raised until now, in a final attempt to have you re-litigate a matter that has already been decided.

As mentioned in our prior email to you back in early March, no new evidence has been presented in this case. Therefore, my wife and I request you deny this meritless appeal.

Our HDP #6315 should be approved because:

- The process worked, it was extensive, collaborative, and exhaustive. Due process has occurred but will be thwarted if further action is taken by the City Council.
- The extensive and exhaustive 10 months of thorough review in partnership with the City Planning Department, lengthy public hearing by Hearing Officer Paul Novak, and the lengthy Board of Zoning Appeals hearing ALL worked.
- We have listened to all concerns, worked with the City Planning Staff extensively, and have completely changed our original design to protect our neighbor's privacy and view to the maximum extent feasible as required by the code.
- This is a modest 1 bedroom and 1 bathroom addition totaling 557 square feet. This is NOT a unique or unusual request. At 499 Sq.Ft., our addition would not require a Hillside Development Permit. Therefore, we are really discussing the 78 Sq.ft difference (the size of an average closet).
- We have requested no variances for this project.
- Our final design is the best design to protect the original Spanish design and architecture of 518 Glen Holly as well as the neighbor's privacy and view.
- The final design is compatible with the neighborhood as determined in the Neighborhood Compatibility Study performed by the City Planning staff which looks at size, scale and design.
- For the above reasons this case is not unprecedented.
- The majority of our neighbors support the addition. Eight neighbors spoke on our behalf at the BZA hearing, the same neighbors that will attend the City Council hearing, and copies of additional supporting letters have been provided.
- False and misleading information has repeatedly been provided by our neighbors, the Chilingirians, to gain support of their opposition.

- The view in question from the Chilingirian's pergola and deck are from illegal unpermitted structures, and therefore should not be considered protected under view protection. A complaint has been lodged with the City Code Compliance department (CTP-2016-00297) and when last we heard from Mr. Del Toro (3/28/16), Mr. Chilingirian had denied them access to his property and a Warning Notice and Order to Correct were being issued.
- Denying our application would set a negative precedent impacting ALL districts.
- If this case were to be heard on any grounds other than CEQA, it would open up ALL cases to be heard by the City Council.
- A vote to uphold this appeal is a vote of no confidence against the hard work already done by City Staff, the Hearing Officer, and the BZA.

We understand our neighbor Greg Chilingirian has reached out to all City Council members to discuss this case in advance of the public hearing. If you have taken the time to do so, we would welcome the same opportunity in advance of the City Council meeting. Feel free to reach out to us by phone or we can make ourselves available to meet in person.

Kind regards,

Paul Watson and Stacie Mayoras, Applicants for HDP #6315

518 Glen Holly Drive, Pasadena CA, 91105

Paul Cell: 626-200-6975

Stacie Cell: 310-666-8612

Paul Watson
 Vice President, Buying and Planning
 Disney Store
 443 South Raymond Ave
 Pasadena, CA 91105
 Tel: 626-773-5411
 paul.watson@disney.com

From: Watson, Paul
Sent: Tuesday, March 08, 2016 3:13 PM
To: mjomsky@cityofpasadena.net
Cc: staciemayoras@mail.com; Paul Watson (paul.watson_usa@yahoo.com)
Subject: RE: HDP #6315 @518 Glen Holly Drive, Pasadena CA

Mr. Jomsky,

We wanted to thank you for taking the time to scan our documentation ahead of the council meeting yesterday. While we are disappointed with the outcome of last night's meeting, mostly because the 8 neighbors who showed up in support did not get the chance to speak, we are hopeful that the appeal will be denied.

As we understand it, the only basis on which a Board of Zoning Appeals decision can be appealed is on CEQA grounds. The CEQA Code of Regulations section 15300, subsection 15303 states that single family residences are that there are exempt as they have a minimal impact on the environment. **It is also worth noting that the CEQA argument against our addition has not been raised at this point by our neighbor or their lawyer.**

CEQA GUIDELINES
California Code of Regulations, Title 14, Division 6, Chapter 3

Section 15300. Categorical Exemptions.

Section 21084 of the Public Resources Code requires these guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Section 15303. New Construction or Conversion of Small Structures.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

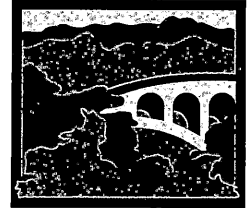
As mentioned we believe that the appeal should be denied as no CEQA based reasons exists due to the single family residence exemption, and that fact that to date this has not been argued.

Best, Paul and Stacie.

Paul Watson
Vice President, Buying and Planning
Disney Store
443 South Raymond Ave
Pasadena, CA 91105
Tel: 626-773-5411
paul.watson@disney.com

April 5, 2016

RE: 518 Glen Holly Drive, Hillside Development Permit 6315
PLN 2015-00162



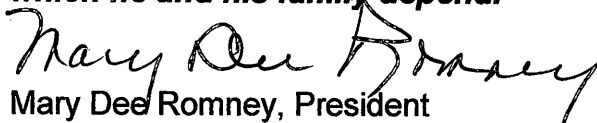
SAN RAFAEL
NEIGHBORHOODS ASSOCIATION

Pasadena Mayor and City Councilmembers:

San Rafael Neighborhoods Association (SRNA), following an on-site inspection, review of testimony, correspondence and photographs and attendance at the BOZA hearing, **supports appellant Greg Chilingirian** in the above-referenced City Council appeal for the following reasons:

- 1) The intrusion of the proposed second-story addition from the **side yard** of the applicant onto the **backyard** of the appellant **imposes set-back expectations** established for **side yards** onto a **backyard that is only 9-feet deep**;
- 2) The 3-2 BOZA vote in favor of the applicant does not capture the statement made by Commissioner Louisa Nelson who, along with Commissioner Greg Jones, walked the site and voted against the project: **"This specific situation is exactly what the Hillside Ordinance is designed to protect . . . the spirit of the Ordinance is aimed at protecting against this . . . the (appellant's) patio is cheek-by-jowl with the (applicant's) roof!"**
- 3) During the hearing Commissioner Farhat questioned the Assistant City Attorney as to whether the project would be "precedential," to which the Assistant City Attorney answered **"Yes, it will be precedential;"**
- 4) SRNA has concerns **such precedent erodes established Ordinance protections** in hillside neighborhoods by **explaining away violations** with a legalized excuse of **avoiding the violations to the "maximum extent feasible" while, in real terms, condoning the violation**;
- 5) **Growing reliance upon costly neighbor litigation to settle varying degrees of "violation" to the Ordinance** comes with long-term collateral damage to the whole neighborhood; the combat of litigation, including personal attacks and mischaracterizations, is the sad reminder that the Hillside Ordinance is a **necessary protection for all hillside neighbors, especially those who haven't the discretionary income for an attorney and related experts.**

Please consider Mr. Chilingirian's appeal in the matter and find in his favor to keep his open view, the single asset of his 9-foot deep backyard upon which he and his family depend.



