

**ATTACHMENT C
 APPEAL APPLICATION OF BOARD OF ZONING APPEALS' DECISION
 DECEMBER 23, 2015**



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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: 12/16/2015 Appeal Deadline: 12/28/2015

APPELLANT INFORMATION

APPELLANT: Ryan Lapidus, Esq. on behalf of Sheffield Investments Telephone: (310) 550-8700
 Address: 177 South Beverly Drive Fax: (310) 943-2471
 City: Beverly Hills State: CA Zip: 90212 Email: ryan@lapiduslaw.com
 APPLICANT (IF DIFFERENT): Eric Hammerlund

I hereby appeal the decision of the:

- Hearing Officer *Board of Zoning Appeals* Zoning Administrator
- Design Commission Director of Planning and Development
- Historic Preservation 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):

See attached.

Ryan Lapidus 12/23/15
 Signature of Appellant Date

* OFFICE USE ONLY		
PLN # _____	CASE # _____	PRJ # _____
DESCRIPTION _____		
DATE APPEAL RECEIVED: _____	APPEAL FEES: \$ _____	RECEIVED BY: _____

PLANNING AND DEVELOPMENT DEPARTMENT
 CURRENT PLANNING SECTION

APP-RFA Rev: 1/18/07
 175 NORTH GARFIELD AVENUE T 626-744-4009
 PASADENA, CA 91101 F 626-744-0733

Reasons for Appeal

Appellant appeals the decision made by the Board of Zoning Appeals on Hillside Development Permit 6196 at a hearing on December 16, 2015. Hillside Development Permit 6196 is a permit allowing the demolition and construction of a new residence at 920 Hillcrest Place.

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.

Following Section 17.72.040(E)(2), which specifies that "[r]ecognizing that it is difficult to separate the decision on the environmental document from the project itself, the appeal to the Council shall include the entire decision," Appellant further appeals the Board of Zoning Appeals' decision with respect to the entire project.

Appellant bases this appeal upon the project's failure to meet numerous substantive and procedural requirements, including, but not limited to, the following:

1. Failure to require an initial study pursuant to the California Environmental Quality Act (CEQA). 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*, Case No. S201116 (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.

Appellant contends 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 a historical landmark district, pursuant to Zoning Code Section 17.62.070. Under CEQA, historic resources are considered part of the environment and are subject to review.

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 and attached hereto, found that the district was eligible under the "Architect-Designed Single-Family Residences" theme and that "the potential impacts to the eligibility of the district should be considered when a project is proposed within the boundary." Due to Hillcrest Place's potential status as a landmark district, it must be determined whether Hillcrest Place is a historic resource entitled to protection under CEQA.

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. Despite the findings of a Technical Noise Report Memorandum concluding that the construction of an outdoor basketball court would exceed noise levels specified by the City's Noise Restriction Ordinance, Section 9.36.050, the project bypassed the Board by obtaining a zoning permit, ZON2015-00181, and proceeded with construction of the basketball court.
4. Failure to require a hydrology report as required by Pasadena Municipal Code Section 17.28.080.C.3. The Hearing Officer and Board of Zoning Appeals have both arbitrarily and capriciously waived the hydrology report requirement for Hillside Development Permits, despite expert testimony regarding drainage problems with the project site that may be exacerbated by further construction.
5. Failure to properly consider hydrology issues as required by Pasadena Municipal Code Section 17.28.080.C.3. See above.
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. The Yu Residence Tree Report, submitted on December

14, 2015, only two days before the hearing, calls for the removal of 18 trees, including removing two protected trees in the future.

7. Failure to require a complete application per Pasadena Municipal Code Section 17.29.080.C. By failing to require a hydrology report, Applicant has not been required to submit a complete application.
8. Failure to prepare a neighborhood compatibility analysis pursuant to Pasadena Municipal Code Section 17.29.060.D. Section 17.29.060.D requires that a neighborhood compatibility analysis analyze "site conditions, visibility of the site, and the size, scale, and character of existing development within 500 feet of the site." The Code requires that all homes within 500 feet be included in the analysis. However, the project arbitrarily and capriciously eliminated homes within 500 feet from this analysis if they were not part of the hillside overly district.
9. Failure to prepare a complete constraints analysis, as required by Pasadena Municipal Code Section 17.29.080.C.4. The project has arbitrarily and capriciously failed to acknowledge and account for the fact that it is in a sensitive area, with significant vegetation and slope that extends from the Historic Old Mill to Encino Drive.
10. Failure to properly notice the December 17, 2014 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. Photographs demonstrating the failure to post the hearing on a public street have been produced at previous hearings.
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 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.
12. Failure to comply with Pasadena Municipal Code Section 17.76.020 – 17.76.040 in continuing the November 5, 2014 hearing.

