

**ATTACHMENT E
 APPEAL APPLICATION OF HEARING OFFICER'S DECISION
 December 22, 2014**



PASADENA PERMIT CENTER
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REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 920 Hillcrest Place
 Case Type (MCUP, TTM, etc.) and Number: Hillside Development Permit 6196
 Hearing Date: 12/17/2014 Appeal Deadline: 12/29/2014

APPELLANT INFORMATION

APPELLANT: Veronique Millon Telephone: [213] 570-8004
 Address: 801 S. Figueroa St., Ste. 450 Fax: [213] 570-8010
 City: Los Angeles State: CA Zip: 90017 Email: villon@parkvelayos.com
 APPLICANT (IF DIFFERENT): Eric Hammerlund

I hereby appeal the decision of the:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hearing Officer | <input type="checkbox"/> Zoning Administrator |
| <input type="checkbox"/> Design Commission | <input type="checkbox"/> Director of Planning and Development |
| <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> Film Liaison |

REASON FOR APPEAL

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

Please see attached.

V. Millon Signature of Appellant 12/22/14 Date

* OFFICE USE ONLY			
PLN #	<u>2014-00669</u>	CASE #	<u>Appeal HDP # 6196</u>
DESCRIPTION	<u>Appeal of Hearing Officer Decision 12-17-14</u>		PRJ #
DATE APPEAL RECEIVED:	<u>12-22-14</u>	APPEAL FEES: \$	<u>275.90</u>
		RECEIVED BY: <u>KEL</u>	

Reason for Appeal

There are a numerous procedural and substantive failures that void the Hearing Officer's determination, including, but not limited to the issues discussed below. The matter is required to be sent back to the Hearing Officer for a properly noticed hearing and to adequately consider this matter, with community input, as required by the Pasadena Municipal Code.

This application was unnecessarily rushed with a hearing on Hanukkah and one week before Christmas Eve, despite the fact there was a petition on file with almost 30 concerned neighbors, none of whom were in attendance for the poorly timed hearing. Unfortunately, the poorly timed hearing also forces an appeal to prevent the decision from becoming final, instead of allowing for a neighborly discussion and resolution of the issues. In terms of basic fairness, this is not a hearing that should have occurred on December 17th; in terms of procedural and substantive requirements, this hearing failed to meet the required notice and other mandatory legal and procedural requirements, including, but not limited to, the following:

1. Failure to require a Complete Application per Pasadena Municipal Code Section 17.29.080.C.
2. Failure to comply with Pasadena Municipal Code Section 17.60 and 17.29.080 along with other Pasadena Municipal Code requirements by holding and continuing a hearing on November 5, 2014, and recommending approval of a Hillside Development Permit without requiring all basic mandatory information and materials set forth in the Code, which are required to be completed prior to the setting of a hearing.
3. Failure to comply with Pasadena Municipal Code Section 17.76.020 – 17.76.040 in continuing the November 5, 2014 hearing.
4. Failure to properly notice the hearing as required by the Pasadena Municipal Code Section 17.76.020, including, but not limited to a failure to post the hearing on a public street, as required by Pasadena Municipal Code Section 17.76.020.B.2.a.
5. Failure to properly follow the City's Tree Protection Ordinance requirements pursuant to Pasadena Municipal Code Section 8.52.070 et seq. in permitting the removal of over 21 trees, including protected trees.
6. Failure to require a hydrology report as required by Pasadena Municipal Code Section 17.28.080.C.3.
7. Failure to properly consider hydrology issues as required by Pasadena Municipal Code Section 17.28.080.C.3. Waiving the hydrology report requirement and completely ignoring hydrology was arbitrary and capricious and an abuse of discretion. There is no evidence in the record to support the waiver. Further, the Hearing Officer ignored evidence that there is a hydrology issue on the downslope properties.

8. Failure to prepare a neighborhood compatibility analysis pursuant to Pasadena Municipal Code Section 17.29.060.D by failing to analyze "site conditions, visibility of the site, and the size, scale, and character of existing development within 500 feet of the site." The Code is clear and requires all homes within 500 feet to be included in the analysis. The decision to eliminate homes within 500 feet from this analysis if they were not in the hillside overlay district was arbitrary and capricious and an abuse of discretion.
9. Failure to prepare a complete constraints analysis, as required by Pasadena Municipal Code Section 17.29.080.C.4, which requires an analysis of resources, including the potential impact from the removal of 21 trees, including three protected trees. The decision to ignore and not even acknowledge the fact the project is in a sensitive area, with significant vegetation and slope that extends from the Historic Old Mill to Encino Drive was arbitrary and capricious and an abuse of discretion.
10. Failure to provide the public with a meaningful review of the application for the project. The application does not provide the square footage numbers for each building, as required by the City's normal process. Instead, the application refers to the plan set for this data. However, we have been informed that the City's policy is to not release the plan set, and thus the public does not have the ability to receive and review a copy of the existing and proposed building square footage data, which is the most basic of information for a project of this nature.

LAPIDUS & LAPIDUS

A PROFESSIONAL LAW CORPORATION

CITY CLERK

16 MAR 10 10:43 AM

March 9, 2016

BY ELECTRONIC MAIL

Pasadena City Council
100 N. Garfield Ave, Room S228
Pasadena, CA 91109

Re: 920 Hillcrest Place Hillside Development Permit No. 9196 Appeal

Honorable Council Members:

We are writing this letter on behalf of our client, Sheffield Investments, LLC with respect to the appeal of Hillside Development Permit No. 6196 (the "Appeal") for the property located at 920 Hillcrest Place in Pasadena (the "Project"). Pursuant to Pasadena Municipal Code Section 17.72.040(E), Appellant appeals the Board of Zoning Appeal's determination that the project associated with Hillside Development Permit 6196 is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). The Board of Zoning Appeals improperly and prematurely found the project to be categorically exempt, due to its failure to consider whether the unusual circumstances exception to the single-family residence exemption applies.

At present, Appellant merely asks that the project go through the initial study process required by CEQA, given the unusual circumstances and its potential environmental effects. Appellant fails to see what harm will be caused by requiring this review, while the project could cause significant environmental harm if allowed to proceed without such review.

In addition, there have been numerous failures of process and failures to comply with the Pasadena Municipal Code (including failure to comply with notice requirements). The City submitted its most recent staff report on December 16, 2015, literally on the same day as the hearing before the Board of Zoning Appeals. Rather than remaining an impartial party to this dispute, the City has provided nothing but support for this project at all stages. In one of the more egregious examples of this, during the pendency of this appeal, the City issued Zoning Permit ZON2015-00181, allowing the construction of an outdoor sports court on the property. The outdoor sports court was previously part of the pending appeal, and subject to this Board's approval, but the City provided no notice to Appellant of the Zoning Permit. Allowing its construction was in blatant disregard of this proceeding, especially in light of a licensed noise study demonstrating that the sports court would violate the Pasadena Municipal Code's noise

ordinance in this quiet street and quiet neighborhood. The Noise Study was submitted to the City on May 5, 2015 (see Exhibit A).

The May 2015 and December 2016 staff reports recommending approval of the Project completely ignored this noise study and also ignored the points raised in the appeal, which illustrate several failures to comply with the California Environmental Quality Act and the Pasadena Municipal Code. For example, the site plan requested removal of numerous trees, including protected Chinese Elms. In addition, the Board of Zoning Appeals Failure to properly consider whether the Hillcrest Place Landmark District is eligible as a historic district, despite findings that the district was eligible. Under CEQA, historic resources are considered part of the environment and are subject to review.

As discussed further below, we respectfully request that the City Council grant the appeal for the reasons further specified below:

- (1) Failure to require an initial study pursuant to the California Environmental Quality Act (CEQA);
- (2) Failure to properly consider whether the Hillcrest Place Landmark District is eligible as a historic district, and whether the Project site is a contributor to that district pursuant to Zoning Code Section 17.62 et seq.;
- (3) Failure to comply with the Pasadena Noise Restriction Ordinance pursuant to Pasadena Municipal Code Section 9.36.010 et seq. by constructing an outdoor basketball court without the Board's approval;
- (4) Failure to require a hydrology report as required by Pasadena Municipal Code Section 17.28.080.C.3;
- (5) Failure to properly consider hydrology issues as required by Pasadena Municipal Code Section 17.28.080.C.3;
- (6) Failure to properly follow the City's Tree Protection Ordinance requirements pursuant to Pasadena Municipal Code Section 8.52.070 et seq. in permitting the removal of over 18 trees, including protected trees;
- (7) Failure to require a complete application per Pasadena Municipal Code Section 17.29.080.C;
- (8) Failure to prepare a neighborhood compatibility analysis pursuant to Pasadena Municipal Code Section 17.29.060.D;
- (9) Failure to prepare a complete constraints analysis, as required by Pasadena Municipal Code Section 17.29.080.C.4;
- (10) Failure to properly notice the December 17, 2014 hearing as required by the Pasadena Municipal Code Section 17.76.020;
- (11) Failure to comply with Pasadena Municipal Code Section 17.60 and 17.29.080 along with other Pasadena Municipal Code requirements by holding and continuing the hearing on November 5, 2014, and recommending approval of a Hillside Development Permit without requiring all basic mandatory information and materials set forth in the Code, which are required to be completed prior to the setting of a hearing;

(12) Failure to comply with Pasadena Municipal Code Section 17.76.020 – 17.76.040 in continuing the November 5, 2014 hearing.

