

ATTACHMENT E
BOARD OF ZONING APPEALS STAFF REPORT
Dated March 18, 2021



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: MARCH 18, 2021

TO: BOARD OF ZONING APPEALS

FROM: LUIS ROCHA, ZONING ADMINISTRATOR

SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
HILLSIDE DEVELOPMENT PERMIT #6837
801 SOUTH SAN RAFAEL AVENUE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination, that the project is 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 and §15301, Class 1, Existing Facilities). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of small accessory structures. Section 15301 exempts the minor alteration of existing public or private structures, involving negligible or no expansion of existing or former use. The project involves the addition of two new 600 square-foot accessory structures and the modification of a portion of the existing residence to create a 262 square-foot, detached accessory structure, and involves a negligible or no expansion of the existing single-family residential use; and
2. Uphold the Hearing Officer's decision and approve Hillside Development Permit #6837.

EXECUTIVE SUMMARY:

Hillside Development Permit (HDP) #6837 was first scheduled to be presented to the Hearing Officer on December 16, 2020. At the request of the appellant, Roxanne Christ, the case was continued to January 6, 2021, in order to provide an opportunity for the appellant to secure legal counsel.

On January 6, 2021, the Hearing Officer considered, at its regularly noticed hearing, Hillside Development Permit #6837. The Hillside Development Permit (HDP) application was requested to allow the construction of two, new 600 square-foot detached accessory structures and the modification of an existing playroom that is attached to the main house by a breezeway into a 262 square-foot detached accessory structure. The breezeway attachment is proposed to be removed

and the existing playroom is proposed to be converted into a partially open cabana. The site is currently developed with a two-story, 4,706 square-foot dwelling with a detached 600 square-foot, three-car garage in the RS-4 HD (Single-Family Residential, Hillside Overlay District) zoning district. A Hillside Development Permit is required for the construction of more than one accessory structure.

Staff's recommendation to the Hearing Officer was to approve HDP #6837. Staff assessed the proposed project, and, based on the analyses, concluded that the findings necessary for approving the HDP could be made. At the conclusion of the public hearing, and after public testimony, the Hearing Officer approved Hillside Development Permit #6837 (Attachment C) with conditions and adopted the environmental determination.

On January 11, 2021, Councilmember Steve Madison requested a Call for Review of the project with concerns of potential impacts to the neighborhood.

On January 19, 2021, Roxanne Christ, an abutting property owner of 815 S. San Rafael Avenue, filed an appeal with the Board of Zoning Appeals, of the Hearing Officer's decision.

Subsequently, Councilmember Steve Madison withdrew the Call for Review of the project citing the filing of the appeal as the reason for the withdrawal.

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 a different decision than the Hearing Officer.

Based on the previous analysis and the recommended Conditions of Approval, Staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's January 6, 2021, decision and approve Hillside Development Permit #6837, based on the findings provided in Attachment A.

BACKGROUND:

Existing Site Characteristics:

The subject irregularly shaped, 34,361 square-foot site is located on the southwest side of South San Rafael Avenue between Hillside Terrace to the southeast and San Rafael Terrace to the northwest. The site is relatively flat and has an average slope of 3.17%. No portion of the site has a slope equal to or greater than 50 percent. The site is developed with a 4,706 square-foot, two-story single-family residence and a detached 600 square-foot three-car garage in front of the residence. There are 62 trees located on-site, and no trees are proposed to be removed.

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 dwelling units per acre, Hillside Overlay District)
- South – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)
- East – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)
- West – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)

PROJECT DESCRIPTION:

The applicant, Deborah Rachlin Ross, has submitted a Hillside Development Permit application to allow the construction of two, new 600 square-foot detached accessory structures in the southwest portion of the property and the modification of an existing playroom that is attached to the main house by a breezeway into a 262 square-foot detached accessory structure. The breezeway attachment will be removed and the existing playroom will be converted into a partially open cabana. No other changes to the existing residence or the detached garage are proposed.

The site is relatively flat and is developed with a 4,706 square-foot, two-story single-family residence and a detached 600 square-foot three-car garage in front of the residence. Currently under construction is a permitted 466 square-foot addition to the main residence and a detached three-car, 600 square-foot garage, and for the purposes of this report and discussion, are considered as existing and are not part of the subject Hillside Development Permit review.

The proposed project includes a new 600 square-foot, detached, home office with a $\frac{3}{4}$ bathroom (no bathtub) in one new structure (“Accessory Structure 1”) and a 600 square-foot, detached, home gym/open storage room with a $\frac{1}{2}$ bathroom in the second new structure (“Accessory Structure 2”). The third structure is designed as a partially open cabana with one open side facing northwest and an inoperable fireplace (“Accessory Structure 3”). No protected trees are proposed for removal as part of the project.

PUBLIC HEARING:

The application was first scheduled to be presented to the Hearing Officer on December 16, 2020. At the request of the appellant, Roxanne Christ, the case was continued to January 6, 2021, in order to provide an opportunity for the appellant to secure legal counsel. The application then was presented to the Hearing Officer at a public hearing on January 6, 2021. Staff’s recommendation to the Hearing Officer was to approve Hillside Development Permit #6837, as Staff determined that all eight findings for the Hillside Development Permit could be made.

During the Hearing Officer hearing, the applicant provided a brief presentation of the project and spoke in favor of the project. There were eight public comments in opposition of the project received prior to or at the Hearing Officer hearing, including two from the appellant’s attorney. These comments have been provided to the Board of Zoning Appeals. The primary concerns raised in the public comments were about dust and vibration impacts on abutting properties, the historical significance of the subject property, potential impact on protected views, incorrect application of a CEQA exemption and the cumulative impacts of multiple projects at the subject property.

In response to public comments, the Hearing Officer acknowledged the concerns and discussed them in relation to staff's recommendation. At the conclusion of public testimony, the Hearing Officer approved Hillside Development Permit #6837, as recommended by staff. This decision was based on the findings and conditions of approval in Attachment C. To supplement the decision, the Hearing Officer provided an addendum with explanation for approval of the application (Attachment E).

ANALYSIS:

The subject property is located in the RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District) zoning district. Properties located within the Hillside Overlay are required to comply with additional standards beyond those applicable to the base single-family residential zoning district (RS-4). These additional standards are intended, in part, to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features.

The Board of Zoning Appeals may approve a Hillside Development Permit only after making eight findings pursuant to Zoning Code Section 17.61.050 (Conditional Use Permits and Master Plans) and 17.29.080 (Hillside Development Permit). Findings are necessary for the purpose of evaluating compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. The following analysis discusses the project's compliance with development standards of the Hillside Overlay District, as applicable to additions to existing single-family residences.

RS-4 and Hillside Overlay District Development Standards for Accessory Structures

Properties located within the Hillside Overlay District are required to comply with all of the required development standards of the RS-4 zoning district, except as superseded by additional development standards listed in Zoning Code Sections 17.29.050 through Section 17.29.070 (Hillside Overlay District). Furthermore, accessory structures are subject to the development standards pursuant to Zoning Code Section 17.50.250 and Section 17.29.060.C. Accessory structures shall be limited to uses which are accessory to the main use, including but not limited to, cabana, garage or carport, gazebo, greenhouse, pergola, pool, or hot tub and related equipment, or workshop. An accessory structure shall not be used for sleeping quarters.