Mary Dee Romney, President
San Rafael Neighborhoods Association (SRNA)



Questions? call Greg at (626) 421 - 6879

Address: 1460 Cheviotdale Dr. Pasadena

Email to Mr. Steve Madison: TSUZKI@cityofpasadena.net

CARLSON & NICHOLAS, LLP
Attorneys at Law

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Pasadena, California 91101
(626) 356-4801
www.carlsonnicholas.com

Scott@carlsonnicholas.com
Frank@carlsonnicholas.com
RMcDonald@carlsonnicholas.com

April 6, 2016

Mayor Terry Tornek
Vice-Mayor Gene Masuda
Hon. Council Members Madison, Gordo, McAustin, Kennedy, Hampton, and Wilson
City Council of the City of Pasadena
100 North Garfield Avenue, Rm. S249
Pasadena, California 91109

Re: April 11 Agenda Item – 518 Glen Holly (HDP No. 6315)

Dear Mayor Tornek, Vice-Mayor Masuda, and Honorable Members of the City Council:

On your April 11 Agenda is the appeal of the Board of Zoning Appeals' February 17, 2016 decision to approve Hillside Development Permit ("HDP") No. 6135, and otherwise affirm the Hearing Officer's ("HO") December 2, 2015 decision to approve it.

The Staff Report explains the project (i.e., a new single family residence), the basis for the appeal, and how substantial evidence supports the findings to be made for the CEQA Exemption and HDP. As stated in Finding No. 1 on Attachment "A" to the Staff report, it is a fact that the proposed single family residence fully complies with all of the development standards set-forth in the Zoning Code for hillside developments. No variances are requested. Further, as also stated in the Findings, the proposed residence is in conformity with the General Plan and applicable zoning district.

In addition, in early March, the Watsons provided you with a binder full of the material necessary for considering this appeal. Please note that my February 16 letter to the BZA is attached as Exhibit 12 in that binder. There, we explain the history of the project, how the addition has been redesigned to avoid any conflict with the neighbor, and how the neighbor is relying on an illegal deck as the basis for his position.

Letter to City Council
April 6, 2016

Rather than repeat those points, therefore, I write to address the status of the Code Complaint regarding the illegal deck, the CEQA exemption approved by the BZA, and some of the legislative history that supports our request that you grant the HDP and otherwise affirm the BZA's and HO's decisions based upon the substantial evidence in the record.

I. Code Complaint.

This appeal is based upon only one neighbor's objection from his illegally constructed deck along his side property line, which actually appears as the rear yard but is the side yard due to the double street frontage of his lot. As such, he is asking for view protection from a spot where none legally exists.

Tab No. 11 in the Watson's Binder is a copy of the March 1, 2016 Code Complaint about how the deck was illegally constructed by the prior owner, how no permits were issued for it, how the neighbor bought it and agreed to correct the violations, and how the neighbor failed to do so. Exhibit "D" to my February 16, 2016 BZA letter also shows the City's records on the Code violations. A copy of them is attached for your convenience.

On April 4, 2016, the Code Compliance Officer informed us that the Chilingirians had twice denied him access to their property to investigate the Complaint. As a result, a Warning Notice and Order to Correct is being issued this week. If he fails to abate the code violations by May 1, further incremental citations will be issued and prosecuted.

We find it appalling that Mr. Chilingirian can open his house to some of you to complain about a small addition, but not open it for the Code Compliance Officer.

There is simply no reason for the City Council to recognize or give any credence to an appeal based upon a code violation. Doing so turns a blind eye to the illegality of the neighbor's conduct and simply encourages others to violate the Code with impunity.

II. CEQA.

As you know, Section 17.72.040 of the Zoning Code requires any appeal of a BZA decision to the City Council to be based upon the CEQA determination. Here, the addendum to the appeal simply states that the CEQA determination "is incorrect." No explanation of any kind is stated, thus making it impossible for us or the Council to know what is at issue.

Setting aside the fact that the addendum was filed only after the City Clerk informed the applicant that his appeal was improper, the BZA's determination that the proposed project is categorically exempt under CEQA is not "incorrect."

Letter to City Council
April 6, 2016

To the contrary, Title 14, Article 19, Section 15301(e) of the California Code of Regulations specifically states that additions to single family residences are categorically exempt from the requirement to perform an initial study, MND, or EIR: "Additions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less." Here, the Watsons are proposing a 577 addition to their existing 1,547 square foot home, which is approximately 35% of the existing home and thus well within the limits of the categorical exemption.

To negate this exemption, Appellant must produce substantial evidence sufficient to establish "an unusual circumstance" prohibiting its use. Under the California Supreme Court's recent decision in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, that is simply impossible.

In particular, in the *Berkeley Hillside* case, the applicant sought a hillside permit for a 6,478-square-foot house with an attached 3,394-square-foot 10-car garage, covering 16% of a steeply sloped (about 50%) lot in a heavily wooded area on Rose Street in Berkeley. The trial court denied the petition for a writ of mandate by the neighborhood group holding there were not unusual circumstances to the project, but the Court of Appeal reversed and granted it. The Supreme Court then took up the issue of how the unusual circumstances exception to categorical exemptions should be applied by lead agencies.

The Supreme Court held that the "unusual circumstances" exception can only be used to preclude the use of a categorical exemption if an "unusual circumstance" that differentiates the project from the general class of similarly situated projects; and, if so, when the unusual circumstance that pertains to the project creates a "reasonable possibility" that the project may result in a "significant environmental impact." The Court expressly rejected the appellate court's interpretation of the "unusual circumstances" test, finding that "the Court of Appeal erred by holding that a potentially significant environmental effect itself constitutes unusual circumstances."

Following the Supreme Court's decision, the First District Court of Appeal filed its opinion affirming the trial court's judgment on September 23, and later ordered it published on October 15, 2015. *Berkeley Hillside Preservation, et al. v. City of Berkeley* (1st Dist., Div. 4, 2015) 241 Cal. App. 4th 943, 2015WL 6470455. The opinion states that a party challenging a categorical exemption decision by seeking to establish the unusual circumstances exception cannot prevail merely by providing substantial evidence that the project may have a significant environmental effect. Rather, such a party must establish an unusual circumstance by distinguishing the project from others in the exempt class.