1. Failure to require an initial study pursuant to the California Environmental Quality Act (CEQA).

The Board of Zoning Appeals previously concluded that an initial study under CEQA was not required due to the exemption for single-family residences. However, this decision was an abuse of discretion due to the Board's failure to consider whether the unusual circumstances exception to the single-family residence exemption applies.

California Code of Regulations, Title 14, Section 15300.2, subdivision (c) provides that: "[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." Recently, the California Supreme Court ruled in *Berkeley Hillside Preservation v. City of Berkeley*, 60 Cal.4th 1086 (2015), that an agency must determine whether there are "unusual circumstances" based on a substantial evidence standard of review, and then determine whether there is a reasonable probability that those circumstances will cause a significant environmental impact.

"A party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location." *Id.* The project proposes to demolish the entire existing residence, replacing it entirely. While the project is nominally for a single-family residence, the project size is unusually large, over 6,300 square feet. The court in *Berkeley* considered whether the unusual circumstance exception applies to a 6,478 square foot house, and found that it could. The project also includes a separate 1,300 square foot pool house, larger than some single family residences, and a 2,035 square foot basement. Furthermore, the residence is located in an area with historic significance, and may qualify as a historic resource under CEQA, as further detailed below. The project will also have a clear environmental impact, as it calls for the removal of numerous trees, including protected Chinese Elms.

We maintain that the size and location of the project are both sufficient to establish an unusual circumstance, as well as numerous other features of the project described further below.

2. Failure to properly consider whether the Hillcrest Place Landmark District is eligible as a historic district, and whether the Project site is a contributor to that district pursuant to Zoning Code Section 17.62 et seq.

The Hillcrest Place Landmark District, including the Project site, potentially qualifies for designation as historical landmark district, pursuant to Zoning Code Section 17.62.070. A reconnaissance survey conducted for the development of the *City of Pasadena: Cultural Resources of the Recent Past* historic context statement identified Hillcrest Place as a whole as a potential district. The historic context statement identified the district as eligible under the "Architect-Designed Single-Family Residences" theme, stating:

“The houses exhibit the distinctive characteristics of the Mid-century modern and Modern/Asiatic Ranch architectural styles. Locally significant architects Smith & Williams and Henry Eggers each designed houses in the district. The houses in the district have a very high level of integrity.”

A Historic Resources Assessment, prepared by Historic Resources Group, hereto attached as Exhibit B (“Historic Assessment”), reached similar conclusions, finding that “the potential impacts to the eligibility of the district should be considered when a project is proposed within the boundary” and that “[a]lthough there have been some changes to the identified district and the street overall, Hillcrest Place retains sufficient integrity to convey its historic significance (Historic Assessment, 13).

The Zoning Administrator has entirely failed to consider whether or not the Hillcrest Place Landmark District is eligible as a historic district and entitled to protection under CEQA. Such an analysis must be completed before the Project can be approved. For that reason, we respectfully request that the Council grant this appeal.

3. Failure to comply with the Pasadena Noise Restriction Ordinance pursuant to Pasadena Municipal Code Section 9.36.010 et seq. by constructing an outdoor basketball court without the Board’s approval

The Project violates the Pasadena Noise Restriction Ordinance, pursuant to Pasadena Municipal Code Section 9.36.010 et seq. Pasadena Municipal Code Section 9.36.050.A specifically states “[i]t is unlawful for any person to create, cause, make or continue to make or permit to be made or continued any noise or sound which exceeds the ambient noise level at the property line of any property by more than 5 decibels.” The Technical Noise Report Memorandum, prepared by Meridian Consultants, hereto attached as Exhibit A (“Noise Study”), includes a study of existing ambient noise and the expected average noise levels from the outdoor basketball court, specifically stating that the “basketball operations would exceed the measured ambient noise level by 26.3 dB(A) over the course of 15 minutes” (Noise Study, 3-4). The Noise Study also states that the outdoor basketball court would exceed the requirement set forth in the City’s Noise Restriction Ordinance, Section 9.36.050 (Noise Study, 4).

The staff report failed to address the noise impacts raised in the Noise Study. Instead, the staff report merely stated that “[i]t is anticipated that the proposed project would not increase ambient noise levels within the existing residential community” but no evidence is presented to support this conclusion (May 2015 Staff Report, 8).

In blatant disregard of the Board of Zoning Appeals’ authority and the findings of that noise study, Respondents proceeded to construct the outdoor basketball court prior. Given the clear evidence presented in the Noise Study demonstrating the Project’s noise ordinance violation, we respectfully request that the City Council deny the Project and grant the appeal.

4. Failure to require a hydrology report as required by Pasadena Municipal Code Section 17.28.080.C.3.

The Zoning Administrator and Board of Zoning Appeals failed to require a hydrology report as required by Pasadena Municipal Code Section 17.28.080.C.3. Pasadena Municipal Code Section 17.28.080.C.3 specifically states that “[a] hydrology report shall be required that analyzes the effects of water runoff, drainage, sustained landscape irrigation, and increased groundwater on slope stability and analyzes the potential effects (flooding, mudslides, higher water table, etc.) of added groundwater on properties down slope.” A portion of the existing Project site is known to drain south towards the adjacent properties, and we are disappointed that the staff report does not address the known hydrology and drainage issues we have repeatedly discussed regarding the Project.

In addition, given the status of 2015 and 2016 as El Nino years, the current drainage problems will be exacerbated further by the impending high level of rainfall.

The subsequent building of an outdoor basketball court at the existing Project site has potentially exacerbated the problem, further demonstrating the need for a full hydrology report. An analysis of the potential drainage problems posed by the Project concluded that a Fine Grading Plan is required to assess any cross lot drainage problems (see Exhibit C), but such a plan was never submitted or reviewed. Further, the construction of the outdoor basketball court has further altered the topography of the Project site, requiring further analysis.

Staff has not presented evidence demonstrating that the known hydrology and drainage issues will be addressed. Furthermore, there was no evidence presented to support the Zoning Administrator’s waiver of the hydrology report requirement, and we respectfully request that the City Council direct the applicant to submit a hydrology report as part of the Project’s complete application.

5. Failure to properly consider hydrology issues as required by Pasadena Municipal Code Section 17.28.080.C.3.

Waiving the hydrology report requirement and completely ignoring hydrology was arbitrary and capricious and an abuse of discretion. There is no evidence in the record to support the waiver. Further, the Hearing Officer ignored evidence that there is a hydrology issue on the downslope properties. Simply requiring the Building Division to review any grading and/or drainage plans does little to address the known drainage issues.

Furthermore, the Hearing Officer and staff report recognize that a Fine Grading Plan will be required for this project, which will help address drainage concerns. However, no such grading plan has been submitted to date. Prior to the approval of project, a Fine Grading Plan should be required in order to assess whether these hydrology issues will be properly dealt with.

We respectfully request that the City Council grant this appeal and direct the applicant to submit a hydrology report as part of the Project’s complete application to determine the

appropriate mitigation measures to prevent future drainage issues onto the downslope properties, southwardly adjacent to the Project site.

6. Failure to properly follow the City's Tree Protection Ordinance requirements pursuant to Pasadena Municipal Code Section 8.52.010 et seq. in permitting the removal of over 18 trees, including protected trees.

The Hearing Officer did not properly follow the City's Tree Protection Ordinance requirements pursuant to Pasadena Municipal Code Section 8.52.070 et seq. in permitting the removal of over 18 trees, including protected Chinese Elm trees. The Hearing Officer failed to consider the Private Tree Removal application, as required under Pasadena Municipal Code Section 8.52.010 et seq. Pasadena Municipal Code Section 8.52.070 specifically states the following:

Where a property owner wishes to remove a tree protected under this ordinance as part of a plan for which a discretionary approval under Title 17 of this code is otherwise required, the application for discretionary approval shall also be deemed an application for a permit under this chapter to the decision maker for the discretionary approval. Any decision on the application for a permit shall be subject to the same procedures for appeal and call for review as a decision on the associated discretionary approval.

Furthermore, Pasadena Municipal Code Section 8.52.075 states that "[a]n application shall be granted, denied, or granted conditionally on the date of the associated discretionary decision . . . The approval may be based on imposed conditions reasonably necessary to meet the standards of this chapter." Thus, a private tree removal application and approval are required to be considered at the same time as the Hillside Development Permit. For this Project, the Hearing Officer simply set a condition for the applicant to file for a Private Tree Removal at a later date and did not consider the potentially significant impacts of the tree removal as required by the Pasadena Municipal Code. The staff report briefly discusses tree removal on page 7 and simply states that the Project will be conditioned to submit a Private Tree Removal application for the removal of the protected trees. However, the Hearing Officer failed to consider the removal of the protected trees as required under the Pasadena Municipal Code.

Furthermore, the Hearing Officer failed to make findings that would support approval of the removal of the protected trees on the Project site. The Pasadena Municipal Code Section 8.52.075.A states specifically as follows:

Any permit or approval which will result in injury to or removal of a mature, landmark, landmark-eligible, native or specimen tree protected under this chapter shall be denied unless one of the following findings is made: (1) there is a public benefit as defined in Section 8.52.024(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree; or (2) the present condition of the tree is such that it is not reasonably likely to survive; or (3) tree [sic] is an objective feature of the tree that makes the tree not

suitable for the protections of this chapter; or (4) there would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or (5) to not permit injury to or removal of a tree would constitute a taking of the underlying real property; or (6) the project, as defined in Section 17.12.020, includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix adopted by resolution of the city council and included in the associated administrative guidelines.