In addition to the following discussion, an outline of development standards is provided in Table A (Page 10) to show compliance with all of the applicable zoning and Hillside Overlay development standards.

Gross Floor Area

Calculating the maximum allowed floor area in the Hillside Overlay District is a multi-step process. The intent of the process is to consider the steepness or topography of a property when determining the size of a development; a steeper property may provide less land area suitable for development. The Zoning Code considers this with respect to maximum allowed floor area. The following calculations were undertaken:

Gross floor area includes all covered parking (garage and carport areas), habitable attic space, accessory structures and basements with any exposed wall (or portion thereof) six feet or more above finished grade, measured from finished grade elevation to the floor above. The maximum allowable gross floor area for properties located in the RS-4 HD zoning district with a property size more than 10,000 square feet is 25 percent of the lot size plus 500 square feet. For lots 10,000 square feet or more in the Hillside Overlay District, any portion with a slope equal to or greater than 50 percent, or any access easement on the lot, must be deducted from the lot area when calculating the maximum allowable gross floor area. The subject site does not have any portions with a slope equal to or greater than 50 percent and does not have any access easements. As such, the maximum gross floor area for the 34,361 square-foot subject site is 9,090 square feet. (Note, the Staff Report to the Hearing Officer incorrectly, cited that the lot size was 34,332 square feet, which was derived from a typographical error on the submitted application. The correct lot size based on a topographical survey verified by a Civil Engineer is 34,361 square feet.)

Pursuant to Zoning Code Section 17.29.060.A.4 (Maximum floor area), the maximum allowed gross floor area for a lot with an average slope exceeding 15 percent shall be further reduced. According to the application materials and topographic survey submitted, the site has an average slope of 3.17 percent. Therefore, the maximum allowed gross floor area for the site remains at 9,090 square feet.

The existing two-story residence includes a 2,470 square-foot first floor, a 1,306 square-foot second story, a 930 square-foot playroom connected to the rear of the main residence by a breezeway, and a 600 square-foot detached, three-car garage in front of the residence. On April 16, 2020, building permit number BLD2019-01654 was issued by the City of Pasadena to allow the construction of a 466 square-foot first-floor addition to the rear of the main residence and the addition of the 600 square-foot detached, three-car garage in front of the residence. The 466 square-foot addition and the 600 square-foot garage are under construction at this time and for the purposes of this report are considered as built and part of the existing improvements. As a result, the total existing gross floor area (inclusive of the attached playroom and detached three-car garage) on the property is 5,306 square feet. The proposed project includes the demolition of 668 square feet of the existing playroom and breezeway, only retaining 262 square feet in Accessory Structure 3, and the addition of 1,200 square feet of floor area in Accessory Structures 1 and 2. As proposed, the total gross floor area would be 5,838 square feet, which is within the allowable gross floor area of 9,090 square feet for the site, and thus complies.

Lot Coverage

The maximum allowed lot coverage for a property in the Hillside District Overlay is equal to 35 percent of the lot area. Lot coverage is the percentage of the site covered by roofs, soffits or overhangs extending more than three feet from a wall, and decks more than four feet in height; this measurement includes all covered structures, whether or not they are fully enclosed. This standard generally evaluates the percentage of land area covered by development. In this case, 35 percent of the 34,361 square-foot lot is 12,026 square feet. The proposed lot coverage is 14 percent, or 4,687 square feet, which includes the existing house, detached garage and the three proposed accessory structures, and is less than the maximum allowable lot coverage; therefore, the project complies with the maximum allowable lot coverage.

Restricted Items and Facilities

Accessory structures are prohibited from having bathtubs, fireplaces, and kitchen (full or partial) facilities. Additionally, an accessory structure may contain air conditioning, heating, shower, toilet, washtub, and/or washer and dryer facilities. However, when an accessory structure contains any of the above listed facilities, or a combination of such facilities, a covenant shall be required that restricts the use of the accessory structure, prior to the issuance of a building permit.

Accessory Structures 1 and 2 would be 600 square feet each, with Accessory Structure 1 serving as a home office with an open room and a $\frac{3}{4}$ bathroom (no bathtub) and Accessory Structure 2 serving as a home gym and storage with an open room, closet and $\frac{1}{2}$ bathroom (no shower or bathtub). As a result, as both structures contain a partial bathroom, they are required to have a covenant recorded stating that the structures are accessory structures and shall be maintained as an accessory structures and not be used for sleeping quarters or be converted to a residential use. A condition of approval has been included in Attachment B of this report to ensure compliance with this requirement.

Accessory Structure 3 would result from the demolition of 668 square feet of the existing 930 square-foot playroom that is attached to the primary structure by a breezeway, resulting in a 262 square-foot, partially unenclosed detached accessory structure. Accessory Structure 3 will include a partially unenclosed cabana, with the northwestern wall fully removed and portions of the southwestern and northeastern walls to remain. The structure will also contain an existing fireplace that will be made inoperable. Functioning fireplaces are not permitted in accessory structures, and as a result, a condition of approval has been included in Attachment B of this report requiring that the fireplace be rendered inoperable as part of the building permit for Accessory Structure 3.

Accessory Structure Size and Placement

Pursuant to Zoning Code Section 17.50.250.G, the maximum size of all accessory structures combined on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. Furthermore, Section 17.29.060.C, states that accessory structures located in the HD district shall comply with the following size and location limits:

- a) In addition to the aggregate size requirements of Section 17.50.250.G, for lots larger than 10,000 square feet in size, portions of a lot with a slope 50 percent or greater shall not be included in the lot size when determining maximum aggregate size.
- b) In addition to the aggregate size requirements of Section 17.50.250.G, individual accessory structures shall be limited to a maximum size of 600 square feet.
- c) Accessory structures, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. An existing primary structure may not be converted into an accessory structure unless the new primary structure is in front of the accessory structure.

The subject site is 34,361 square feet in area, and no portions of the site have a slope of 50 percent or greater. Therefore, based on the lot size of 34,361 square feet, the maximum allowable aggregate size of all accessory structures is 2,062 square feet. Under construction is a 600 square-foot, detached three-car garage, and the proposed project includes the addition of two, 600 square-foot detached structures (Accessory Structures 1 and 2) and one, 262 square-foot

detached structure (Accessory Structure 3). Each accessory structure is in compliance with the maximum size for individual accessory structures and the aggregate total of all accessory structures, including the 600 square-foot detached garage, would be 2,062 square feet, therefore in compliance with the maximum allowable individual and aggregate accessory structure sizes for the site.

All three accessory structures are also located behind the rear plane of the existing primary structure. The furthest new accessory structure ("Accessory Structure 1") would be approximately 204 feet behind the primary structure, the second new accessory structure ("Accessory Structure 2") would be approximately 190 feet behind the primary structure and the third accessory structure would be approximately seven feet behind the primary structure. Therefore, all three accessory structures comply with size and location requirements.