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 Durrell 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-hanish-estate-funds-119> (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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Hillcrest Place Historic Resources Assessment

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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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Hillcrest Place Historic Resources Assessment

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**ATTACHMENT D
BOARD OF ZONING APPEALS STAFF REPORT
DECEMBER 16, 2015**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 16, 2015
TO: BOARD OF ZONING APPEALS
FROM: KELVIN PARKER, PRINCIPAL PLANNER / ZONING ADMINISTRATOR
SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
HILLSIDE DEVELOPMENT PERMIT #6196 – 920 HILLCREST PLACE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt a determination that the proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines; and
2. Uphold the Hearing Officer's decision to approve the Hillside Development Permit for the construction of a new single-family residence with the findings in Attachment A.

EXECUTIVE SUMMARY:

On December 17, 2014, the Hearing Officer approved a Hillside Development application at 920 Hillcrest Place (Attachment B). The proposed project included:

Demolition

- Existing one-story, 5,844 square foot, single-family residence

Construction

- One-story, 5,375 square foot single-family residence
- 2,035 square foot basement (not counted toward gross floor area)
- 750 square foot attached, three car garage
- 244 square foot pool house/accessory patio structure

The staff recommendation was to approve the construction of the new single-family residence as proposed. Veronique Millon, representing Sheffield Investments, subsequently appealed the Hearing Officer decision (Attachment C) to the Board of Zoning Appeals. The effect of an appeal is that the prior decision of the Hearing Officer is vacated. The hearing before the Board of Zoning Appeals is a *de novo* hearing where the Board has no obligation to honor the prior

decision and has the authority to make an entirely different decision.

The Hearing's Officer Addendum in response to the subsequent appeal has been included as Attachment E of this report.

BACKGROUND:

Existing Site Characteristics:

The subject site is located on a predominately rectangular-shaped lot measuring 35,897 square feet, mid-block along the south side of Hillcrest Place (private road) at 920 Hillcrest Place. Overall, the property is relatively flat with a gentle slope and is set amongst mature landscaping and tall trees. There are no areas with a slope greater than 50 percent on the property and the site has an overall slope of approximately two percent. Currently, the property is developed with a one-story, 5,844 square foot, single-family residence that was constructed in 1954. The property is zoned RS-2-HD (Single-Family Residential, 0-2 lots per acre, Hillside Development Overlay District).

Adjacent Uses:

North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning:

North – RS-2-HD (Single-Family Residential, 0-2 lots per acre, Hillside Overlay District)
South – RS-2 (Single-Family Residential, 0-2 lots per acre)
East – RS-2-HD (Single-Family Residential, 0-2 lots per acre, Hillside Overlay District)
West – RS-2 (Single-Family Residential, 0-2 lots per acre, Hillside Overlay District)

Project Timeline:

- **May 7, 2014** - The applicant, Eric Hammerlund of Schmidt Architecture, submitted a Hillside Development Permit Application to Permit to demolish an existing one-story, 5,844 square foot, single-family residence and construct a new one-story residence. The proposed 5,375 square foot, single-family residence included a 750 square foot attached, three car garage and a 2,035 square foot basement. The 2,035 square foot basement would not be included in the gross floor area because it does not exceed a height above existing grade at any point and does not have an exposed wall that is more than six feet above finished grade. The project also included an outdoor basketball court and a 244 square foot open air pool house/patio accessory structure. The total gross floor area of the subject site, excluding the basement, is 6,369 square feet. A Hillside Development Permit is required for a new dwelling within the Hillside Overlay zoning district. In addition, the applicant requested approval of a Minor Conditional Use Permit for outdoor court lighting for the proposed basketball court which is required for lighting of a sports court within 300 feet of a residential zoning district.
- **November 5, 2014** - The request was originally heard by the Hearing Officer. At this meeting, the Hearing Officer opened the public hearing and, at the request of the public commenters (including the appellant Veronique Million), decided to continue the project to a

date uncertain. The continuation was granted to allow for additional reports to be submitted and to give the public additional time to review the proposed project.