On February 3, 2016, the California Supreme Court denied further review of the case, thus letting the Court of Appeal's decision stand, i.e., there were no unusual circumstances that

Letter to City Council
April 6, 2016

precluded the use of the categorical exemption for the proposed residence despite its size, large garage, and construction on a steep slope.

In this case, there also are no unusual circumstances. The proposed addition is being constructed on an existing residence and its proposed size is well within the limits imposed by Section 15301 and the neighborhood compatibility requirements of the Hillside Code. *It thus strains credulity to say that a fully Code complaint project presents "unusual circumstances" precluding the use of the categorical exemption as set-forth in Section 15301.*

Last, the City of Pasadena has applied this Categorical Exemption to hundreds of single family additions throughout hillside areas without it ever being called into question. If this appeal is successful, it will mean that from this point forward, the Planning Department will have to do an Initial Environmental Study on every hillside addition to a single family home in order to show that CEQA is being consistently applied by the City; a \$5 -10,000.00 deposit (subject to additional billing) will have to be paid by each homeowner applicant, more staff time will have to be spent writing a 40-50 some odd page document thus delaying review and processing time, all of which is what the State Legislature wanted to avoid by creating the exemption as the Supreme Court explained in the *Berkeley Hills* case above. This appeal thus has potential long-term implications for the City that are frankly absurd.

III. Zoning Code Section 17.29.060.E.

Under California law, the "rules governing statutory construction are well settled. We begin with the fundamental premise that the objective of statutory interpretation is to ascertain and effectuate legislative intent." *Burden v. Snowden* (1992) 2 Cal.4th 556, 562. The construction of a county [or city] ordinance is subject to the same standard. *Dep't of Health Servs. v. Civil Serv. Com.* (1993) 17 Cal.App.4th 487, 494. To ascertain such intent, we consider the words of the ordinance itself, as they are the most reliable indicators of the drafter's purpose. *Lewis C. Nelson & Sons, Inc. v. Clovis Unified Sch. Dist.* (2001) 90 Cal. App. 4th 64, 69-70; *People v. Gardeley* (1996) 14 Cal.4th 605, 621. We may not speculate that the enacting body meant something other than what it said (see *Unzueta v. Ocean View School District* (1992) 6 Cal.App.4th 1689, 1697), nor add to or alter an ordinance to accomplish a purpose that does not appear on its face (see *Burden v. Snowden, supra*, 2 Cal.4th at p. 562). For example, when a term has been expressly defined, we cannot rewrite that definition to mean something other than what has been prescribed. *Curle v. Superior Court* (2001) 24 Cal.4th 1057, 1063. When the intent is unambiguous, the plain meaning controls and there is no need for construction. *People v. Gardeley, supra*, 14 Cal.4th at p. 621; *Halbert's Lumber, Inc. v. Lucky Stores, Inc.* (1992) 6 Cal.App.4th 1233, 1239.

In this appeal, the Code section at issue is Section 17.29.060.E, which states:

E. View protection. A proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority, and as follows. See Figures 2-6 and 2-7. For purposes of this Chapter, "surrounding" properties refers to all abutting properties as well as properties directly across a street from the subject property.

1. New structures and tall landscaping shall not be placed directly in the view of the primary living areas on a neighboring parcel. For purposes of this Chapter, "primary" living area refers to living rooms, family room, patios, but not a kitchen, bedroom, or bathroom.
2. Mechanical equipment other than vents or solar panels shall be placed on a rooftop or below a deck only if the equipment is not visible from off the site. This equipment shall also comply with the height limits in Subsection B. above.

Figure 2-6 — Siting New Building to Preserve Views

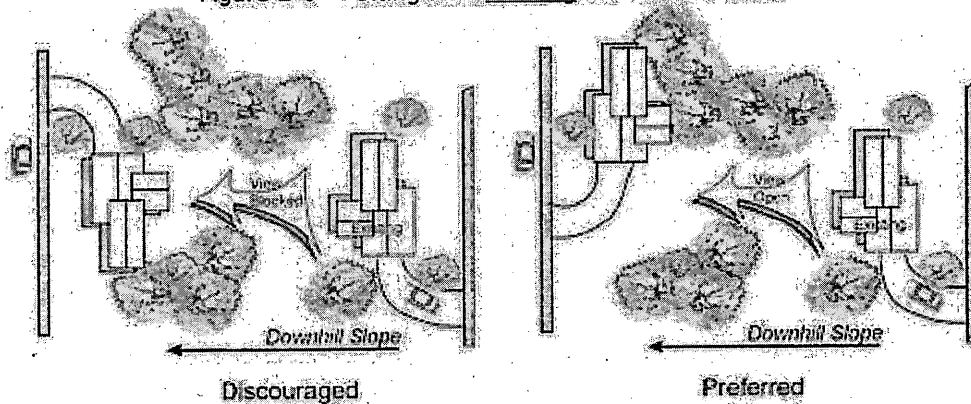
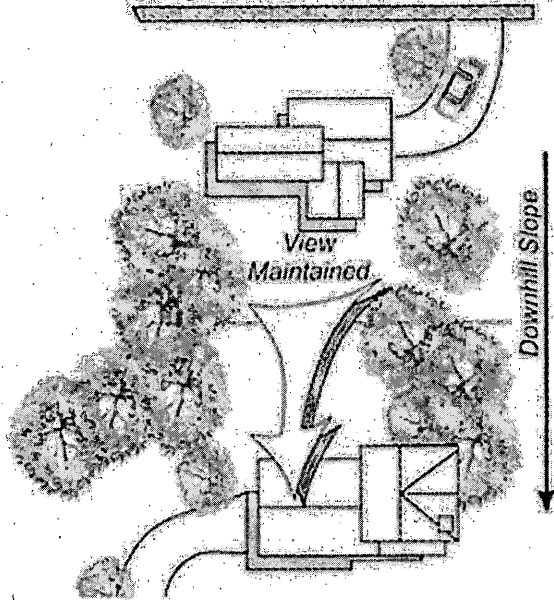


Figure 2-7 — Example of Preferred Location of Second Floor to Preserve Views



As you can see, Section E does not provide unlimited view protection, nor could it. Under California law, there is no common law right to view protection. *Wolford v. Thomas*, 190 Cal. App. 3d 347, 358 (1987). The neighbors thus do not have a right of access to air, light and view over adjoining property. *Porterville Citizens for Responsible Hillside Development v. City of Porterville*, 157 Cal. App. 4th 885, 902 (2007). Rather, the only protection the neighbors have is under Section 17.29.060(E), which is strictly limited as follows.