Accessory Structure Setback

Pursuant to Zoning Code Section 17.50.250.D.2, an accessory structure may be located in a required side or rear setback; provided it is located more than 100 feet from the front property line or entirely within the rear 25 feet of the site. Otherwise, the minimum required setbacks of the primary structure shall also apply to the accessory structure. Additionally, in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure that can be located less than five feet from the property line shall be limited to 22 feet. Any portion of the structure that exceeds 22 feet in length and is less than five feet from the property line, shall be required to be set back a minimum of five feet from the property line.

Accessory Structure 1 would have horizontal length of 30 feet, a side setback of approximately 12'-6" from the northwestern side property line and a rear setback of approximately 30 feet. Accessory Structure 2 would have a horizontal length of 30 feet, a side setback of 10 feet from the southeastern side property line and a rear setback of approximately 53 feet.

Accessory Structure 3, the modified attached playroom, would maintain a horizontal length of 28 feet, a side setback of 10 feet from the southeastern side property line (shared property line with the appellant) and a rear setback of approximately 242 feet. The remaining portions of Accessory Structure 3 will not be modified from their current location.

As each detached accessory structure maintains a side setback of at least five feet and a rear setback of at least 25 feet, all three structures comply with the minimum setback standards described above.

Accessory Structure Height Limits

As prescribed in Zoning Code Section 17.50.250.E, the top plate height for an accessory structure shall not exceed nine feet, and the overall height shall not exceed 15 feet, so long as the structure does not intercept the encroachment plane, sloping inward from a point nine feet in height and rising a maximum of one and one-half feet of distance starting at the two-foot setback.

Accessory Structures 1 and 2 would have a top plate of nine feet and an overall height of 15 feet. Accessory Structures 1 would have a setback of approximately 12'-6" from the northwestern side property line and Accessory Structure 2 would have a setback of 10 feet from the southeastern side property line. As a result, both Accessory Structures 1 and 2 comply with the maximum height and encroachment plane standards.

Accessory Structure 3 would maintain a top plate of seven feet, eight inches and an overall height of 12'-9". The structure would be setback ten feet from the southeastern side property line. As a result, the accessory structure would comply with both the maximum height and encroachment plane standards.

Parking

Single-family residences are required to provide two covered parking spaces within a garage or carport in the RS-4 HD zoning district. Zoning Code Section 17.47.020.J requires that small additions (with a maximum aggregate total of 150 square feet) may be made to properties developed with an existing single-family residence without requiring two covered parking spaces in a carport or garage, as is required by Zoning Code Section 17.46.040 (Number of Off-Street Parking and Loading Spaces Required). However, any addition to the property, including the construction of an accessory structure (e.g., a pool house or workshop) of over 150 square feet shall require the construction or maintenance of a two-car covered parking structure. As the project includes the construction of two new 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure, totaling 1,462 square feet, two covered parking spaces are required to be provided within a garage or carport. The site includes an existing 600 square-foot, three-car garage, therefore, the proposed project complies with the minimum parking requirement for single-family residential uses.

Additionally, for properties within the Hillside Overlay District, a minimum of four guest parking spaces shall be provided on a site fronting on a street where parking is prohibited on both sides of the street at the site and a minimum of two guest parking spaces shall be provided on a site fronting a street where on-street parking is allowed. Parking is not permitted on both sides of the street and four guest parking spaces are required to be provided. The submitted plans show four guest parking spaces in the existing circular driveway, and thus complies.

Neighborhood Compatibility

Construction of a new single-family residence and additions to a single-family residence subject to a Hillside Development Permit are required to consider the character and scale of existing development in the neighborhood. The Zoning Code specifies that the allowable floor area of the single-family residence, excluding garages and other accessory structures, may not exceed the median floor area of existing residences within the established 500-foot radius by more than 35 percent. As the proposed project includes only the construction of detached accessory structures and no addition to the primary structure, the subject project is not subject to the neighborhood compatibility analysis.

Ridgeline Protection

The proposed project complies with the ridgeline protection standards of the Zoning Code. There are no ridgelines near to the subject property. Therefore, no part of the proposal would appear silhouetted against the sky above a ridge when viewed from a public street or park.

Architecture, Setting, and View Protection

The existing residences in this neighborhood were built with varying architectural styles over different time periods, which resulted in no dominating architectural style for the neighborhood. The existing two-story residence on the site was built in 1946 and was designed in the Monterey

Colonial Revival architectural style. As determined by the Design and Historic Preservation Division, the existing residence does not meet the criteria for designation as a landmark.

The proposed project, which consists of the construction of two, new, 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure, does not include any changes to the façade of the primary structure. The only change to the existing structure is to detach a playroom connected by a breezeway to the rear of the primary structure. As a result, the project would not be visible from the public right-of-way

All three accessory structures are proposed to be clad in dark grey wood siding and a dark grey shingle roof. Accessory Structure 3 will retain the existing walls of the playroom, except for portions of the southwest and northeast walls and the northwestern facing wall, which would be removed entirely. The proposed design, materials, and color palette are consistent with the applicable design criteria (architectural features) for the Hillside Overlay district as staff finds that the proposed colors are consistent with the requirement for the utilization of darker tones, including earth tones.

Moreover, the Zoning Code requires applicants to design and locate improvements so that they avoid blocking views from neighboring properties to the maximum extent feasible. Specifically, new improvements shall not be centered directly in the view of any room of a primary structure on a neighboring parcel. The standard specifies that improvements are to avoid blocking culturally significant structures such as the Rose Bowl, Colorado Street Bridge, City Hall, downslope views of the valley floor, prominent ridgelines, and/or the horizon line. Views of the open sky, existing foliage, private yards, and existing structures on surrounding properties shall not be taken into consideration by the review authority. Due to the topography of the area, neither the Rose Bowl nor the Colorado Street Bridge are visible from this property or surrounding properties.

The proposed accessory structures are proposed to the rear of the primary structure at the same elevation as the existing residence. The surrounding properties are at approximately the same elevation as the subject property as there is little topography change in the nearby vicinity. The proposed location of the accessory structures would not block views from neighboring properties that the City would otherwise protect. The abutting properties to the southeast (815 S. San Rafael Avenue) and northwest (787 S. San Rafael Avenue) are oriented towards San Rafael Avenue and southwest towards large back yards. Properties are all heavily planted in mature trees limiting views outside of their immediate property. Any views across the subject site would reasonably be limited to existing foliage, the private yard, the existing structure, and the open sky. The City does not protect these views. In addition, the project would not reasonably affect views from adjacent properties to the southwest (949, 959 and 969 Mesa Verde Road). Though these properties are oriented towards the subject site, any views would be limited to existing foliage, the private yard, the existing structure, and the open sky. Properties located to the northeast across the San Rafael are at a distance, location, and lower elevation such that the project would have no view impact.