The Hearing Officer failed to make any finding above to permit the removal of the protected Chinese Elm trees. The Project's arborist report simply states a protection policy from the City ordinance and states that removal of the protected trees is appropriate under Finding 6 above. Not only is this statement not supported by any evidence presented in the report, but the report does not demonstrate any measures to show compliance with the requirement to provide specific project-related protection measures to ensure the long-term health and survival of trees to remain on-site as required by Pasadena Municipal Code Section 8.52.110. See enclosed Arborist Memorandum, attached hereto as Exhibit D, 2.

Moreover, the Project's arborist report is vague and incomplete. The Project's arborist report does not discuss specific impacts to protected trees to be retained. There is no quantification of encroachments due to the Project construction, including but not limited to utility work, landscaping and irrigation, footings and foundations and aerial conflicts that might damage the trees to be retained (Arborist Memorandum, 2). The Project's arborist report and inventory does not include the trees that overhang the Project site from adjacent properties, and their root zones and canopies will be impacted by the Project (Arborist Memorandum, 2).

7. Failure to require a Complete Application per Pasadena Municipal Code Section 17.29.080.C.

The application for the Project was incomplete when approved by the Hearing Officer, as we have pointed out repeatedly at the public hearings on the Project and in writing. The Pasadena Municipal Code requires that "[t]he Director shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with Section 17.60.040.B" (Pasadena Municipal Code Section 17.60.060.A). Furthermore, "[a]n application shall not be accepted as complete unless or until the Director determines that it is: (a) [i]n compliance with zoning district requirements applicable to the site, except for a Zoning Map Amendment, Variance, or rezoning filed in compliance with Chapter 17.74 (Amendments); and (b) [i]ncludes all information and materials required by Section 17.60.040.B (Application contents and fees)" (Pasadena Municipal Code Section 17.60.060.A.5). Applications for Hillside Development Permits require a number of reports to be submitted, including site topography, geotechnical report, hydrology report, constraints analysis, and visual analysis (Pasadena Municipal Code Section 17.29.080.C.5). No geotechnical report, hydrology report, or constraints analysis were submitted with the Project application.

After pointing out these missing documents, the Hearing Officer continued the November 5, 2014 hearing to permit the applicant to file a geotechnical report required under Pasadena Municipal Code Section 17.29.080.C.2. The applicant subsequently submitted a preliminary geotechnical report for the Project. No hydrology report or constraints analysis was submitted despite known drainage issues and sensitive environmental resources, both of which are further discussed below. The Project application is still incomplete.

The staff report does not address this point of the appeal, and the City has not presented evidence that demonstrates that the applicant has complied with the requirement to submit a complete application, as the required reports have still not been submitted.

8. Failure to prepare a neighborhood compatibility analysis pursuant to Pasadena Municipal Code Section 17.29.060.D.

The neighborhood compatibility analysis fails to satisfy the requirements under the Pasadena Municipal Code. Pasadena Municipal Code Section 17.29.060.D specifically requires “[t]hrough the Hillside Development Permit process, compatibility will be determined following a review of existing site conditions, visibility of the site, and the size, scale, and character of existing development within 500 feet of the site.” The staff report does not address this appeal point and simply again states that the neighborhood compatibility report included only homes in the Hillside District Overlay (Staff Report, 7). Staff has not presented evidence complying with the requirement that all homes within 500 feet of the residence must be included in the neighborhood compatibility study. Existing residences to the south of the Project within 500 feet were omitted, including existing residences that abut 920 Hillcrest Place directly to the south. The Pasadena Municipal Code is clear and requires all homes within 500 feet to be included in the neighborhood compatibility analysis. The decision to eliminate homes within 500 feet from this analysis if they were not in the hillside overlay district was arbitrary and capricious and an abuse of discretion.

Again, no evidence has been presented showing compliance with this requirement, and we respectfully request that the City Council direct staff and the applicant to provide a complete and compliant neighborhood compatibility analysis.

9. Failure to prepare a complete constraints analysis, as required by Pasadena Municipal Code Section 17.29.080.C.4.

The Project failed to submit a complete constraints analysis, as required by Pasadena Municipal Code Section 17.29.080.C.4. The requirement states that “[f]or properties determined by the Zoning Administrator to potentially have sensitive environmental resources including endangered plants or animals, trees protected by the City's Tree Protection Ordinance, riparian areas, or a wildlife corridor, the environmental document prepared for the project in compliance with the California Environmental Quality Act (CEQA) shall include identification and analysis of the resources, and proposed mitigation measures for effective protection” (Pasadena Municipal Code Section 17.29.080.C.4). This Section requires an analysis of resources, including the potential impact from the removal of 21 trees, including three protected trees. The

Project is in a sensitive area, with significant vegetation and slope that extends from the Historic Old Mill to Encino Drive. A complete constraints analysis is required to ensure the potential impacts of removing 21 trees from such a sensitive and vegetated area will not be detrimental. However, the staff report fails to address this appeal point. The City has not presented evidence demonstrating compliance with the requirement to provide a complete constraints analysis per Pasadena Municipal Code Section 17.29.080.C.4.

10. Failure to properly notice the December 17, 2014 hearing as required by the Pasadena Municipal Code Section 17.76.020.

No posted notice was provided on-site for the December 17th Hearing Officer hearing, as required under Pasadena Municipal Code Section 17.76.020.B.2. "The sign shall be posted, at least 14 days before the public hearing, in the following manner: . . . [t]he sign(s) shall be located in a conspicuous place on the property abutting a street not more than 10 feet inside the property line, but no closer than five feet to a property line" (Pasadena Municipal Code Section 17.76.020.B.2). Furthermore, on-site signs are required to remain in place until the expiration of the appeal period, pursuant to Pasadena Municipal Code Section 17.76.020.B.2.b.5.h, which specifically states that "[t]he sign shall remain in place until the expiration of the appeal period following a decision by the review authority. If the application has been appealed or called for review, the sign shall remain in place with the new hearing date noted until the final decision is rendered." No such sign was posted on the Project site. See enclosed photographs, attached hereto as Exhibit E and taken on December 22, 2014. The staff report does not address the failure to post the required on-site public noticing, and the City has not presented any evidence to demonstrate compliance with the noticing requirement. Instead the staff report simply states that the applicant posted notice on the Project site (Staff Report, 9) but provides no evidence demonstrating compliance with both on-site and public-street noticing requirements.

Furthermore, no posting was provided on a public street for the December 17th Hearing Officer hearing in violation of the Pasadena Municipal Code. Public street noticing requirements are outlined in the Pasadena Municipal Code 17.76.020.B.2.a, which requires that notice be posted on public streets 14 days prior to the hearing date. The Pasadena Municipal Code specifically states that "the notice shall also be [p]osted, at least 14 days before the public hearing, along public streets within 500 feet of the subject site's boundaries" (Section 17.76.020.B.2.a). The staff report provides no evidence to demonstrate compliance with this requirement. No such notice was posted on a public street around the Project site, and the City has not presented any evidence showing compliance with either noticing requirement.

11. Failure to comply with Pasadena Municipal Code Section 17.60 and 17.29.080 by holding and continuing a hearing on November 5, 2014.

In addition to not requiring a complete application, holding and continuing a hearing on November 5, 2014, and recommending approval of the Project prior to having a complete application, violated the Pasadena Municipal Code. The Project application had erroneously been determined complete and recommended for pre-approval in the staff report for the November 5, 2014 Hearing Officer hearing. In fact the application was not complete, and still is

not. The Hearing Officer continued the hearing due to the applicant filing an incomplete application pursuant to Pasadena Municipal Code Section 17.29.080.C. Thus, staff at the hearing verbally recommended a continuation to permit the applicant to complete the Project application.

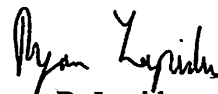
The Hearing Officer held another public hearing on the Project on December 17 in the middle of the holidays. The applicant had submitted a geotechnical report, but no hydrology report or constraints analysis. The application, as was pointed out at the time, was incomplete but still recommended by staff for approval. While considering and approving the incomplete application in December, the Hearing Officer failed to assess many issues that are a required part of the Project's review, including hydrology, trees, noise and geology, which are known issues in the area.

Again, the staff report does not address this point of the appeal, nor has the City presented any evidence to demonstrate compliance with this requirement.

12. Failure to comply with Pasadena Municipal Code Section 17.76.020 – 17.76.040 in continuing the November 5, 2014 hearing.

The Hearing Officer hearing was continued to a future uncertain date to permit the applicant to complete the Project application in violation of Pasadena Municipal Code Section 17.76.040.C. The Pasadena Municipal Code specifically states that “[i]f a hearing cannot be completed on the scheduled date, the presiding review authority, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued” (17.76.040.C). The Hearing Officer continued the hearing on the Project on November 5, 2014 “to a date uncertain.” No other date was given for the Project's next hearing, and the Hearing Officer did not provide a date and time for the continued hearing. The staff report does not address this point of the appeal, and the City has not presented any evidence of compliance with the requirement for continuing hearings. Incomplete applications are not to be set for hearings, and once complete, proper notice is to be given to allow for meaningful public review.

Very truly yours,



Ryan D. Lapidus,
of Lapidus & Lapidus, APLC

Enclosures

Exhibit A: Technical Noise Report Memorandum

Date: May 4, 2015

To: Park & Velayos LLP
801 South Figueroa Street, Suite 450
Los Angeles, CA 90017
C/O: Veronique S. Millon

From: Mark Austin, Partner

Subject: Technical Noise Report for a Proposed Basketball Court North of 1420 Hillcrest Avenue, Pasadena, CA 91106

Introduction

Meridian Consultants was retained by Park & Velayos LLP to prepare an analysis of potential noise impacts from activities at a basketball court located approximately 10 feet north of the property line¹ for 1420 Hillcrest Avenue (Property). The Property is located east of the Harbor Freeway (State Route 110) and south of the Foothill Freeway (Interstate 210) in the City of Pasadena.