- **November 14, 2014** -The applicant submitted a revised tree inventory report and a new preliminary geotechnical report. Furthermore, the applicant withdrew the Minor Conditional Use Permit request by eliminating the outdoor sports court lighting for the proposed basketball court after hearing the concerns from the adjacent neighbors.
- **November 15, 2014** -The property owner Sean Yu, hosted a private community meeting at the subject site, to discuss the merits of the proposed project with neighborhood.
- **December 17, 2014** -
 - The entitlement application was presented to the Hearing Officer at a public hearing. One resident spoke at the hearing in opposition of the project, mainly concerned with the proposed removal of two protected Chinese Elm Trees. Two other speakers, who represented Sheffield Investments, did not indicate a position on the project, however, both requested a continuance of the project to a date uncertain.
 - The Hearing Officer, after careful consideration of the proposed application, and with full knowledge of the property and vicinity, concurred with the staff recommendation, and at the conclusion of public testimony, approved Hillside Development Permit #6196. This decision was based on the findings in Attachment A and the conditions of approval in Attachment D of this report.
- **December 22, 2014** - Veronique Millon, representing Sheffield Investments has appealed Hillside Development Permit #6196 to the Board of Zoning Appeals (Attachment C).
- **August 10, 2015** -The applicant obtained a Zoning Permit (ZON2015-00181) for a half-court basketball court. The basketball court is a permitted use and is not subject to a Hillside Development Permit.
- **October 8, 2015** - The applicant submitted a revised project that included minor modifications to the original proposal.
- **October 22, 2015** - The appellant, Veronique Million (Trimble) notified staff that there would be a substitution in legal counsel for Sheffield Investments and that Ryan Lapidus would be taking over as the appellant's representation.

Revised Project Description

The applicant, Eric Hammerlund, has submitted a revised Hillside Development Permit application, to allow:

Demolition

- Existing one-story, 5,844 square foot, single-family residence

Construction

- One-story, 5,605 square foot single-family residence
- 2,238 square foot basement (not counted toward gross floor area)

- 750 square foot attached, three car garage
- 1,305 square foot enclosed pool house/accessory structure

The revised project was considered by staff to be in substantial conformance to the project previously approved by the Hearing Officer.

ANALYSIS:

1) Hillside Development Permit: To allow the construction of a new single-family residence.

The Hillside Development Permit application is necessary because the project involves the construction of a new single-family residence in the Hillside Overlay District. Per Section 17.29.030.A of the City's Zoning Code, the construction of a new single-family residence in the Hillside Overlay District requires the approval of a Hillside Development Permit.

There are eight findings required to be made prior to the approval of a Hillside Development Permit. For this project it was found that all of the findings could be made (Attachment A). As noted above, the construction of a new single-family residence in the Hillside Overlay District is allowed by the Zoning Code and the project complies with all applicable development standards. In addition, the proposed 1,305 square foot detached pool house, pools are allowed uses within the RS-2 zoning district.

Development Standard	Zoning Code Requirement	Proposed Project (as revised on 10/8/2015)
Gross Floor Area	7,661 sf (max)	7,660 sf
Lot Coverage	12,564 sf (max)	9,438 sf
Setbacks	Front - 25'	Front - 25'
	Side - 10'	Side - 10' (west), 23'-1" (east)
	Rear - 25'	Rear - 100'
Height Limit	28' (Max)	17'-9"
Neighborhood Compatibility (35% above median)	5,606 sf	5,605 sf
Parking	Two parking spaces (covered), two guest parking spaces (uncovered)	Three parking spaces (covered), one parking space (uncovered)

Ridgeline Protection/View Protection

The proposed project is subject to the Ridgeline Protection provisions of the Hillside Ordinance. No part of the residence will appear silhouetted against the sky above the nearest ridge when viewed from a public street or park as the proposed residence will be more than 300 feet from the top of the nearest ridge or knoll, which is located east of the property. Furthermore, the project complies with the View Protection provisions of the Hillside Ordinance as no views will be blocked by the proposed residence. As stated, the subject property is relatively flat, and is proposing to replace an existing one-story residence with another one-story residence. The project setting contains tall, mature trees that are located along the street and adjacent properties. Therefore, the project is consistent with the ridgeline and view protection guidelines.