Due to existing landscaping, which includes many mature trees, the one-story, low vertical profile of the structures, and extensive setbacks from property lines, the accessory structures would only be partially visible to properties located to the southeast, northwest and southwest and would not obstruct any views protected by the City. Therefore, the proposed addition would not impede protected views from any of the adjacent properties nor be centered directly in the view of any room of a primary structure on a neighboring parcel.

Preliminary Geotechnical Report

Geotechnical investigation reports are required for projects subject to a Hillside Development Permit. The purpose of the report is to identify any soils or geological problems that may affect site stability or structural integrity, and any subsurface conditions as they relate to the proposed project. SubSurface Designs Inc. conducted a geotechnical investigation of the site and prepared a report, which included the review of hand-dug test pits and laboratory testing and analysis of the samples. Grading will include the removal and recompaction of the near surface soil for support of the new proposed structures. Grading will also include excavation of future foundations. A comprehensive drainage system shall be designed and incorporated into the final plans. Based on the exploration testing, consultation and review of the development plans, it is found that the construction of the proposed project is feasible from a geologic and soils engineering standpoint with the recommendations contained in the report.

A summary of development standards is provided in Table A below to show compliance with all of the applicable zoning and Hillside Overlay development standards.

Table A

Development Feature	Required	Proposed	Analysis
RS-4 Hillside Overlay District Development Standards			
Lot Size: 34,361 square feet (based on signed topographical survey)			
Maximum Floor Area Ratio	9,090 square feet (25 percent, plus 500 square feet - slope reduction)	5,838 square feet	Complies
Maximum Lot Coverage	12,026 square feet (35 percent)	4,687 square feet (14 percent)	Complies
Neighborhood Compatibility	n/a	n/a	n/a
Minimum Parking	2 covered spaces	3-car garage	Complies
Guest Parking	Four spaces	Four spaces	Complies
Accessory Structure(s)			
Maximum Individual Accessory Structure Size- Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	600 square feet	600 square feet 600 square feet 262 square feet	Complies
Maximum Allowable Aggregate Accessory Structure Size	6% of the lot size (2,062 square feet) or 600 square feet, whichever is greater	2,062 square feet (four structures)	Complies
Minimum Side Setback	2 feet for the initial length of 22 feet, 5 feet thereafter.		Complies
Northwest Accessory Structure 1 Accessory Structure 2 Accessory Structure 3		12'-6" 40'-1 ¼" 67'-2 ¼"	
Southeast Accessory Structure 1 Accessory Structure 2 Accessory Structure 3		36' 10' 10'	

Minimum Rear Setback Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	25'	30' 53' 242'	Complies
Maximum Allowable Overall Height Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	15'	15' 15' 12'-9"	Complies
Maximum Allowable top plate height- Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	9'	9' 9' 7'-8"	Complies

CALL FOR REVIEW:

On January 11, 2021, Councilmember Steve Madison requested a Call for Review of the project with concerns of potential impacts to the neighborhood. On January 22, 2021, the Call for Review by Councilmember Steve Madison was withdrawn citing the appeal filed on January 19, 2021 as the reason for the withdrawal (see the following section). Prior to the withdrawal nine public comment letters were received in support of the proposed project and for approval of the Hillside Development Permit. These comments have been provided to the Board of Zoning Appeals.

APPEAL:

On January 19, 2021, Roxanne Christ, the abutting property owner of 815 S. San Rafael Avenue to the southeast, filed an appeal (Attachment D) application to the Board of Zoning Appeals citing a disagreement with the decision of the decision of the Hearing Officer. The appellant cites the following reasons for the appeal:

1. Inadequate information and conditions to avoid or minimize damage to the "Collection;"
2. Failure to require plantings for privacy;
3. Delegation of findings to staff;
4. The required findings cannot be made;
5. Hillside Ordinance incorrectly interpreted and applied;
6. Project is inconsistent with the City's General Plan;
7. Hearing Officer erred in determining that the project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA);
8. Significant errors and omissions in the record;
9. Hearing Officer failed to consider evidence;
10. Lack of substantial evidence; and,
11. Hearing Officer's decision is arbitrary and capricious.

A response to each of the appellant's concerns is provided in the section below.

Responses to the Appeal:

1. *Inadequate information and conditions to avoid or minimize damage to the "Collection."*

In the appeal application, the appellant states that there were inadequate conditions considered or included that addressed the excavation, demolition and construction methods

used in the construction of the proposed project so as to avoid and minimize damage to the train room, display cases and collection ("Collection"). The claim includes a request to specify certain "methods" or vibration thresholds associated with excavation, grading, demolition, and construction. While review of a Hillside Development Permit is required to consider geotechnical investigation reports, the request for specific methods or thresholds to protect the "Collection" is beyond the scope of a Hillside Development Permit. The purpose of the report is to identify any soils or geological problems that may affect site stability or structural integrity, and any subsurface conditions as they relate to the proposed project and not on potential damage to a privately owned "Collection" on an abutting property. SubSurface Designs Inc. conducted a geotechnical investigation of the site and prepared a report, which included the review of hand-dug test pits and laboratory testing and analysis of the samples. Grading for the project will include the removal and recompaction of the near surface soil for support of the new proposed structures. Grading will also include excavation of future foundations. A comprehensive drainage system shall be designed and incorporated into the final plans. Based on the exploration testing, consultation and review of the development plans, it is found that the construction of the proposed project is feasible from a geologic and soils engineering standpoint with the recommendations contained in the report.

In addition, as conditions of approval, the applicant's proposal is subject to several provisions in the City's Municipal Code, which are the appropriate means of addressing the concerns noted by the appellant. Condition No. 22 requires compliance with all relevant governing codes, including the "Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes." Condition No. 23 states that "If greater than 50 cubic yard (excluding excavation for foundation), Grading/Drainage Plans shall be prepared by a registered engineer.

Requiring the specific requests for construction methods to minimize damage to the "Collection" beyond what is required for any other Hillside Development Permit is precedent setting and inconsistent with the purposes of the Hillside Overlay. As the project site and the appellant's property lie within a single-family neighborhood, it is expected that residents should be able to exercise the quiet enjoyment of reasonable uses in their homes and accessory structures. The existing home on the subject property, and the proposed expansion thereof, is a reasonable exercise of the applicant's right to the quiet enjoyment of their property.

In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"Granting the appeal would establish the notion that an individual landowner cannot reasonably develop or expand his or her existing home if a neighbor chooses to use his or her property for a use more appropriately located in a non-residential zone....To reiterate, to grant the appeal would set a precedent. To grant the appeal would put the City of Pasadena on a slippery slope, one in which individual property-owners could simply house a unique and sensitive collection within their home to prevent neighbors from the reasonable development of a new single-family home, or the reasonable expansion of an existing single-family home, all in neighborhoods which the General Plan and zoning designate for residential uses."

2. *Failure to require plantings for privacy.*

In the appeal application, the appellant states that the Hearing Officer erred by not including a condition of approval requiring the applicant to install plantings along the property line behind Accessory Structure 3 to protect their privacy and shield their house from noise from the outdoor cabana centered in and located only about 25 feet from the nearest window of the abutting residence.