Meridian Consultants conducted two 15-minute noise measurements within the Property on Thursday, February 19, 2015, between 5 PM and 6 PM to document existing noise levels. Noise measurements were taken using a Larson Davis Sound Level Meter, which meets the American National Standards Institute (ANSI) for general environmental noise measurement instrumentation. The noise measurement locations were logged in the field using GPS positioning and can be seen in Figure 1, Proposed Basketball Court Location. Weather conditions were fair, with light winds ranging from 0 to 2 miles per hour (mph) and the temperature measuring around 65°F.

Fundamentals of Noise

The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the entire spectrum; therefore, noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called A-weighting, written dB(A). The A-weighted sound level is measured on a logarithmic scale such that a doubling of sound energy results in a 3.0 dB(A) increase in

¹ City of Pasadena, Noise Element, Section 9.36.030 – Definitions, "Property line" means the line that separates private property or the event from the public right-of-way.

noise level. In general, changes in a noise level measuring less than 3.0 dB(A) are not typically noticed by the human ear.² Changes from 3 to 5 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. An increase greater than 5 dB(A) is readily noticeable, while the human ear perceives a 10 dB(A) increase in sound level to be a doubling of sound volume.

Different types of scales are used to characterize the time-varying nature of sound. Applicable scales include the maximum noise level (Lmax), equivalent noise level (Leq), and the minimum noise level (Lmin). Lmax is the maximum noise level measured during a specified period. Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods. Lmin is the minimum noise level measured during a specified period.

Sound generated by a point source typically diminishes (attenuates) at a rate of 6 dB(A) for each doubling of distance from the source to the receptor at acoustically hard sites, and at a rate of 7.5 dB(A) at acoustically soft sites.³ A hard, or reflective, site consists of asphalt, concrete, or very hard-packed soil, which do not provide excess ground-effect attenuation. An acoustically soft or absorptive site is characteristic of normal earth and most ground with vegetation.

Noise Restriction Ordinance

The Pasadena Municipal Code Section 9.36.020 addresses property noise violations and prohibits unnecessary, excessive, and annoying noises from all sources. More specifically, as indicated in the City's Noise Restrictions Ordinance Section 9.36.050, it is unlawful for any person to create, cause, make or continue to make, or permit to be made, or continued any noise or sound that exceeds the ambient⁴ noise level at the property line of any property by more than 5 dB.

It should be noted that according to Section 9.40.010, Ball Game Backstops, the court or place where such a game is played shall be equipped with backstops or other protective devices to effectually prevent any ball and all balls used from passing over or onto lands adjoining such court or place.

2 US Department of Transportation, Federal Highway Administration, Fundamentals and Abatement of Highway Traffic Noise (Springfield, VA: US Department of Transportation, Federal Highway Administration, September 1980), p. 81.

3 U.S. Department of Transportation (September 1980, p. 97)

4 "Ambient noise level" means the all-encompassing noise associated with a given environment and is the level obtained when the noise level is average over a period of 15 minutes at the location and time of day near that at which a comparison is to be made.

Existing Noise

Noise sources surrounding the Property during both measurements included typical residential sound (i.e., noise from garage doors being closed or from lawn-maintenance activities) and roadway noise from Hillcrest Place and Hillcrest Avenue, located approximately 75 feet to the east and 130 feet to the south, respectively.

The two locations were located approximately south of the northern property boundary of 1420 Hillcrest Avenue. More specifically, Site 1 was approximately 30 feet south of the northern Property line, as shown in Figure 1, at an elevation of 731 feet above mean sea level (amsl). Pursuant to the City's Noise Restriction Ordinance, a noise measurement period was taken for approximately 15 minutes between 5:15 PM and 5:30 PM to determine the ambient noise level. Site 2 was approximately 120 feet south of the northern Property line, as shown in Figure 1, at an elevation of 735 feet amsl. Similar to Site 1, a noise measurement period was taken for approximately 15 minutes between 5:35 and 5:50 PM. The 15-minute average noise level was 41.3 dB(A) at Site 1 and 41.9 dB(A) at Site 2, as indicated in Table 1, Ambient Noise Measurements. Noise levels during each 15 minute period ranged between 36.1 and 55.2 dB(A). The ambient noise measurement data is located in Appendix A.

Table 1
Ambient Noise Measurements

Location	Lmax	Lmin	Leq (15-minute)
Site 1	53.5	36.6	41.3
Site 2	55.2	36.1	41.9

Note:

Lmax – The highest measured sound level during the 15 minute-period; *Lmin* – The lowest measured sound level during the 15-minute period; *Leq (15-minute)* – the average sound level over 15 minutes.

Data Summary

An outdoor concrete basketball court has been proposed at 920 Hillcrest Avenue located approximately 10 feet north of the Property line between 920 and 1420 Hillcrest Avenue. Average exterior noise levels for typical outdoor concrete basketball courts are typically 67.6 dB(A) over a 15-minute period (see Appendix B) when measured at a distance of 10 feet. As indicated in Table 1, the ambient 15-minute average closest to the Property line was 41.3 dB(A). It would be expected that average noise levels at the property line would be 67.6 dB(A) from typical basketball operations from the proposed basketball court. Pursuant to the City's Noise Restriction Ordinance, proposed noise or sound that exceeds the ambient noise level at the property line by more than 5 decibels is a violation. Accordingly, basketball

operations would exceed the measured ambient noise level by 26.3 dB(A) over the course of 15 minutes.

The use of the outdoor basketball court north of the northern Property line would result in an increase of more than 5 dB over 15-minute period, exceeding the requirement set forth in the City's Noise Restriction Ordinance, Section 9.36.050.

If any questions or clarification is needed, please feel free to contact me at (805) 367-5727 or via email at maustin@meridianconsultantsllc.com, or contact Chris Hampson at (805) 367-5734.

Sincerely,

A handwritten signature in cursive script that reads "Mark Austin".

Mark Austin
Partner

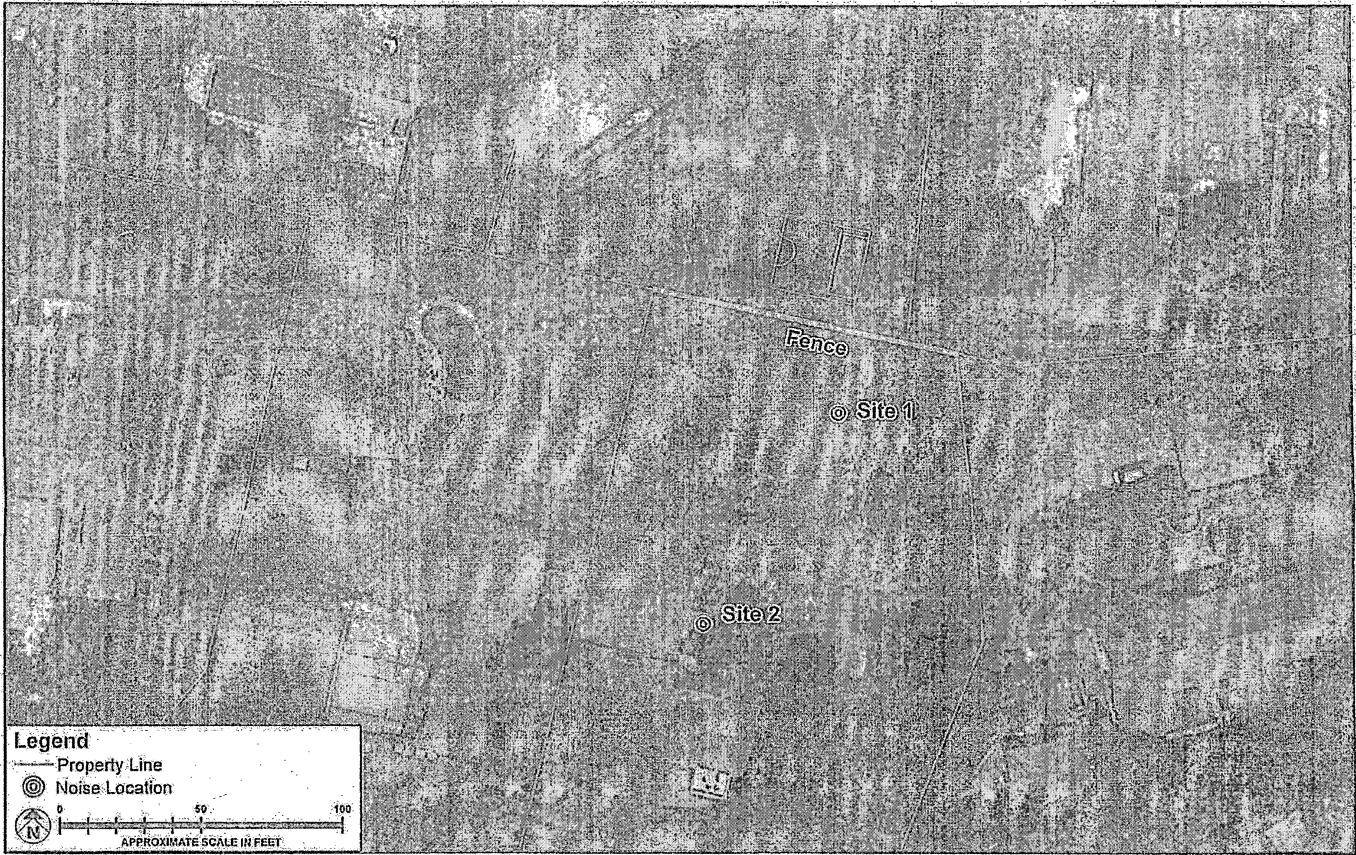


FIGURE 1

APPENDIX A

Ambient Noise Measurement Data

Site 1 Measurement Location

Record #	Date	Time	Duration	Run Time	Pause	LAeq	LAE	LASmin	Time	LASmax	Time
1	2015/02/19	17:34:04	00:15:00.0	00:15:00.0	00:00:00.0	41.3	70.8	36.6	17:44:22	53.5	17:43:00