First, Section 17.29.060(E) only requires an applicant to avoid blocking views "to the maximum extent feasible." If it is not feasible, then an applicant is not required to avoid blocking views, i.e., there is no view protection as provided under California law.

Second, as the Section expressly states, "New structures and tall landscaping shall not be placed *directly* in the view of the primary living areas on a neighboring parcel. For purposes of this Chapter, "primary" living area refers to living rooms, family room, patios, but not a kitchen, bedroom, or bathroom." (Emphasis added). In other words, if you are standing in the living room, family room, or on the patio looking straight out a window, your sightlines are that "view corridor" and that is all that is protected, and then only "to the maximum extent feasible." As you can see above, Figure 2-7 gives an example of how an addition is moved so that it is not directly in the view of the neighbor's view corridor from their primary living areas.

Letter to City Council
April 6, 2016

Third, during the adoption of the Hillside Ordinance in 2004, the Initial Study for the environmental assessment of the proposed ordinance included the following responses for the Aesthetics questions:

"The majority of Pasadena's Hillside District are established residential neighborhoods. There are exceptions to this for certain areas that were subdivided many years ago but never developed. Submittal requirements for new hillside homes and additions to existing homes require information on views from neighboring properties. Through the proposed project, more explicit language will be added to the code relative to ridgeline protection, view preservation, and visual character. *Through the discretionary review process (Hillside Development Permit) the City will review sightlines*, colors, materials (including the roof), and landscaping to further ensure the residence will blend with its hillside location. The project will provide standards that will guide development and will not substantially degrade the existing visual character or quality of the site and its surroundings." (Emphasis added).

The purpose of the Hillside Development Permit review process, therefore, was to conduct a case-by-case review of what a "view" may be from a neighboring property based upon its sightlines, not some subjective standard dependent on some neighbor's whim as is occurring here.

In this case, the Watsons have done the "maximum extent feasible" by moving their addition forward towards the street as much as possible. As they and their architects will explain, any further move will destroy the historic nature and style of their house.

The Watsons also moved their addition further away from the pergola to protect the neighbor's view, which forced them to give up their office upstairs, as well as their patio overlooking their backyard. In addition, they gave up additional square footage to shrink the addition and moved their master bedroom to the opposite side of house away from neighbor.

Further, the primary living areas (living room, family room and patio) of the neighboring property to the north are oriented towards the opposite side of the home. The contention of the property owner is that there is a landing for an exit door providing access to the side yard on the south side of the home. On the interior, the door leads to a walled hallway between a bedroom and the garage. A landing off a hallway between a bedroom and garage is not an extension of a "primary living area" as described under the Pasadena Zoning Code, nor is it a "patio." Rather, it serves the residence as a secondary outdoor area with the "primary living areas" oriented toward the north of the residence.

More specifically, the sightline from this landing sees the sky, nothing more. In fact, the sightline to the sky is already substantially blocked with a fence that exceeds the Zoning Code maximum height and an open wood trellis that does not meet the setback requirements. The landing is extended by a raised wood deck that also does not meet the setback requirements. The

Letter to City Council
April 6, 2016

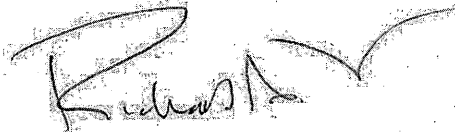
fence, trellis and deck are relatively new structures built by the former property owner with no evidence in the City of Pasadena records of a building permit. Indeed, the landing off the hallway would be completely unusable being directly exposed to the southern sun in a narrow, sloping side yard if not for the trellis that provides shade, the deck that levels the slope and the fence that affords privacy and prevents one from falling over the edge.

Applying the provisions view protection to an area of the neighbor's property that does not serve as a "primary living area," that was built without permits, and that neither meets the requirements of the Pasadena Zoning Code nor the California Building Code is completely unreasonable and well beyond the purview and intent of Section 17.29.060.E.

In sum, not one of Appellants' basis for the appeal and/or arguments is supported under the language of the Code or by substantial evidence. For the reasons set-forth in the Staff report, above, and in the record, we therefore request that you deny the appeal and unanimously affirm the BZA's decision.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,



Richard A. McDonald, Esq.

CC: City Manager
City Attorney
City Clerk

PASADENA



Planning & Community Development

Inspection Summary

Case No : CCI2012-01666
Type : Code Compliance Subtype: Occupancy Inspection
Status : Approved
Address : 1460 CHEVIOTDALE DRIVE
Parcel No : 5709-028-011
Description: OCCUPANCY INSPECTION PROGRAM

Inspection Comments

Inspection Type: Occupancy Inspection (D010) , Completed: 2012-06-29 by Gevorg Grigoryan

Rear patio structure constructed without permit.
3 windows changed out wout permit(was changed out during remodel in 99..no permit needed at this time. current owner signed and aphadaved and returned to gxx), open ground living room and dinning room, back yard fence without permit, missign co2 and sidewalk fee photos and reprot attached under this documents tab.
report e mailed to agent

RECORDING REQUESTED BY:
City of Pasadena
Neighborhood Revitalization Division
175 N Garfield Avenue
Pasadena, California 91109-7215

NUMBER:
DATE:
BOOK:
PAGE:

NOTICE OF SUBSTANDARD BUILDING


Pursuant to the provisions of Ordinance No. 4729 of the City of Pasadena, notice is given that the building (s) described below have been found to be a SUBSTANDARD BUILDING by the Pasadena Code Compliance Manager. The owners have been notified as required by said Ordinance. This property may be subject to demolition and all costs incurred by the City of Pasadena by way of abatement of the substandard building shall be charged as a special assessment against the land upon which the building was located.