As stated in the staff report, the Zoning Code requires applicants to design and locate improvements so that they avoid blocking views from neighboring properties to the maximum extent feasible. Specifically, new improvements shall not be centered directly in the view of any room of a primary structure on a neighboring parcel. The standard specifies that improvements are to avoid blocking culturally significant structures such as the Rose Bowl, Colorado Street Bridge, City Hall, downslope views of the valley floor, prominent ridgelines, and/or the horizon line. Views of the open sky, existing foliage, private yards, and existing structures on surrounding properties shall not be taken into consideration by the review authority. Due to the topography of the area, neither the Rose Bowl nor the Colorado Street Bridge are visible from this property or surrounding properties.

The proposed accessory structures are proposed to the rear of the primary structure at the same elevation as the existing residence. The surrounding properties are at approximately the same elevation as the subject property as there is little topography change in the nearby vicinity. The proposed location of the accessory structures would not block views from neighboring properties that the City would otherwise protect. The abutting properties to the southeast (815 S. San Rafael Avenue) and northwest (787 S. San Rafael Avenue) are oriented towards San Rafael Avenue and southwest towards large back yards. Properties are all heavily planted in mature trees limiting views outside of their immediate property. Any views across the subject site would reasonably be limited to existing foliage, the private yard, the existing structure, and the open sky. The City does not protect these views. In addition, the project would not reasonably affect views from adjacent properties to the southwest (949, 959 and 969 Mesa Verde Road). Though these properties are oriented towards the subject site, any views would be limited to existing foliage, the private yard, the existing structure, and the open sky. Properties located to the northeast across the San Rafael are at a distance, location, and lower elevation such that the project would have no view impact.

Furthermore, due to existing landscaping, which includes many mature trees, the one-story, low vertical profile of the structures, and extensive setbacks from property lines, the accessory structures would only be partially visible to properties located to the southeast, northwest and southwest and would not obstruct any views protected by the City. Therefore, the proposed addition would not impede protected views from any of the adjacent properties nor be centered directly in the view of any room of a primary structure on a neighboring parcel. As a result, additional plantings were not included as a condition of approval as the project does not conflict with the Hillside Overlay's view protection or privacy standards.

In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"I do not support the appellant's contention that trees to protect his privacy are required for a small cabana which, according to the appellant, is located twenty-five feet (25') from the appellant's nearest window. This distance is more than adequate to mitigate any privacy issues. The distance is, without question, substantially farther than the spacing that exists between single-family dwellings and accessory buildings on abutting properties

in many single-family neighborhoods in Pasadena. The appellant's claim that a twenty-five feet (25') separation somehow represents an unacceptable invasion of the appellant's privacy is not supported by any facts in the record, nor by common practice in existing neighborhoods in Pasadena, nor by any reasonable standard of privacy amongst adjoining properties."

3. *Delegation of Findings to Staff*

In the appeal application, the appellant states that the Hearing Officer delegated to other departments the task of making findings that are required to be made by the Hearing Officer. In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"The appellant's use of the word "delegating" inaccurately conflates two separate actions. While Planning Department staff prepares a set of draft findings, the Hearing Officer makes those findings as a component of rendering his or her decision (or, in the alternative, adopts a different set of findings). I reviewed the draft findings presented by staff, and I found them to be adequate, well-reasoned, defensible, and sufficient to approve Hillside Development Permit #6837. I made all eight (8) findings required for a Hillside Development Permit, as documented on Pages 3 through 5 of the January 11, 2021 decision letter."

4. *The required findings cannot be made;*

In the appeal application, the appellant states that the fourth, fifth and seventh findings required for a Hillside Development Permit cannot be made, but the appellant does not state why the findings cannot be made. Below, in Attachment A (HDP findings), and in the following 'Analysis' section, staff discusses the three highlighted findings (Nos. 4, 5 and 7) for the Hillside Development Permit and provides a detailed analysis of why each of the findings can be made for the subject project.

Finding four requires "*the establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*" The establishment of, or rather construction of, maintenance and operation of the proposed project is subject to, and meets all, adopted requirements of the Zoning and Building Code. As a result, the project would not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood. The project consists of the construction of three accessory structures and is consistent with the goals, policies and objectives of the residentially designated land use.

Finding five requires "*the use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City*". As stated above, the proposed construction of the accessory structures is compatible with the residentially designated land use and would not be detrimental or injurious to property and improvements in the neighborhood. The decision of the Hearing Officer includes 44 conditions of approval that will ensure this. The proposed project will be constructed in compliance with the current Building Code and Zoning Code standards. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Building Division, Fire Department and the Public

Works Department. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed additions.

Finding seven requires “*the design, location, and size of the proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots as described in Section 17.29.060.D of this ordinance and in terms of aesthetics, character, scale, and view protection.*” The appellant states that the project is not compatible with the existing development and use of their adjacent property, specifically the room to house the “Collection”. As stated in the Analysis section above, the proposed project complies with the City’s Zoning Code in terms of use, square-footage, setbacks, height and location requirements. The proposed detached structures are accessory to the primary single-family residential use. The project has been designed with the use of wood siding and earth tones, which are design elements compatible with the surrounding environment. Additionally, the scale and massing of the proposed detached accessory structures are in keeping with the scale and setting of the surrounding residences. Furthermore, as designed, the placement of the proposed accessory structures would not impede protected views of any adjoining property. Thus, the project is in scale with the context and character of existing and future development in the neighborhood in terms of aesthetics, character, scale, and view protection.

In the Hearing Officer’s Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

“There are existing single-family homes on both the subject property (801 So. San Rafael Avenue) and the appellant’s property (815 So. San Rafael Avenue), which abuts the subject property. Although the appellant is certainly entitled to the quiet enjoyment of a room which houses trains, displays, and related items in his home, the existence of the train room does not prevent neighbors from the quiet enjoyment of reasonable uses in their homes and ancillary structures. The existing home on the subject property, and the proposed expansion thereof, is a reasonable exercise of the applicant’s right to the quiet enjoyment of his property. The appellant has created what is, in essence, a “train museum” in [their] single-family dwelling, and [their] appeal suggests that neighboring property-owners should maintain the activities, decorum, and behavior one might expect in a museum. A museum is an institutional use, if not a commercial use. This use is more appropriately located on a property which enjoys commercial, institutional, or public/semi-public General Plan and zoning designations.”

5. *Hillside Ordinance incorrectly interpreted and applied.*

In the appeal application, the appellant purports that the purposes and provisions of the Hillside Ordinance were incorrectly interpreted and applied in relation to the proposed project’s scale, character, compatible architecture and preservation of privacy and impact on their subject property. However, the appellant’s claim is unsubstantiated, as there are no facts nor evidence in the record to support the claim. In addition, as discussed in the staff recommendation report and presentation to the Hearing Officer, and in the analysis section below, the purposes and provisions of the Hillside Ordinance were carefully analyzed and were applied in a comprehensive manner.