Site 2 Measurement Location

Record #	Date	Time	Duration	Run Time	Pause	LAeq	LAE	LASmin	Time	LASmax	Time
1	2015/02/19	17:16:56	00:15:00.0	00:15:00.0	00:00:00.0	41.9	71.4	36.1	17:18:04	55.2	17:21:32

APPENDIX B

Average Exterior Noise Levels – Basketball Courts

Measured Basketball Activities over 15-minutes

Record#	Date	Time	Duration	Run Time	Pause	LAeq	LAE	LASmin	LASmin Time	LASmax
1	2015/03/01	15:26:19	00:15:00.0	00:15:00.0	00:00:00.0	67.6	97.1	49.5	15:32:41	75.3

Exhibit B: Hillcrest Place Historic Resources Assessment

To: City of Pasadena

Attn: Jason Killebrew

From: Christine Lazzaretto; John LoCascio,
AIA; Heather Goers; Peyton Hall, FAIA

Date: December 14, 2015

RE: 920 Hillcrest Place

INTRODUCTION

We have been asked to re-evaluate the Hillcrest Place Landmark District for eligibility as a historic district, and 920 Hillcrest Place as a contributor to that district. The analysis considers eligibility for local designation based on the criteria established in the City of Pasadena Zoning Code;¹ a review of the relevant contexts and development history of the site and the district; and an evaluation of the integrity and character-defining features of 920 Hillcrest Place individually, and the historic district overall.

Hillcrest Place was identified as potentially significant during the reconnaissance survey conducted for the development of the *City of Pasadena: Cultural Resources of the Recent Past* historic context statement and formally evaluated by City staff as part of that study.² As discussed in the context statement:

¹ Historic Preservation is Section 17.62 of the Zoning Code. Available online: <http://www2.cityofpasadena.net/zoning/P-6.html#17.62>. Designating Landmark Districts is 17.62.070.

² City of Pasadena, *City of Pasadena: Cultural Resources of the Recent Past*, Historic Resources Group and Pasadena Heritage, October 2007. The Cultural Resources of the Recent Past study included the development of the historic context statement and the documentation of potentially eligible resources. The context document was written by Historic Resources Group and Pasadena Heritage, while City staff evaluated eligible resources on the applicable State Department of Parks and Recreation (DPR) 523 series forms for documenting historic resources.

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In order to understand the types of properties that currently exist in Pasadena from the period of consideration, as well as their distribution throughout the City, large areas of the city were examined. Broad patterns of development were identified, as were geographical locations and concentrations of specific extant property types.

Preliminary field reconnaissance was conducted jointly by Historic Resources Group and Pasadena Heritage on January 25, 2007, with the guidance of Kevin Johnson from the City. This effort focused on clusters of properties identified by the City as potential survey areas, consisting primarily of architect-designed single family residences and several commercial corridors.³

During the reconnaissance survey, specific concentrations were identified [emphasis added]:

The area west of the 210 and 710 Freeways on both sides of the Arroyo... contain substantial numbers of houses from the period, particularly in the southwest corner of the city. Many of these are infill properties in previously developed neighborhoods. In some cases, these lots were created by subdividing large estates, for example in the Hillcrest Neighborhood as well as along the Arroyo on lots previously occupied by the Adolphus Busch estate and Busch Gardens.⁴

During the reconnaissance survey, Hillcrest Place as a whole was identified as a potential district. However, when it was documented by the City, the identified boundary comprised the four residences at the end of the cul-de-sac: 920, 925, 930, and 945 Hillcrest Place. The contributors were each assigned the California Historical Resources Status code of 5D2, which is defined as "contributor to a district that is eligible for local designation."⁵ It is presumed that the survey findings were presented to the State Office of Historic Preservation (OHP) as part of their review of the historic context statement, as the project was funded through the Certified Local Government grant program; however, it

³ *City of Pasadena: Cultural Resources of the Recent Past*, 4.
⁴ *City of Pasadena: Cultural Resources of the Recent Past*, 39.
⁵ California Historical Resources Status Codes, available online: <http://ohp.parks.ca.gov/pages/1069/files/chrstatus%20codes.pdf>.

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does not appear that the findings were added to the California Historical Resources Inventory (HRI).⁶

The DPR form completed by City staff for the Hillcrest Place Landmark District describes the district as:

...a private street extending east from Hillcrest Drive in the Oak Knoll area of southern Pasadena. The lots are large and moderately sloping and the houses in the district are architect-designed and contain high levels of landscaping. The houses are all [one]-story in height. Architectural styles in the district include Mid-century Modern and Modern Ranch with Asiatic features. The houses all include high-quality materials. The boundaries of the district are the property lines of the properties at 920, 925, 930, and 945 Hillcrest Place. The boundaries encompass a small grouping of intact architect-designed single-family residences in identified styles from the period of significance.⁷

The period of significance for the district is 1950-1955, during which time all four contributors were constructed. The district was identified as eligible under the "Architect-Designed Single-Family Residences" theme in the historic context statement, as:

...good, intact examples of the architect-designed single-family residence property type. The houses exhibit the distinctive characteristics of the Mid-century Modern and Modern/Asiatic Ranch architectural styles. Locally significant architects Smith & Williams and Henry Eggers each designed houses in the district. The houses in the district have a very high level of integrity.⁸

HILLCREST PLACE HISTORY & DESCRIPTION

Development History

The land comprising what is now Hillcrest Place was first developed as part of a presumed addition to the Oak Knoll Tract. A tract map entitled "Oak Knoll Sheet B" was filed in 1906, a year after advertisements first appeared for the adjacent Oak Knoll neighborhood.⁹ Given the location of the tract and the fact that the owners listed on the recorded map are developers known to be associated with the Oak Knoll neighborhood –

⁶ The Hillcrest Place Landmark District is not included in the California Historical Resources Inventory dated August 15, 2011, which is the most recent published version of the HRI.

⁷ City of Pasadena, Department of Parks and Recreation District Record: Hillcrest Place Landmark District, October 9, 2008.

⁸ City of Pasadena, Department of Parks and Recreation District Record: Hillcrest Place Landmark District, October 9, 2008.

⁹ Tim Gregory, "Oak Knoll: An Ideal Environment for Homes," Oak Knoll Neighborhood Association, <http://theokna.com/7.html> (accessed October 2015).

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Oak Knoll Water Company, Alhambra Addition Water Company, and the Huntington Land and Improvement Company – it is likely that this area was originally considered an expansion of the original Oak Knoll development.

Lot 32 on the Oak Knoll Sheet B corresponds generally to the outside boundaries of the properties surrounding the present-day Hillcrest Place cul-de-sac. This expansive lot, which included approximately fourteen acres of land, was originally developed with a single-family residence as early as 1907 by Gilbert B. Perkins.¹⁰ The property changed hands several times: Perkins sold to Frank Whitney Emery in 1914,¹¹ after which the house and grounds passed to Mary Virginia McCormick in 1926.¹² Miss McCormick was the sister of Cyrus Hall McCormick, Jr., a prominent Chicago businessman and heir to the family's International Harvester Company fortune. McCormick served as one of the conservators for his sister, who never married and led an extremely private life after being declared insane at the age of nineteen. Two elaborate estates were constructed for her use in Southern California: one in Pasadena at 1400 Hillcrest Avenue, and one in the Huntington Palisades. The 1931 Sanborn Fire Insurance Company map for the area reflects the extent of the improvements undertaken to Lot 32 on her behalf: buildings on the property – now noted as 1400 Hillcrest Avenue – included a large single-family residence, a guest house, two separate servants' quarters, a watchman's office, a greenhouse, and an aviary.

Mary Virginia McCormick continued to divide her time between the Hillcrest Avenue estate and her Huntington Palisades property until her death in 1941.¹³ The Pasadena estate was put up for sale several years later, in 1944, but struggled to find a suitable buyer.¹⁴ In 1945 the property sold for \$115,000.¹⁵ The *Los Angeles Times* notes that as part of the sale, the overall property was divided into two parcels which were sold to two different real estate developers: a twelve-acre parcel sold to Edward Tobin for \$39,000, and a fourteen-acre parcel sold to the realty firm of Smith & Son for \$76,125. Based on the size of the parcel stated in the article along with the greater cost associated with its

¹⁰ A later article indicates that the property was first improved in 1906. See "McCormick Estate Sale Up," *Los Angeles Times*, July 29, 1944.

¹¹ "Over a Million in Fine Homes," *Los Angeles Times*, March 29, 1914, and "Conditions on the Mend: Pasadena Residence Brings Eighth of Million," *Los Angeles Times*, March 21, 1914.

¹² "To Build Most Expensive Home," *Los Angeles Times*, November 18, 1926.

¹³ "Reaper King's Daughter Dies," *Los Angeles Times*, May 26, 1941.

¹⁴ See "McCormick Estate Sale Up," *Los Angeles Times*, July 29, 1944, and "Zone Change for McCormick Mansion Asked," *Los Angeles Times*, November 2, 1944.