NAME AND ADDRESS OF OWNER(S):
GREG AND NORA CHILINGIRIAN
1460 CHEVIOTDALE DR.
PASADENA, CA 91105

ADDRESS OF PROPERTY - CITY OF PASADENA:
1460 CHEVIOTDALE DR.
PASADENA, CA 91105

LEGAL DESCRIPTION OF PROPERTY - CITY OF PASADENA:
TRACT NO 7012 LOT 12

DATE: 12/2/12


Jon Pollard, Code Compliance Manager
Neighborhood Revitalization Division
City of Pasadena

State of California

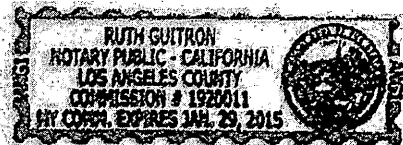
County of Los Angeles

On 12/04/2012 before me, Ruth Guitron Notary Public, personally appeared Jon Pollard, Code Compliance Manager for the Neighborhood Revitalization Division for the City of Pasadena, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf on which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS by hand and official seal:

Signature Ruth Guitron



CITY OF PASADENA - HOUSING CODE COMPLIANCE
175 N. GARFIELD AVE. - PASADENA, CA 91101 - PHONE: (626) 744-4633 - FAX: (626) 744-4249

CERTIFICATE OF INSPECTION AND CODE COMPLIANCE

PURPOSE: The intent of the Occupancy Inspection Program is to permit the City to inspect dwellings for compliance with the City's housing code, fire zoning code (e.g. illegal use of structures as second or additional units), and other ordinances of the City relating to health and safety of residents. (PAC Sec. 14.18.050)

SCOPE: Only property which is open and visible has been inspected. No concealed or inaccessible conditions (i.e. conditions that cannot be determined without the use of tools, or without destructive invasion of existing structures) are included in this inspection unless otherwise stated.

CAVEATS:

1. As with any inspection by code enforcement staff, illegal conditions may have been missed during the inspection. The City of Pasadena has the right of reentry and reinspection of other code discrepancies as set forth in the Pasadena Municipal Code.
2. This inspection does not satisfy any private party disclosure requirements mandated by local, state, or federal law applying to transfer of the property.
3. No person should rely on this inspection as being conclusive as to habitability, suitability for purposes purchased, legality, nor detect fire occupancy due to the fact that this inspection has been performed. Code enforcement by the City is to ensure that the property meets minimum standards set by the community for the benefit of the community as a whole rather than for the benefit of the involved parties.

ADDRESS OF PROPERTY TO BE INSPECTED			CASE NO.
1460 CHEVOTDALE DR			CC12012-01666
PROPERTY OWNER'S NAME			NO. OF UNITS
EVELUEN MAGANA			1
PROPERTY OWNER'S ADDRESS			SINGLE FAMILY DWELLING
1460 CHEVOTDALE DR			<input checked="" type="checkbox"/>
CITY			MULTIFAMILY DWELLING
PASADENA	STATE ZIP CODE	PHONE	<input type="checkbox"/>
CA 91105			<input type="checkbox"/>
APPLICANT'S NAME			SALE
DIANA KRONFLI			<input checked="" type="checkbox"/>
APPLICANT'S ADDRESS			RENTAL
1030 FOOTHILL BLD., LA CANADA			<input type="checkbox"/>
CA 91011	STATE ZIP CODE	PHONE	
		818-948-7633	
CONDITIONS / COMMENTS			

CERTIFICATION: This is a valid Certificate of Inspection and Code Compliance only when signed below.

NOTICE: (1) Pre-1935 residential structures may not be bolted to the foundation.
(2) The City of Pasadena is committed to protecting its mature native trees. As a result, the City Council has adopted an ordinance protecting trees on Private Property. The "Tree Protection Ordinance" No. 852 requires a permit to remove protected trees in protected locations. For more information, please call 626-744-4321.

I HEREBY CERTIFY THAT ON THE DATE OF INSPECTION/REINSPECTION THE UNIT(S) MEET(S) MINIMUM PASADENA MUNICIPAL REQUIREMENTS AS SET FORTH IN THE ATTACHED INSPECTION REPORT.


INSPECTOR'S SIGNATURE

12-3-12
DATE

ADMINISTRATIVE DECISION / RELIEF

ADMINISTRATOR'S SIGNATURE

DATE

RECORDING REQUEST BY	
WHEN RECORDED MAIL TO:	
NAME	City of Pasadena
MAILING	Neighborhood Revitalization Division
ADDRESS	175 North Garfield Avenue
CITY, STATE	Pasadena, California 91101

SPACE ABOVE LINE RESERVED FOR RECORDER'S USE

TITLE

NOTICE OF SUBSTANDARD BUILDING

1460 CHEVIOTDALE DRIVE

**GREG AND NORA CHILINGIRIAN
1460 CHEVIOTDALE DRIVE
PASADENA, CA 91105**

RECORDING REQUESTED BY:
City of Pasadena
Neighborhood Revitalization Division
175 N Garfield Avenue
Pasadena, California 91109-7215

NUMBER:
DATE:
BOOK:
PAGE:

NOTICE OF SUBSTANDARD BUILDING

Pursuant to the provisions of Ordinance No. 4729 of the City of Pasadena, notice is given that the building (s) described below have been found to be a **SUBSTANDARD BUILDING** by the Pasadena Code Compliance Manager. The owners have been notified as required by said Ordinance. This property may be subject to demolition and all costs incurred by the City of Pasadena by way of abatement of the substandard building shall be charged as a special assessment against the land upon which the building was located.

NAME AND ADDRESS OF OWNER(S):
GREG AND NORA CHILINGIRIAN
1460 CHEVIOTDALE DR.
PASADENA, CA 91105

ADDRESS OF PROPERTY - CITY OF PASADENA:
1460 CHEVIOTDALE DR.
PASADENA, CA 91105

LEGAL DESCRIPTION OF PROPERTY - CITY OF PASADENA:
TRACT NO 7012 LOT 12

DATE: _____

Jon Pollard, Code Compliance Manager
Neighborhood Revitalization Division
City of Pasadena

State of California

County of Los Angeles

On _____ before me, Ruth Guiron Notary Public, personally appeared Jon Pollard, Code Compliance Manager for the Neighborhood Revitalization Division for the City of Pasadena, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf on which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS by hand and official seal:

Signature _____



City of Pasadena

Housing Code Compliance

Phone: (626) 744-4633

Fax: (626) 744-4249

TEMPORARY CERTIFICATE OF OCCUPANCY

Purpose: The intent of the Occupancy Inspection Program is to permit the City to inspect dwellings for compliance with the City's housing code, the zoning plan and code (illegal use of structures as second or additional units only), and other ordinances of the City relating to health and safety of residents. (PMC Sec. 14.16.050)

Scope: Only property which is open and visible has been inspected. No concealed or inaccessible conditions (i.e., conditions that cannot be determined without the use of tools, without equipment, or without destructive invasion of existing structures) are included in this inspection unless otherwise stated.

Upon sale of the below referenced property, the new owner assumes responsibility to correct all violations identified on the Housing Inspection Report.