In addition, in response to concerns brought up by the general public prior to the Hearing Officer Public Hearing, in staff’s presentation to the Hearing Officer, staff discussed the purpose and application of the Hillside Overlay and which projects require discretionary review

under a Hillside Development Permit. The Zoning Code outlines in Section 17.29.030.A which projects require a Hillside Development Permit and which ones are exempt. For instance, an addition of 500 square feet or greater to the first floor of an existing structure, any new square-footage above the first story or a major renovation, as defined in the code, do require a Hillside Development Permit. In addition, more than one accessory structure would also require a Hillside Development Permit. Projects that include an addition of less than 500 square feet to the first floor, the construction of one single-story detached accessory structure that constitutes no more than 20% of the gross floor area of the primary residence and an interior or exterior remodel that does not remove more than 50 percent of the existing exterior walls do not require a Hillside Development Permit.

Each project is considered singularly and not cumulatively when evaluating the requirement of a Hillside Development Permit. The work under construction, the 466 square-foot addition to the ground floor, the construction of a 600 square-foot detached garage and the interior and exterior remodel, is exempt from a Hillside Development Permit because it includes an addition of less than 500 square feet to the first floor, a single-story accessory structure that is less than 20% of the main residence and the remodel that does not remove more than 50% of the existing exterior walls. The project under review, the three, detached accessory structures, is not exempt from a Hillside Development Permit, as more than one accessory structure is proposed. As a result, the purposes and intent of the City's Hillside Overlay were correctly applied.

6. *Project is inconsistent with the City's General Plan*

In the appeal application, the appellant states that the Hearing Officer erred in determining that the project is consistent with the General Plan. However, no substantial evidence was provided in support of this claim. In the 'General Plan Consistency' section below, and in staff's recommendation report and presentation to the Hearing Officer, an analysis of the project's consistency with Land Use Element goals and policies was provided and it was determined that the project is consistent with the City's General Plan.

The subject site is designated as Low Density Residential in the General Plan Land Use Element, which allows single-family residential uses. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed construction of the detached accessory structures to the property currently developed with an existing two-story, single-family residence and detached three-car garage, would comply with all the development standards set forth in the City's Zoning Code. The proposed combined size of all the accessory structures (2,062 square feet) would comply with the maximum permitted for the property. The residence would not be altered by this project, except to detach the playroom, and would maintain its Monterey Colonial Revival architectural style utilizing earth tone colors and materials that would be compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the one-story accessory structures would be consistent with the scale and setting of the surrounding residences. Vehicle access to the site would continue to occur from San Rafael Avenue.

7. *Hearing Officer erred in determining that the project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA).*

In the appeal application, the appellant states that City staff erred in determining that the project is categorically exempt from CEQA and references a letter from their attorney submitted to the Hearing Officer dated January 6, 2021, which sites the following reasons for the error:

- a) The City has not complied with its CEQA duty to thoroughly investigate the project and potential impacts.
- b) A full and accurate project description is vital” and that the project description “here is artificially narrow, violates CEQA’s anti-piecemealing provision and “whole of action” project definition, and frustrates foundational principles of the City’s General Plan.
- c) The proposed Class 3 CEQA Exemption is not supported by substantial evidence.
- d) The project qualifies as an exception to Exemption Class 3 because it is an eligible historic resource (the Van de Kamp residence).
- e) Fair argument that the project may have cumulative impacts

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). In addition, the modification of the existing residence to create ‘Accessory Structure 3’ has been determined to also qualify for a Class 1 Categorical Exemption (§15301, Class 1, Existing Facilities). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures, a single-family residence and multi-family residential structures totaling no more than four or six dwelling units. Section 15301 exempts the minor alteration of existing public or private structures, involving negligible or no expansion of existing or former use.

The project involves the addition of two new 600 square-foot accessory structures and the modification of a portion of the existing residence to create a 262 square-foot, detached accessory structure, and involves a negligible or no expansion of the existing single-family residential use. The project does not include features that would preclude the project from qualifying for a categorical exemption under CEQA. As stated by staff during the Hearing Officer meeting, the full scope of the work done at the subject property was considered and was determined to meet the standards and exceptions to the Class 3 Categorical Exemption. In addition, it was determined that the modification to the existing residence would meet the standards and exceptions to the Class 1 Categorical Exemption.

The scope of the work prior to the submittal of the Hillside Development Permit included ministerial projects such as the construction of a 600 square-foot detached garage in front of the residence, an addition of less than 500 square feet to the rear of the existing residence and an exterior and interior remodel of the existing residence. Each of these projects, individually and cumulatively, did not require a discretionary submittal of a Hillside Development Permit. However, the project under the current review, the construction of more than one accessory structure, is subject to a discretionary Hillside Development Permit. The “cumulative” impact of the ministerial and discretionary projects was considered and it was determined that the totality would be exempt from environmental review pursuant to the Class 1 and 3 Categorical Exemptions. The ministerially approved first floor addition and detached garage, along with the requested accessory structures through this discretionary process, are

typical improvements that are commonly approved and constructed for single-family residences. In addition, the staff of the Design & Historic Preservation Section of the Planning Division reviewed an application for the landmark designation of the property at 801 S. San Rafael Ave. On November 30, 2020, after reviewing the information submitted with the application, including extensive photographs of the building, and researching information about the building, its builder and its former occupants, staff has determined that the property did not meet the criteria for designation as a landmark (Attachment F). In reaching this conclusion, the staff applied the methodology for evaluating the significance of historic properties in guidelines of the National Register of Historic Places, published by the National Park Service, and the criteria in the Pasadena Municipal Code. Furthermore, even if the residence did meet the criteria for landmark designation, the proposed project (detached accessory structures at the rear of the site) would not cause a substantial adverse change in the significance of a historical resource. As no appeal was filed for this determination, the decision on the landmark status of the subject property became effective on December 11, 2020. Therefore, the project qualifies for the specified CEQA categorical exemptions and does not meet the eligibility requirements for the exception clause as the project would not cause a substantial adverse change in the significance of a historic resource nor would the improvements result in cumulative impacts that are significant.

In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"The appeal contends that I erred by adopting a categorical exemption, based upon a letter provided by appellant's attorney (Silverstein Law Firm). The Silverstein letter was provided in advance of the hearing, and I thoroughly read through it. I found nothing in the Silverstein letter to be in any way persuasive that a categorical exemption is inappropriate relative to the applicant's proposal. Having considered the Silverstein letter, I nevertheless stand by the adoption of the categorical exemption as the appropriate CEQA clearance for Hillside Development Permit #6837."

8. Significant errors and omissions in the record

In the appeal application, the appellant states that the decision of the Hearing Officer is "invalid due to significant errors and omissions in the record, including the project description and information incorporated into the findings that was contained in the staff presentation, and the staff report and Table A thereto includes measurement mistakes, arithmetic mistakes, factual mistakes, misstatements and other errors and inconsistencies describing the proposed project." It is unclear to what the appellant is referring to regarding errors and omissions as no specific elements were identified in the appeal application. However, staff did identify one small error, which was that the incorrect lot size was used inconsistently throughout the analysis. Based on a topographic survey prepared by a licensed civil engineer, the lot size is measured as 34,361 square feet instead of the incorrectly referenced 34,332 square feet. In addition, the Hearing Officer was provided with a detailed staff report, which analyzed the project's compliance with the Zoning Code in detail, summarized in Table A, and found the project compliant.