¹⁵ "Estate Sells for \$115,000," *Los Angeles Times*, July 4, 1945.

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purchase, it appears likely that the parcel purchased by Smith & Son was Lot 32, which contained nearly all of the improvements and residences associated with the McCormick development.¹⁶

Lot 32 remained a single parcel until the late 1940s. At some point during the second half of the decade the McCormick estate was demolished. Records from this period from the Pasadena local newspaper, the *Pasadena Star-News*, are not readily available, and the *Los Angeles Times* makes no further mention of plans made for the property by Smith & Son. However, Los Angeles County Assessor records provide evidence that Lot 32 had been purchased for subdivision by at least 1948. It is likely that the private street of Hillcrest Place was created at this time. Record of Survey maps indicate that the lots along the north and south sides of Hillcrest Place were drawn in 1948 and 1949, respectively. The four lots along the northern side of the cul-de-sac were owned by Dana Smith. The four lots along the southern side of the cul-de-sac, including the subject property at 920 Hillcrest Place, were owned by Arthur O. Hanisch.¹⁷ Smith developed the property at 935 Hillcrest Place, the easternmost parcel of the northerly lots along the cul-de-sac, as his personal residence.

Although it is unclear whether Smith, a prominent Pasadena attorney best remembered for his role in Richard Nixon's ill-fated campaign finance fund scandal of 1952, and Hanisch ever maintained a professional association, it is evident from an examination of *Los Angeles Times* articles that the two men already knew each other socially by the time Smith's subdivision was recorded in 1948, although neither of them yet resided on Hillcrest Place.¹⁸ Subsequent articles suggest that the two men continued to move in the same social circles throughout the 1950s. It is possible, given that only a few months separate the subdivision of the two tracts that the two men planned to create an enclave surrounding the cul-de-sac of Hillcrest Place. However, further research is required to determine the extent of their plans.

¹⁶ It is possible that the twelve-acre parcel also referenced as being purchased by Tobin was associated with the adjacent land immediately to the south of 1400 Hillcrest, which remained undeveloped by 1931. The custom of retaining undeveloped land adjacent to the primary residence is a custom which is consistent with the concurrent development of the McCormick estate in the Huntington Palisades. This property does not fall within the scope of this study and is not addressed in this report.

¹⁷ The easternmost lot fronting the terminus of the cul-de-sac remained a part of the original Oak Knoll Sheet B subdivision.

¹⁸ See "In Pasadena: Parties Inspired by Eastern Guests," *Los Angeles Times*, November 21, 1948.

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Arthur O. Hanisch, the owner of the land along the southern side of Hillcrest Place, was the owner and president of the Stuart Pharmaceutical Company, which was headquartered in Pasadena.¹⁹ Born in 1895 in Wisconsin, Hanisch was a resident of Pasadena for thirty-four years.²⁰ The Stuart Pharmaceutical Company, which he established in 1941, rose to prominence during the post-World War II era after introducing a multivitamin formula that became known as Calplex and later as the Stuart Formula Liquid. Hanisch went on to introduce Mylanta, the first antacid to use silicone to relieve gaseous distention. The company also marketed pharmaceutical products such as analgesics, tranquilizers, hematinics to relieve anemia, treatments for urinary tract infections, and prenatal nutrition supplements.²¹

After purchasing the land along Hillcrest Place, Hanisch commissioned architect Henry Eggers to design his home at present-day 930 Hillcrest Place, directly to the east of the subject property. Like his neighbor to the north, Hanisch's home was constructed on the easternmost parcel of the lots which he had subdivided, affording a maximum of privacy. The Hanisches were "at home" by 1951.²²

In 1954, a residence was constructed at 920 Hillcrest Place for Dr. Francis E. Schlueter and his wife, Estelle. Building records on file at the City of Pasadena include a notification that Francis E. Schluster [sic] had been granted permission to effect a single family dwelling and attached garage on the recorded lot on April 15, 1954. A letter in the file from Arthur Hanisch dated April 7, 1954 indicates that Hanisch sold the property to Schlueter, as well as the adjacent property to Arthur Newton, with the intention of developing residences along Hillcrest Place. The letter also confirms that the other owners on the cul-de-sac reviewed plans for new construction on the street. Hanisch writes:

I would appreciate your granting of a variance for Dr. Francis E. Schlueter in regard to his property at 920 Hillcrest Place. I sold this property as well as the adjacent piece now owned by Mr. Arthur Newton with the purpose of having

¹⁹ The Stuart Company headquarters, commissioned by Hanisch and designed by noted architect Edward Durell Stone with landscape by Thomas Church, is listed in the National Register of Historic Places.

²⁰ "Stuart Company Plant and Office Building," National Register of Historic Places Registration Form, National Park Service, <http://focus.nps.gov/pdfhost/docs/NRHP/Text/94001326.pdf> (accessed October 2015).

²¹ "Two New Professorships Created With Hanisch [sic] Estate Funds," <http://www.caltech.edu/news/two-new-professorships-created-hanisch-estate-funds-112> (accessed October 2015).

²² "Arthur Hanisches Bid Friends to Big Party," *Los Angeles Times*, August 19, 1951.

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neighboring residences constructed. The plans for the residence have been approved by myself as well as Mr. Dana Smith and Mr. Walker Smith.²³

The original building permit is not available for the property, so the architect could not be confirmed. According to the City of Pasadena DPR form for 920 Hillcrest Place, the builder was Newton & Lundquist. Newton & Lundquist are listed as the contractor for minor alterations to the porch undertaken for Dr. Schlueter in 1960.²⁴ Little is known about the work of Newton & Lundquist; additional research is required to determine whether they are considered master builders.²⁵ Contemporary real estate listings for the property credit the design to architect John Matthias; however, that attribution has not been confirmed.

Born in 1914, Francis Schlueter grew up in Milwaukee, Wisconsin, and was educated at the University of Notre Dame in Indiana. He served in the United States Navy during World War II and eventually entered private practice as a physician specializing in internal medicine in 1950.²⁶ Schlueter was affiliated with Huntington Memorial Hospital in Pasadena, and was acquainted with some of Pasadena's most wealthy and philanthropic citizens. His social circle included attorney Dana C. Smith, a fellow resident of Hillcrest Place and supporter of the Pasadena Symphony Orchestra.²⁷ Schlueter remained at his Hillcrest Place home until his death in 1981 at the age of 66. His widow, Estelle, continued to reside at the property until her death in 2007.²⁸

Physical Description

Hillcrest Place is a private street terminating at Hillcrest Avenue in the Oak Knoll neighborhood of Pasadena. It was originally part of a large estate property first developed in 1907 and re-subdivided in the post-World War II era. Hillcrest Place is distinguished from surrounding development, which primarily consists of properties constructed in the early 20th century. The establishment of the street as a cul-de-sac and the presence of a

²³ Letter from Arthur Hanisch to the City of Pasadena, April 7, 1954.

²⁴ Building Alteration Permit, April 29, 1960.

²⁵ Newton & Lundquist are listed as contractors in the 1962 Pasadena Art Museum California Design exhibition catalog, and are also included in volumes 27 and 29 (which cover the late 1950s) of the Official Directory of Licensed Contractors of California.

²⁶ "Service Planned Today for Pasadena Physician," *Los Angeles Times*, January 8, 1981. Additional biographical details were accessed using Ancestry.com records.

²⁷ See "A. S. Monroe Will Wed Oregonian," *Los Angeles Times*, March 26, 1955, and "Symphony Started Many Toward Fame," *Los Angeles Times*, April 8, 1956.

²⁸ "Estelle Broussard Schlueter," *Pasadena Star-News*, October 17, 2012, <http://www.legacy.com/obituaries/pasadenastarnews/obituary.aspx?n=estelle-broussard-schlueter&pid=160492978> (accessed October 2015).

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landscaped median are consistent with postwar planning principles. It was developed primarily with one-story, single-family residences in Mid-century Modern and Ranch architectural styles, several of which were designed by noted architects of the period. The neighborhood has lush landscaping and mature trees, which, combined with a lack of fences or tall hedges along of the front of the parcels, are unifying features of the district. New residences were constructed within a narrow period of development starting in the early 1950s, and, according to a letter on file in the City of Pasadena, property owners on the cul-de-sac reviewed and approved each other's plans, at least in some instances. These factors resulted in a distinct and cohesive neighborhood displaying a strong sense of time and place.

920 Hillcrest Place Physical Description

The property at 920 Hillcrest Place was identified as a contributor to the Hillcrest Place Landmark District, and it continues to convey its historic significance. The property is located on the south side of the cul-de-sac that terminates the east end of Hillcrest Place, a short private street off Hillcrest Drive in the Oak Knoll neighborhood. The property is bounded on the north by Hillcrest Place and on the east, south, and west by adjacent large, single-family residential properties. The one story, single-family residence on the property is set back from the street with a U-shaped driveway paved in asphaltic concrete and is surrounded by dense plantings of mature trees and large shrubs. The house is Mid-century Modern in style with an irregular plan and a substantially flat multi-level roof with wide overhanging eaves, cantilevered canopies with plaster soffits, and wide wood fascias. It is of wood frame construction on a concrete slab on grade. There is an interior brick chimney. The exterior walls are finished in smooth cement plaster. An attached two-car garage projects diagonally from the asymmetrical primary (north) façade. A cantilevered wood pergola runs across the front of the garage wing and terminates at the primary entrance, which is asymmetrically located in an angled recess on the primary façade and consists of a pair of raised-panel wood doors with metal hardware and louvered and paneled wood shutters. Fenestration consists primarily of fixed, divided light, wood frame windows and metal framed sliding glass doors.