Date of Initial Application: 6/27/2012	Expiration Date: 9/28/2012
Case Number: CC12012-01666	Code Compliance Officer: GXG
Address of Property: 1460 CHEVIOTDALE DR	Type of Dwelling: SF No. of Units: 1
Date Issued: 8/28/2012	Issued By: TCO

If you have any questions please call Office *G. Grigoryan* at 626-744-1405 from Monday through Friday between 8:00-9:00 a.m. and 4:00-5:00 p.m.

Planning and Permitting - Code Compliance Section
175 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101

Revised 1/11



PASADENA PERMIT CENTER
WWW.CITYOFPASADENA.NET/PERMITCENTER

CITY OF PASADENA
HOUSING OCCUPANCY INSPECTION TRANSFER OF RESPONSIBILITY

I am the buyer of the residential property located at: 1420 CHEVOTDALE DR. I am in receipt of the Housing Inspection Report dated _____ referenced by case number CCI2012-01666. By my signature below, I hereby acknowledge the municipal code violations identified in the Housing Inspection Report. I have also verified that no amendments have been made to the Housing Inspection Report subsequent to the initial inspection date. I agree to secure the necessary permits and correct the municipal code violations identified on the Housing Inspection Report within thirty (30) days of the close of escrow.

I also understand that should I need an extension to correct the municipal code violations identified on the Housing Inspection Report, I must contact the Code Compliance Officer within thirty (30) days from the close of escrow and make this request.

PLEASE HAVE SIGNATURES NOTARIZED.

[Signature]
SIGNATURE OF BUYER

7/25/12
DATE

- GNC** Buyer's initials acknowledging RECEIPT and REVIEW of the Housing Inspection Report.
- GNC** Buyer's initials acknowledging subject property has MAJOR VIOLATION(S) which require a relinquishment of the property.
- GNC** Buyer's initials acknowledging subject property has MINOR VIOLATION(S) needing correction(s). Upon correction of the violation(s), the buyer agrees to sign, date and return the Housing Inspection Report to the Code Compliance Section in order to have a Certificate of Occupancy.
- GNC** Buyer's initials acknowledging that all necessary permits will be secured within 30 days of the close of escrow.
- GNC** Buyer acknowledges that sidewalk repair fees of \$2,010 are due on this parcel.

Greg Chillingirian, Nora Chillingirian
PRINTED NAME OF BUYER

1101 Arrowwood Dr
ADDRESS OF BUYER

Brea - CA 92821
CITY, STATE & ZIP CODE

714-931-9669
CONTACT NUMBER OF BUYER

8/21/12
DATE OF CLOSE OF ESCROW

[Signature]
NOTARY SIGNATURE / NOTARY PUBLIC STAMP

(GXG)
PLANNING AND DEVELOPMENT DEPARTMENT
CODE COMPLIANCE SECTION

175 NORTH GARFIELD AVENUE
PASADENA, CA 91101 T 824-744-4333
F 824-744-4191



CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-8 below)
- See Statement Below (Lines 1-5 to be completed only by document signer(s), not Notary)

~~_____
Signature of Document Signer No. 1~~

~~_____
Signature of Document Signer No. 2 (if any)~~

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this
25th day of July, 2012 by
Breg Ch. Khushniryan

proved to me on the basis of satisfactory evidence to be the person who appeared before me () ()

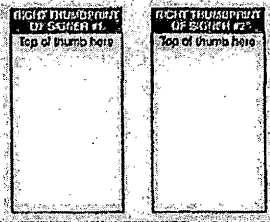


and
Nona Ch. Khushniryan
proved to me on the basis of satisfactory evidence to be the person who appeared before me.)
Signature _____
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document _____
Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____





PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

HOUSING INSPECTION REPORT

Case Number: CCI2012-01866

Responsible Party:
Agent, Jennie Mandors.
Property Address:
1460 Cheviotdale Dr.

Inspection Date: June 29, 2012
Landmark/Historic Preservation: No

Type of Inspection:
Occupancy Inspection. Number of Bedrooms: 3. Number of
Bathrooms: 2.

Mailing Address (if applicable)
1460 Cheviotdale Dr.
Pasadena, CA 91105

Sidewalk Fees: Yes. Amount: \$3,600.00 For questions concerning sidewalk damage fees, please contact Morley Saraiya from Public Works at (626) 744-4772.

Inspector Name: Gevorg Grigoryan
Senior Code Compliance Officer
Phone: (626) 744-4405
Fax: (626) 398-7400
Email: Grigoryan@cityofpasadena.net

Here is a list of the MAJOR/SAFETY violations which need correction. Major violations require re-inspection.

HOUSING INSPECTION REPORT
INSPECTION INFORMATION
Major Violations:

BUILDING & STRUCTURAL

1.0 BUILDING AND STRUCTURAL

1.1 Illegal addition, construction, alteration, repair conversion or demolition:

A fence has been constructed without obtaining a zoning permit. A patio structure has been constructed without obtaining the necessary permits. 3 Windows have been replaced without obtaining a permit. PMC 14.12.320 & CBC 108.4.1 - A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

You will need to obtain approval, permits and inspections for the items noted above. For more information on how to obtain the necessary permits, go to: <http://www2.cityofpasadena.net/permitcenter/permits/customtype.asp> or call the Permit Center at 628-744-4200. The building department is responsible for inspecting any construction permits for final approval. Also, please note that there may be other violations on your report which are not permit related and will require re-inspection by the code compliance inspector who conducted this inspection. His or her contact information is listed at the top of this report. A certificate of occupancy will only be issued when all violations have been corrected.

Comments:

Obtain after the fact permit for 3 windows that have been changed out and new fencing installed at rear yard.
Obtain after the fact permit and / or remove rear patio like structure attached to the house.

ELECTRICAL
5.0 ELECTRICAL

Case No.: CCI2012-01866

5.2 Hazardous wiring:

Inproperly wired outlets observed - Open or no grounding in living room and dining room. PMC 14.12.550 (A) -
Outlets must be present, properly installed, with an appropriately rated fuse or circuit breaker. PMC 14.12.630 -
Hazardous wiring is all wiring except that which conformed with all applicable laws in effect at the time of
installation and which has been maintained in good condition and is being used in a safe manner.

Comments:

Ground all 3 prong outlets and ~~do not~~ switch back to two prong outlets.

Here is a list of the **MINOR/NON SAFETY** violations which need correction. Minor violations do not require re-inspection (at the discretion of the inspector); however, the property owner must correct the violations, sign the report certifying that the corrections have been made and return it to the address listed at top of this report, before issuance of a Certificate of Occupancy.