9. Hearing Officer failed to consider evidence

In the appeal application, the appellant states that the Hearing Officer failed to consider substantial evidence; but it is unclear to what substantial evidence this is in reference to. As mentioned above, the Hearing Officer was provided with a detailed staff report for his review

prior to the hearing date. Furthermore, the Hearing Officer reviewed all correspondence, including the letters from the appellant's attorney, received at or prior to the hearing, before arriving at his decision.

In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"The claim is unsubstantiated, as there are no facts or evidence in the record to support the claim; more specifically, what significant, substantial and relevant evidence" did I ignore or fail to consider? In advance of the hearing, I reviewed all of the letters, photographs, and related information provided by the applicant. In advance of the hearing, I reviewed, in detail, the letter from the appellant's attorney. In advance of the hearing, I reviewed documents, evidence, materials, photographs, applications, correspondence, and related materials from staff, the applicant's consulting team, and other stakeholders. At the public hearing, I considered public testimony. To simply assert that I somehow "ignored" or "failed to consider" any evidence submitted is inaccurate and contrary to the record."

10. Decision based on a lack of substantial evidence

In the appeal application, the appellant states that the Hearing Officer's decision is not supported by substantial evidence but does not describe the evidence needed. The Hearing Officer's decision was based on the staff report, which included eight findings in the affirmative and 44 conditions of approval, the staff presentation at the hearing, a review of received correspondence and public testimony. All of this was considered as substantial evidence in the Hearing Officer's decision to approve Hillside Development Permit #6837.

11. Hearing Officer's decision is arbitrary and capricious

In the appeal application, the appellant states that the Hearing Officer's decision was arbitrary and capricious, but no facts nor evidence was provided to support this claim or how the decision represents "a breach of both administrative discretion and quasi-judicial procedure and process". In addition, as mentioned above, the Hearing Officer was provided with a detailed staff report, for his review prior to the hearing date. Staff also delivered an oral presentation regarding the project at the hearing. Furthermore, the Hearing Officer reviewed all correspondence received at or prior to the hearing before arriving at his decision. As a result, the decision to approve Hillside Development Permit #6837 was neither arbitrary nor capricious.

TREE PROTECTION ORDINANCE:

An arborist report prepared by Jan C. Scow Consulting Arborists on September 24, 2020 identified 62 trees located on-site or off-site adjacent to the property. No trees are proposed to be removed as part of the proposed project. There are seven protected native and specimen trees on-site and two protected specimen trees off-site on adjacent properties. Seven of the 62 trees are public trees and 10 are located off-site on adjacent properties, two of which (OP 36 and OP 38) are located on the properties to the north and south, respectively, adjacent to Accessory Structures 1 and 2.

There would be no alterations or grading on the site, except as needed for the footprint of the new Accessory Structures (1 and 2); the existing foundation of Accessory Structure 3 would be left in

place for use as a patio deck. The arborist report includes detailed instructions and requirements for tree protection and the proposed project is expected to have minor or no impact on the on- and off-site protected trees, if the recommended tree protection measures are adhered to.

In addition, the arborist report recommends that a Project Arborist be present on-site when the property is to be cleared or graded; any digging, excavating, trenching or building within the tree protection zone (TPZ) of a protected tree on the site commences; any pruning of a protected tree's canopy or roots takes place; and commencement of any other activity within the TPZ of a protected tree on the site. Lastly, as part of the building permit plan check submittal, the applicant is required to submit a tree protection plan for the protected trees on-site.

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 remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed construction of the detached accessory structures to the property currently developed with an existing two-story, single-family residence and detached three-car garage, would comply with all the development standards set forth in the City's Zoning Code. The proposed combined size of all the accessory structures (2,062 square feet) would comply with the maximum permitted for the property. The residence would not be altered by this project, except to detach the playroom, and would maintain its Monterey Colonial Revival architectural style utilizing earth tone colors and materials that would be compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the one-story accessory structures would be consistent with the scale and setting of the surrounding residences. Vehicle access to the site would continue to occur from San Rafael Avenue. Therefore, staff finds that the project would be consistent with applicable General Plan objectives and policies.

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 and §15301, Class 1, Existing Facilities). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures, a single-family residence and multi-family residential structures totaling no more than four or six dwelling units. Section 15301 exempts the minor alteration of existing public or private structures, involving negligible or no expansion of existing or former use.

The project involves the addition of two new 600 square-foot accessory structures and the modification of a portion of the existing residence to create a 262 square-foot, detached accessory structure, and involves a negligible or no expansion of the existing single-family residential use. The project does not include features that would preclude the project from qualifying for a categorical exemption under CEQA. The staff of the Design and Historic Preservation Section of the Planning Division reviewed an application for the landmark designation of the property at 801 South San Rafael Avenue. On November 30, 2020, after reviewing the information submitted with the application, including extensive photographs of the building, and researching information about the building, its builder and its former occupants, staff has determined that the property did

not meet the criteria for designation as a landmark (Attachment F). In reaching this conclusion, the staff applied the methodology for evaluating the significance of historic properties in guidelines of the National Register of Historic Places, published by the National Park Service, and the criteria in the Pasadena Municipal Code. Furthermore, even if the residence did meet the criteria for landmark designation, the proposed project (detached accessory structures at the rear of the site) would not cause a substantial adverse change in the significance of a historical resource. In addition, the “cumulative” impact of the ministerial and discretionary projects was considered and it was determined that the totality would be exempt from environmental review pursuant to the Class 1 and 3 Categorical Exemptions. The ministerially approved first floor addition and detached garage, along with the requested accessory structures through this discretionary process, are typical improvements that are commonly approved for single-family residences. These types of improvements do not result in cumulative impacts that are significant. Therefore, the proposal is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

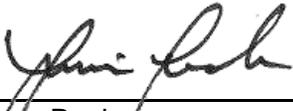
The proposed project was reviewed by the Building Division, Pasadena Fire Department, Department of Transportation, Public Works Department, Water and Power Divisions, the Design and Historic Preservation Division and the Community Planning Division. Based on their review of the project, the Building Division, the Pasadena Fire Department and the Department of Public Works provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this staff report. There were no other comments from the other departments

CONCLUSION:

It is staff’s assessment that the findings necessary for approving the Hillside Development Permit to allow the construction of two new detached accessory structures, and conversion of a portion of the residence into a partially open cabana, on a property currently developed with an existing single-family residence and a detached, three-car garage, can be made (Attachment A). The proposed project meets all applicable development standards required by the Zoning Code for the RS-4 zoning district, for accessory structures and the additional development standards required within the Hillside Overlay District. The architecture incorporates features present in the neighborhood and the location of the improvements are set a significant distance from the right-of-way and abutting properties. Moreover, the proposed size, design, materials, and color palette are consistent with the applicable design criteria (architectural features) for the Hillside Development Overlay and properties within the neighborhood. Existing views and privacy would be maintained after the project. It is anticipated that the proposed location would not be detrimental or injurious to surrounding properties or improvements. Therefore, based on staff’s analysis of the issues, the construction of the proposed three accessory structures, as conditioned, would be compatible with the adjacent land uses and would not result in any adverse impacts to the surrounding area with the recommended conditions of approval.