Alterations

The property at 920 Hillcrest Place appears to have undergone no substantial alterations since its initial construction.

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Character-defining Features

Every historic building is unique, with its own identity and its own distinctive character. Character-defining features are those visual aspects and physical features or elements that give the building its character and help to convey its significance. Character-defining features can identify the building as an example of a specific building type, usually related to the building's function; they can exemplify the use of specific materials or methods of construction, or embody an historical period or architectural style; and they can convey the sense of time and place in buildings associated with significant events or people. A building's character-defining features can include but are not limited to its setting and site; shape and massing; roof and related features, such as chimneys or skylights; projections, such as balconies or porches; recesses or voids, such as galleries or arcades; windows and doors and their openings; materials, with their distinguishing textures, finishes, colors and craftsmanship; and interior features, materials, finishes, spaces, and spatial relationships.

Exterior character-defining features of 920 Hillcrest Place include:

- U-shaped driveway paved in asphaltic concrete
- Dense plantings of mature trees and large shrubs
- Irregular plan
- One story massing
- Asymmetrical composition
- Substantially flat multi-level roof with wide overhanging eaves, cantilevered canopies with plaster soffits, and wide wood fascias
- Interior brick chimney
- Exterior walls finished in smooth cement plaster
- Attached two-car garage
- Cantilevered wood pergola
- Recessed primary entrance with raised panel wood doors with louvered and paneled wood shutters
- Fixed, divided light, wood frame windows and metal framed sliding glass doors

Assessment of Integrity

Historic integrity is the ability of a property to convey its significance and is defined as the "authenticity of a property's historic identity, evidenced by the survival of physical

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characteristics that existed during the property's prehistoric or historic period."²⁹ The National Park Service defines seven aspects of integrity for historic resources. These are location, design, setting, materials, workmanship, feeling, and association. The integrity of 920 Hillcrest Drive is evaluated below based on these seven aspects.

- **Location:** The residence remains on its original site. It therefore retains integrity of location.
- **Design:** The house at 920 Hillcrest Place has undergone no substantial alterations and retains the character-defining features of its original Mid-century Modern design including its one-story massing, irregular plan, substantially flat roof with wide eaves and soffits, cantilevered wood pergola, and fixed wood-frame windows. It therefore retains integrity of design.
- **Setting:** The residence remains on a large parcel heavily planted with mature trees and large shrubs, in a low-density single-family residential neighborhood. It therefore retains integrity of setting.
- **Materials:** As outlined above, the property has undergone no substantial alterations and retains its original features and materials, including cement plaster veneer, wood frame windows, brick chimney, and wood pergola. It therefore retains integrity of materials.
- **Workmanship:** As outlined above, the property retains its original features and materials, and therefore illustrates the aesthetic principles of its Mid-century Modern design. It therefore retains integrity of workmanship.
- **Feeling:** Because the property retains integrity of location, design, setting, materials, and workmanship, it continues to convey the aesthetic and historic sense of its Mid-century Modern design. It therefore retains integrity of feeling.
- **Association:** Integrity of location, design, setting, materials, workmanship, and feeling combine to convey integrity of association. Because the property retains the first six, it continues to convey its Mid-century Modern design, and therefore retains integrity of association.

²⁹ U.S. Department of the Interior, *National Register Bulletin 16A: How to Complete the National Register Registration Form* (Washington D.C.: National Park Service) 1997, p. 4.

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HILLCREST PLACE LANDMARK DISTRICT RE-EVALUATION**Definition of Historic District**

Standard preservation practice evaluates collections of buildings from similar time periods or representing specific historic contexts as historic districts. The National Park Service defines a historic district as "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development."³⁰ The National Park Service further clarifies that a historic district illustrates an "interrelationship of its resources, which can convey a visual sense of the overall historic environment."³¹

A historic district derives its significance as a unified entity. The individual components of a historic district collectively convey a specific aspect of history, along with a strong sense of time and place. Residential historic districts illustrate the social and physical development of a City; they can represent the influence of a particular ethnic or social group on the development of the community, as well as the architectural character of a place. Resources that have been found to contribute to the historic identity of a district are referred to as district contributors. Properties located within the district boundaries that were constructed outside of the identified period of significance for the district, have been substantially altered, or do not contribute to its significance are identified as non-contributors.

City of Pasadena Landmark Districts

The Hillcrest Place Landmark District was evaluated as eligible for local designation by the City of Pasadena. The criteria for the evaluation of local landmark districts are included in section 17.62.040 (F) of the Zoning code:

17.62.040 - Criteria for Designation of Historic Resources**F. Landmark districts.**

1. A landmark district shall include all landmark districts previously designated before adoption of this Chapter and any grouping of contiguous properties that also meet the following criteria:
 - a. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing; and
 - b. The grouping represents a significant and distinguishable entity of Citywide importance and one or more of a defined historic, cultural, development

³⁰ National Register Bulletin 15.

³¹ National Register Bulletin 15.

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Hillcrest Place Historic Resources Assessment

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and/or architectural context(s) (e.g., 1991 Citywide historic context, as amended, historic context prepared in an intensive-level survey or historic context prepared specifically for the nominated landmark district).

2. When determining the boundaries of a landmark district, the Historic Preservation Commission shall use the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties."

Hillcrest Place Landmark District

Hillcrest Place was identified as a cohesive enclave in 2007, during the reconnaissance study for the *City of Pasadena: Cultural Resources of the Recent Past* historic context statement; subsequently, the portion of the street comprising 920, 925, 930, and 945 Hillcrest Place was evaluated as eligible for local designation and formally documented by the City of Pasadena in 2008. It is recommended that Hillcrest Place as a whole, given its development history and overall cohesion, be considered as a potential district. In 2014, the property at 925 Hillcrest Place was altered with the addition of a partial second story.³² However, three of the four properties identified as contributors are still intact, and the street overall retains sufficient integrity to convey its historic significance as a cohesive collection of post-World War II single-family residences in Pasadena. Although there are numerous examples of postwar single-family residences in the City, there are relatively few examples of entire streets or neighborhoods developed solely in the postwar era. Hillcrest Place was developed by two prominent local residents who also constructed their own homes in the neighborhood. Aesthetic cohesion was an important component to the development, and developers Arthur Hanisch and Dana Smith reviewed at least some of the plans for residences to be constructed in the neighborhood. Hillcrest Place is a distinguishable entity from the surrounding early 20th century development. It is unified aesthetically by plan, physical development, and architectural quality. The neighborhood meets the registration requirements identified in the context statement for postwar residential districts. It displays continuity of design and overall neighborhood cohesion, and the curvilinear street plan and mature landscaping contribute to the overall character of the district. As discussed below, it retains integrity of setting, feeling, and association as required in the eligibility standards developed for postwar neighborhoods, and it conveys a strong sense of time and place.

³² The Hillcrest Place Landmark District was identified and documented prior to the 2014 alterations to this property. It is not known whether the impacts to the district were reviewed at the time that the alterations were proposed, or whether the fact that it was a contributor to a documented landmark district was considered prior to issuing the permits.

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Assessment of Integrity

In order for a historic district to be eligible for designation, the majority of the components that add to the district's historic character must possess integrity, as must the district as a whole.

- **Location:** The district contributors remain on their original sites.
- **Design:** Although there have been some alterations to individual residences within the district, the neighborhood overall continues to reflect Mid-century Modern and Ranch-style designs, and it retains postwar planning and landscape features.
- **Setting:** Hillcrest Place remains a low-density single-family residential neighborhood, as it was in the immediate post-World War II period.
- **Materials and Workmanship:** Properties throughout the district largely retain original features and materials, and illustrate the principles of postwar residential and neighborhood design.
- **Feeling:** Hillcrest Place retains integrity of location, design, setting, materials, and workmanship, and continues to convey the aesthetic and historic sense of its postwar design.
- **Association:** Integrity of location, design, setting, materials, workmanship, and feeling combine to convey integrity of association. Because the neighborhood retains the first six, it continues to convey its postwar design, and therefore retains integrity of association.

CONCLUSION

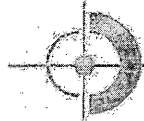
Hillcrest Place was identified as a potential historic district for its significance as a post-World War II residential neighborhood in Pasadena. A portion of the street, including the subject property at 920 Hillcrest Place, was formally evaluated as eligible for local designation as a landmark district by the City of Pasadena in 2008. As a result of this determination, the potential impacts to the eligibility of the district should be considered when a project is proposed within the boundary. Although there have been some changes to the identified district and the street overall, Hillcrest Place retains sufficient integrity to convey its historic significance as identified in the *City of Pasadena: Cultural Resources of the Recent Past* historic context study.

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Exhibit C: Hydrology Memorandum



VTNWest

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Chatsworth, CA 91311 • 818-993-8740
fax 818-993-8750 • www.vtnwest.com

Dec 10, 2015

Ryan D. Lapidus
Lapidus & Lapidus
177 South Beverly Drive
Beverly Hills, California 90212

RE: 920 Hillcrest Place Application

Dear Mr. Lapidus,

On December 17, 2014 I met with Mr. Duker at his residence 1420-1430 Hillcrest Avenue adjacent to the subject application property. We walked the property adjacent to 920 Hillcrest Place. He described to me that he has seen storm water flowing over his retaining wall adjacent to the subject property. Because of the size of the area behind his retaining wall (a small area) he believes that almost all of this storm water comes from the subject property.