**HOUSING INSPECTION REPORT
INSPECTION INFORMATION**

Minor Violations:

FIRE DETECTION, PROTECTION, EXITS & SAFETY

3.0 FIRE DETECTION, PROTECTION, EXITS & SAFETY

3.3 Smoke Detectors

Carbon Monoxide detection devices not installed as required. Installation is required as stated below.

California Health & Safety Code §§ 13220

Each owner of a 'dwelling unit intended for human occupancy' must:

a. Install an approved carbon monoxide device in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage. The applicable time periods are: (1) For all existing single-family dwelling units on or before July 1, 2011. (2) For all other (multi-family) existing dwelling units on or before Jan. 1, 2013. (Cal. Health & Safety Code § 17926(e).)

A carbon monoxide alarm should be:

a. Centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms. The Alarm should be located at least 6 inches (75mm) from all exterior walls and at least 3 feet (0.9 meters) from supply or return vents.

a. Installed outside of each separate sleeping area in the immediate vicinity of the bedroom(s) in dwelling units and on every level including basements within which fuel-fired appliances are installed and in dwelling units that have attached garages.

CBC 907.2.10.1.2 - Single and multi-station smoke alarms shall be installed and maintained at all of the following locations:

1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. 2) In each room used for sleeping purposes. 3) In each story within a dwelling unit, including basements but not including crawlspaces and uninhabitable attics. 4) In enclosed common stairwells of apartment complexes.

Comments:

Install carbon monoxide detector at hallways to service bedrooms.

The following units did not have any violations at time of inspection (Only applicable for Quadrant/Inspection):

If the unit is in compliance with the applicable codes, the city shall issue a Certificate of Inspection. A Temporary Certificate of Inspection may be issued if the unit(s) are in substantial compliance with the applicable codes. To request a re-inspection (at the discretion of the inspector), however the property owner must correct the violations, sign the report, and return it to the address listed at the top of this report, before issuance of a Certificate of Inspection.

All violations marked by the inspector must be repaired within thirty (30) days from the date of this inspection, unless otherwise indicated by the inspector. Major violations require reinspection. Minor violations do not require reinspection (at the discretion of the inspector); however the property owner must correct the violations, sign the report, and return it to the address listed at the top of this report, before issuance of a Certificate of Inspection.

I hereby certify that all of the violations listed above have been corrected.

Date: 12-03-12

Property Owner/Owner's Representative Signature

Inspector's Signature (upon approval)

LANDMARK AND HISTORIC DISTRICTS IN THE CITY OF PASADENA

The City of Pasadena's Historic Preservation Program was first adopted in 1969. The program is administered by the Planning Department's Design and Historic Preservation Section and the Historic Preservation Committee. This program promotes the identification, evaluation, rehabilitation, adaptive use and restoration of historic structures.

Currently, the City of Pasadena has over 3,500 designated historic properties which include private houses, schools, houses of worship, municipal buildings, bridges, and commercial and historic districts. Historic designations are based on the following five criteria which include natural historic landmarks, sites and historic districts, historic monuments, landmarks, and landmark districts.

If the "Yes" box has been marked under "Landmark/Historic Preservation" please contact the City of Pasadena's Historic Preservation Program at (626) 744-4099 to determine if special permits or approvals are required for construction, renovations, or alterations.

CITY OF PASADENA TREE PROTECTION ORDINANCE

Pasadena is graced by the presence of thousands of mature trees that contribute long-term aesthetic, environmental, and economic benefits to the city. Aesthetically, trees offer dimensions in the form of color, shape, texture, scale and variety. Mature trees are often integral components of many historic sites and their presence contributes to the site's cultural and historic significance.

Environmental benefits derived by trees include the filtering of air pollutants; increasing atmospheric oxygen levels; stabilizing soils; reducing heat convection; decreasing wind speed; and reducing the negative effects of solar glare. The biological diversity of wildlife and plant communities is enhanced by the favorable conditions created by trees.

The economic benefits derived from trees include increased property values, and additional revenue generated by businesses, visitors and new residents attracted to the urban forest image of the city. Trees are a major capital asset to the city and like any valuable asset they require appropriate care and protection.

The purpose of the City's Tree Protection Ordinance (PMC 652.015) is to:

A) Preserve and grow Pasadena's canopy cover by protecting landmark, native and specimen trees on specified areas of private property and expanding the protection of street trees and trees on public property.

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Case No.: GC12012-01656

- B) Safeguard the City's urban forest by providing for the regulation of the protection, planting, maintenance and removal of trees in the city.
- C) Protect the visual and aesthetic character of the city.
- D) Improve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of the many areas of Pasadena.
- E) Improve the quality of life for residents, visitors and wildlife.
- F) Create favorable conditions for the protection of designated landmark, native and specimen trees for the benefit of current and future residents of Pasadena.
- G) Maintain and enhance the general health, safety and welfare of the city and its residents by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage.
- H) Protect and maintain healthy trees in the land use planning processes as set forth herein.
- I) Establish procedures and practices for fulfilling the purposes of this city tree and tree protection ordinance.

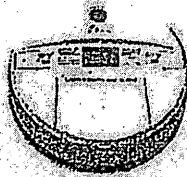
Please be aware that the following are violations of Section 8.52.095 of the Pasadena Municipal Code (Tree Protection Ordinance):

- A) To prune, injure, or to remove without a permit, a Landmark Tree located anywhere in the city.
- B) To injure, or to remove without a permit, any "Native Tree" located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-1.2 multifamily residential zone, and in all areas of all other zoning districts anywhere in the city.
- C) To prune, to injure or to remove a public tree located anywhere in the city.
- D) To injure, or to remove without a permit, any specimen tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-1.2 multifamily residential zone, and in all areas of all other zoning districts anywhere in the city.
- E) To plant a tree of a species other than the official street tree in a parkway, median or traffic island, and a violator shall be subject to a civil penalty.
- F) To fail to adhere to the terms and conditions of any permit issued under this chapter.
- G) To fail to adhere to the terms of any tree protection plan imposed as a condition of any discretionary land use approval or development agreement with the city.

For further information regarding the City of Pasadena's Tree Protection Ordinance and protected tree species, please contact Parks and Natural Resources at (626)744-4321 or refer to the Tree Protection Ordinance at the City's website: www.cityofpasadena.net

NEW REQUIREMENTS

Carbon Monoxide Detectors Required in California Houses & Dwelling Units



The California Carbon Monoxide Poisoning Prevention Act of 2010 (Cal. Health & Safety Code §§ 13260 et seq.) is now law requiring carbon monoxide detectors to be installed in every "dwelling unit intended for human occupancy."