Tree Protection Ordinance and Preliminary Landscape Plan:

Based on the submitted Tree Inventory Report prepared by Kevin J. Small, Registered Consulting Arborist (WE-7333A), there are a total of 55 trees on the site. Eight of the trees are classified as protected trees under the City's Tree Protection Ordinance, due to their species, size, and location on the site. One tree is located in the front of the residence along Hillcrest Place. The remaining seven are located within the rear and side yards. No protected trees are proposed to be removed as part of the project. The applicant has intentions to remove 15 non-native, non-protected trees. Although no City approval or replacement trees are required for these removals, the applicant is proposing to plant ten 24-inch box trees.

The submitted inventory report included a tree plan with measures and recommendations to ensure all protected trees are unthreatened during grading and construction, and will remain in good health after the project is completed (Attachment D - Condition #9). The plan has indicated that prior to beginning work or any excavation that the contractor shall contact Underground Service Alert to ensure that all roots, utilities, etc. are not impacted. All weed removal, or landscaping activity within the protected zone of a protected tree will be conducted by hand. Additional protection and mitigations were identified on the tree inventory report.

Historic Preservation

The development plans for the Hillside Development Permit were provided to the Design & Historic Preservation (D&HP) Section for review and to determine if the proposed project would have a detrimental impact on a historic resource.

In 2008, the subject site was evaluated as a potential contributing resource to the potential Hillcrest Place Landmark District. The evaluation was conducted as part of a City-wide historic resources survey in conjunction with the Cultural Resources of Past Historic Context Report (2007-2008). The survey analyzed Mid-Century Modern and Modern/Asiatic Ranch architectural styles. Although evaluated as part of the historic resource survey, the Hillcrest Place Landmark district was never formally established and was not identified as a City Designated Historic Property. A July 2014 report, prepared by Teresa Grimes, Principal Architectural Historian, concluded that Hillcrest Place should not be designated as a Landmark District. Further conclusions state that the subject residence located at 920 Hillcrest Place would not qualify as an individual historic resource. Thus, the demolition of the existing single-family residence and construction of a new single-family residence would have no impact on historic resources.

Geology Report

In November 2014, a Preliminary Soil Investigation and Liquefaction Excavation report was prepared for the project site by Grover Hollingsworth and Associates. On October 8, 2015 an addendum to the original Soil Investigation and Liquefaction Excavation report was submitted by the applicant. The report and addendum concluded that the property has no known active fault crosses the site and is free of any potential geologic hazard such as landslides, mudflow, and liquefaction. The report and addendum found that the construction of the proposed project is feasible from a geologic and soils engineering standpoint.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would be a single-family residence; therefore, the character of the

single-family neighborhood would be maintained. Policy 21.9 of the General Plan Land Use Element is to "maintain appropriate scale, massing and access to residential structures located in hillside areas." Policy 7.1 discourages "mansionization" by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods and Policy 4.11 requires that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces; visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics. The proposed habitable area of the project is 5,605 square feet and within the Neighborhood Compatibility threshold. As designed, the project would not block any views, and is in compliance with the ridgeline protection standard. Furthermore, as designed, the proposed project would be compatible with the surrounding neighborhood.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures). This class exemption exempts from environmental review the construction of limited numbers of new, small facilities or structures. Section 15303(a) specifically exempts the construction of one single-family residence in a residential zone. The proposed project involves the construction of one single-family residence in the RS-2-HD zone, a residential zone. The use of the site will remain as a single-family residence.

CONCLUSION:

Staff has determined that the proposed one-story, single-family residence will not negatively impact the surrounding neighborhood due to its consistent size and scale with the surrounding neighborhood. Furthermore, the project will comply with the applicable development standards of the Zoning Code, including gross floor area, setbacks, building height, Neighborhood Compatibility (as modified herein), and lot coverage. Therefore, staff recommends approval of the Hillside Development Permit, subject to the findings in Attachment A and the conditions of approval in Attachments D of this report.


RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt a determination that the proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines; and
2. Uphold the Hearing Officer's decision to approve the Hillside Development Permit for the construction of a new single-family residence with the findings in Attachment A.

Respectfully Submitted:

Prepared By:



Kelvin Parker
Principal Planner/Zoning Administrator



Jason Kilbreth
Planner

Board of Zoning Appeals
December 16, 2015

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Hillside Development Permit #6196
920 Hillcrest Place