On Dec 29, 2014 I reviewed the submitted plans for #6196 at the city offices and they contain a Lot Survey conducted on Feb 18, 2013 by M&M Co. This survey shows at least a portion of the existing lot draining towards 1420-1430 Hillcrest Avenue (Mr. Duker's property). There is a catch basin on the 920 Hillcrest Place property which drains the balance of the rear yard however if it clogged or is undersized the drainage would flow onto Mr. Duker's property.

In a subsequent site visit on Dec 4, 2015, I saw what I understand to be recent construction of a basketball court. This court adds impervious area to the lot, the existing storm drain system may not be sized to accommodate this additional flow.

I believe that the any cross lot drainage can be remedied by having the Subject Property submit a Fine Grading Plan that drains to his adjacent street (Hillcrest Place). This Fine Grading plan should be signed by a Registered Engineer. Any construction activity or alteration of the topography of the subject property that does not include and comply with a Fine Grading Plan could exacerbate the drainage problem. If you have any questions, don't hesitate to call.

Sincerely,

George Colvin
VTN West, Inc
President



Exhibit D: Arborist Memorandum



Rebecca Latta Arboricultural Consulting

359 North Westridge Avenue, Glendora, CA 91741 (626)272-8444 cell
rlattaconsulting@gmail.com ISA WE4264

December 11, 2015

Jason Killebrew
Associated Planner, City of Pasadena
175 North Garfield Avenue
Pasadena, California 91101

Subject: Independent Review of Arborist Report for Mr. and Mrs. Sean Yu by Pleinaire Design Group.

Dear Jason,

I have been asked to evaluate the Yu Residence Tree Report, prepared by Pleinaire Design Group dated November 14, 2014 for 920 Hillcrest Place, Pasadena, California. The review included the following elements:

- a) Evaluate the report for completeness and consistency with the requirements of the Tree Protection Ordinance (Chapter 8.52 – City Trees and Tree Protection Ordinance).
- b) Determine if the proposed project would impact your trees adjacent to the property line near 920 Hillcrest Place.
- c) Quantify any negative environmental impacts that might occur as a result of the construction of the proposed project with regards to your views, screening and privacy.

The report is vague and lacks sufficient detail to do an impact analysis even without the maps and photos. The observations do not list an exact number of trees on the property, for encroachment or to be removed. The report also does not discuss specific impacts to protected trees to be retained. There is no quantification of encroachments due to project construction including but not limited to utility work, landscaping and irrigation, footings and foundations and aerial conflicts that might damage trees to be retained.

The report mentions a map of the tree locations and a photo inventory. These items were not provided and are required to complete a full impact analysis. Therefore, my comments are based entirely on the information contained in the 14 page report.

- i. A total of 55 trees are mentioned. The applicant is proposing to remove 23 trees, which is a significant number of trees for the property and neighborhood.

2. The City of Pasadena protects Camellias over 8" in diameter. There is no mention of whether any camellias exist on the property. Camellias might be expected due to the age and location of the property.
3. The report and inventory does not include trees that overhang the property from adjacent properties. Their root zones and canopies will be impacted by the project. The applicant needs to provide this information in their report.
4. There is one mystery pine tree, #50 that does not have any DBH, canopy, height, or disposition information. Will it be removed or retained?
5. Tree #31 has a note that says it is to remain. I am uncomfortable with a marked up copy of a report. It is a protected tree. Did the design change to accommodate the retention of this tree?
6. The Discussion section includes information about trees #14 and 16. The arborist uses finding 6 (8.52.075) as a way to justify the removal of the trees. No landscape plans were provided to determine if the new trees would replace the lost screening. It is impossible to tell if the trees are crowded on the site in order to meet the mitigation requirements.
7. The report does not describe what design modifications the applicant has taken to preserve existing trees.
8. The report has inserted a protection policy from the City ordinance into the document. This does not fulfill the requirement to provide specific project related protection measures to ensure the long term health and survival of trees to remain on-site as required by Section 8.52.110.

In conclusion the project could have significant impacts to the trees on the southern property line. Screening between the properties may be lost. The trees on 1420 Hillcrest Avenue may have damage that could lead to decline/removal. The amount of impact is unknown. The report fails to quantify encroachments on trees to be retained.

Please let me know if you have any questions.

Sincerely,

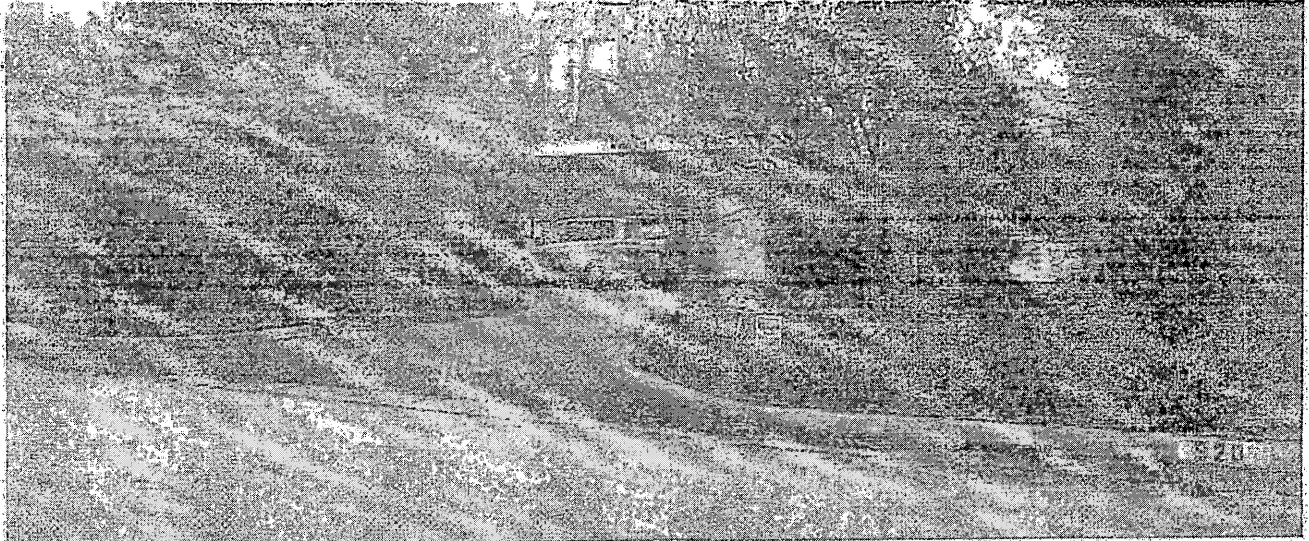
Rebecca Jatta

Consulting Arborist, Horticulturalist

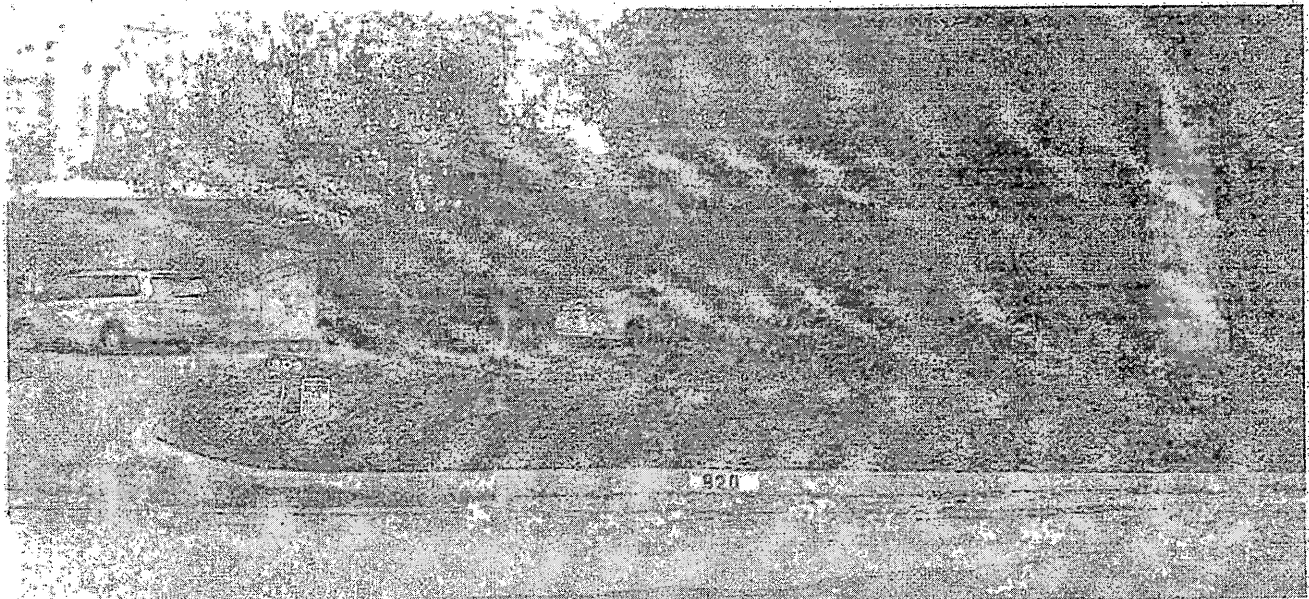
ISA Certified Arborist WE4264A
ISA Tree Risk Assessment Qualified
Member, American Society of Consulting Arborists
Board Member, California Native Plant Society
Board Member, Inland Urban Forest Council

Exhibit E: Photographs

920 Hillcrest Place: December 22, 2014



20141222_151901.jpg



20141222_151904.jpg



20141222_151846.jpg



20141222_152131.jpg