A carbon monoxide detector is a device similar to a smoke detector that signals detection of carbon monoxide in the air.

This carbon monoxide detection device must be:

Designed to detect carbon monoxide and produce a distinct audible alarm; it can be battery powered, a plug-in device with battery backup, or a device either wired into the alternating current power line of the dwelling unit with a secondary battery backup or connected to a system via a panel.

If this device is combined with a smoke detector, it must emit an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

Each owner of a "dwelling unit intended for human occupancy" must:

- Install an approved carbon monoxide device in each existing dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage. The applicable time periods are: (1) For all existing single-family dwelling units on or before July 1, 2011. (2) For all other (multi-family) existing dwelling units on or before Jan. 1, 2013. (Cal. Health & Safety Code § 17926(a).)

A carbon monoxide alarm should be:

- Centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms. The Alarm should be located at least 6 inches (152mm) from all exterior walls and at least 3 feet (0.9 meters) from supply or return vents.
- Installed outside of each separate sleeping area in the immediate vicinity of the bedroom(s) in dwelling units and on every level including basements within which fuel-fired appliances are installed and in dwelling units that have attached garages.

Landlords have special obligations regarding carbon monoxide detectors:

- All landlords of dwelling units must install carbon monoxide detectors.
- Landlords in CA have authority to enter the dwelling unit for purpose of installing, repairing, testing, and maintaining carbon monoxide devices "pursuant to the authority and requirements of Section 1954 of the Civil Code (entry by landlord)."
- The detection device must be operable at the time that a tenant takes possession.
- The tenant has responsibility of notifying the owner or owner's agent if the tenant becomes aware of an inoperable or deficient carbon monoxide device. However, the landlord is not in violation of this law for a deficient or inoperable carbon monoxide device if he/she has not received notice of the problem from the tenant. (CA Health & Safety Code § 17926.1.)

Case No.: CC12012-01666

Jomsky, Mark

From: Burke Farrar <BFarrar@OdysseyPasadena.com>
Sent: Thursday, April 07, 2016 12:04 PM
To: Jomsky, Mark
Cc: Tornek, Terry; Masuda, Gene; Madison, Steve; McAustin, Margaret; Gordo, Victor; Kennedy, John; Hampton, Tyron; 'Andy Wilson'; Mermell, Steve; Bagneris, Michele; Reyes, David; 'Paul Watson'; 'Stacie Mayoras'; 'Richard McDonald'
Subject: RE: April 11 City Council Hearing on Appeal re: 518 Glen Holly
Attachments: Inspection Summary CTP2016-00297.pdf

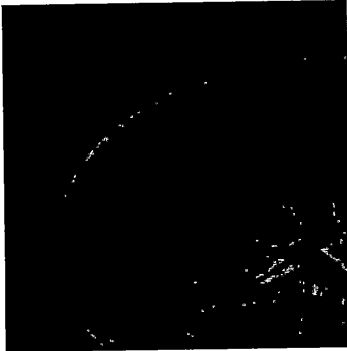
Hi Mark,

Attached is a copy of the City's status report on the inspection of the deck and trellis claimed for view protection by the neighbor at 1460 Cheviotdale Drive. This attachment should be included for distribution with Richard's Letter.

Thanks

Burke

****NEW ADDRESS****



ODYSSEY

Development Services

711 East Walnut Street Suite 306
Pasadena, California 91101-4402
T 626.683.8159 F 626.683.2897
BFarrar@OdysseyPasadena.com



Please consider the environment before printing this e-mail

From: Richard McDonald [<mailto:rmcdonald@carlsonnicholas.com>]
Sent: Wednesday, April 6, 2016 7:33 PM
To: Jomsky, Mark <mjomsky@cityofpasadena.net>
Cc: TTornek@cityofpasadena.net; gmasuda@cityofpasadena.net; smadison@cityofpasadena.net; mmcaustin@cityofpasadena.net; vgordo@cityofpasadena.net; johnjkennedy@cityofpasadena.net; THampton@cityofpasadena.net; Andy Wilson <awilson@rextex.com>; smermell@cityofpasadena.net; mbagneris@cityofpasadena.net; Reyes, David <davidreyes@cityofpasadena.net>; Paul Watson <paul.watson_usa@yahoo.com>; Stacie Mayoras <staciemayoras@mail.com>; Burke Farrar <BFarrar@odysseypasadena.com>
Subject: April 11 City Council Hearing on Appeal re: 518 Glen Holly

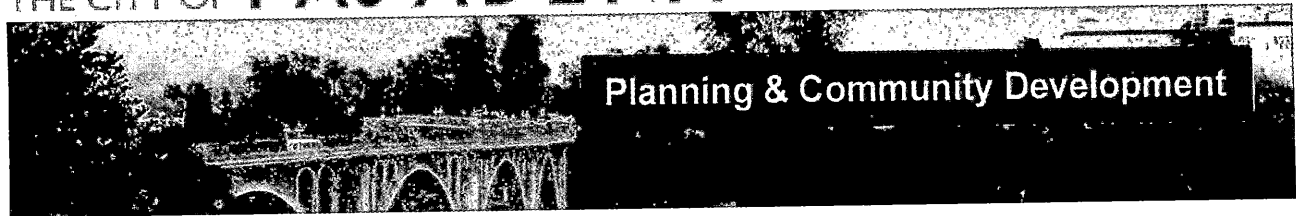
Mark -- Attached is a letter dated today for Monday's hearing on the 518 Glen Holly (HDP No. 6315) appeal. Please include a hard copy of each in the City Council's Agenda packets for Monday's hearing. Please also contact me if you have any questions. Thank you.

Richard A. McDonald, Esq.
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140 South Lake Avenue, Suite No. 251
Pasadena, CA 91101

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Email: RMcDonald@CarlsonNicholas.com

Website: www.CarlsonNicholas.com



Inspection Summary

Case No: CTP2016-00297
Type: Complaint Tracking Program Subtype: PROPEXT
Status: Open
Address: 1460 CHEVIOTDALE DRIVE
Parcel No: 5709-028-011
Description: UNPERMITTED CONSTRUCTION - COMPLETED

Inspection Comments

Inspection Type: Initial code compliance and complaint Inspection (E030) , Completed: 2016-03-25 by Jon Pollard

Observed deck structure in south sideyard area, covered patio in south sideyard area; both without permits. Observed six foot wooden fence built atop existing masonry wall in violation of Zoning Code.