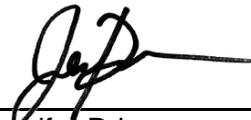
Staff finds that the findings necessary for approving Hillside Development Permit #6837 to allow for the construction of the proposed accessory structures can be made. Therefore, staff recommends that the Board of Zoning Appeals uphold the Hearing Officer’s January 6, 2021 decision, and approve Hillside Development Permit #6837 subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Respectfully Submitted,



Luis Rocha
Zoning Administrator

Prepared By:



Jennifer Driver
Planner

Attachments:

- Attachment A – Hillside Development Permit Findings
- Attachment B – Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (dated January 11, 2021)
- Attachment D – Appeal Application (dated January 19, 2021)
- Attachment E – Hearing Officer Addendum (dated March 6, 2021)
- Attachment F – Design and Historic Preservation Landmark Status Decision Letter (dated November 30, 2020)

ATTACHMENT A
SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6837

Hillside Development Permit: To allow the construction of detached accessory structures.

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed project is for the construction of two new 600 square-foot detached accessory structures and the conversion of a portion of main residence into a 262 square-foot detached accessory structure on a property developed with an existing single-family residence and a detached three-car garage. A single-family residential use, with accessory structures, is a permitted use within the RS-4 HD (Residential Single-Family, Hillside Overlay District) zoning district. Accessory structures are allowed with approval of a Hillside Development Permit. In addition, the proposed accessory structures will be in compliance with all applicable development standards, including maximum allowable floor area, lot coverage, setbacks, building height, and off-street parking requirements of the RS-4 HD zoning district.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject property is zoned RS-4 HD, which is designated primarily for single-family residential purposes. Accessory structures are permitted as subordinate structures to the main use. The subject site and the surrounding properties within the neighborhood are developed with one and two-story, single-family residences and accessory structures. The proposed project will be consistent with existing development within the vicinity. As analyzed, the project will meet all applicable development standards for the RS-4 HD zoning district, such as floor area, lot coverage, setbacks, building height and off-street parking.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed construction of two new 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure on a property developed with an existing two-story, single-family residence and detached three-car garage, would comply with all the development standards set forth in the City's Zoning Code. The proposed combined size of all the accessory structures (2,062 square feet) would comply with the maximum permitted for the property. The primary structure would not be altered by this project, except to detach the playroom, and would maintain its Monterey Colonial Revival architectural style utilizing earth tone colors and materials that would be compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the one-story accessory structures would be consistent with the scale and setting of the surrounding residences. Vehicle access to the site would continue to occur from San Rafael Avenue. Therefore, staff finds that the project would be consistent with applicable General Plan objectives and policies.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project will be constructed

in such a manner as to minimize impacts to surrounding property owners. The proposed project meets all adopted Code requirements and will be subject to all current Code provisions. As proposed, the height of the three detached accessory structures will be at or below the maximum allowable height, and the gross floor area and lot coverage will be within the maximum floor area and lot coverage permitted for the site. The project meets all Code requirements and no variances are required. Furthermore, the project is required to comply with all applicable conditions of approval. Therefore, the proposed project will not be detrimental to the public health, safety, or welfare of persons or properties within the surrounding neighborhood.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed project will be constructed in compliance with the current Building Code and Zoning Code standards. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Building Division, Fire Department and the Public Works Department. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed additions.
6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The use of the site will remain as a single-family residential use. The project complies with all the development standards of the Zoning Code. The project is not located on the top of any prominent ridgelines. The one-story detached structures will not block views or impede upon privacy of the neighboring properties. The proposed project will be below the maximum allowable floor area requirements. The project has been designed with the use of wood siding and earth tones, which are design elements that can be found in the neighborhood. Additionally, the one-story detached accessory structure's scale and massing is within the scale and setting of the surrounding vicinity. Thus, the project would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
7. *The design, location, and size of the proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots as described in Section 17.29.060.D of this ordinance and in terms of aesthetics, character, scale, and view protection.* The proposed total gross floor area for the property developed with an existing two-story single-family residence and a detached three-car garage, combined with the three proposed detached accessory structures, is 5,838 square feet, which is below 9,090 square feet, the maximum allowed on the subject site. The project has been designed with the use of wood siding and earth tones, which are design elements compatible with the surrounding environment. Additionally, the scale and massing of the proposed detached accessory structures are in keeping with the scale and setting of the surrounding residences. Furthermore, as designed, the placement of the proposed accessory structures would not impede protected views of any adjoining property. Thus, the project is in scale with the context and character of existing and future development in the neighborhood in terms of aesthetics, character, scale, and view protection.
8. *The placement of the proposed additions avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.* The subject site is relatively flat, with an average slope of 3.17

percent. The proposed accessory structures will comply with all of the required development standards. Given the site is developed with a single-family residence, the project proposes minimal grading and site disturbance compared to the typical hillside development. As part of the building permit review, the Building Division will review any grading and/or drainage plans to ensure that the drainage conditions after construction comply with all applicable regulations. A Soils Engineering report was prepared by SubSurface Designs Inc., which concludes that the proposed development is safe and adequate for its intended use.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6837

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

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, March 18, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Hillside Development Permit allows the applicant to construct two, 600 square-foot detached accessory structures and the conversion of a portion of the existing residence into a 262 square-foot, partially unenclosed detached accessory structure.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2020-10015** is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Jennifer Driver, Current Planning Section, at (626) 744-6756 to schedule an inspection appointment time.

Planning Division

7. A covenant(s) shall be required for the proposed accessory structures in compliance with Zoning Code Section 17.50.250.B.2, stating that each structure is an accessory structure and shall be maintained as an accessory structure and not be used for sleeping quarters or be converted to a residential use. The covenants shall be recorded with LA County Recorder prior to the issuance of a building permit.
8. As part of the building permit plan check for Accessory Structure 3 (the 262 square-foot, partially unenclosed detached accessory structure), the plans shall include details on how the existing fireplace will be made inoperable.
9. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts), 17.29 (Hillside Overlay District), and 17.50.250 (Residential Uses - Accessory Uses and Structures) that relate to residential development in the Hillside Development Overlay District.
10. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to

Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).

11. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
12. The applicant or successor in interest shall use earth tones, for the exterior walls and roofs on the house that blend with the natural terrain. Color and material samples shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.
13. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
14. As part of its analysis, the tree protection and retention plan shall take into account the trees on adjoining properties along the south property line, adjacent to the proposed project that might be impacted by the proposed construction. The plan shall provide mitigation measures, if necessary, and analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.
15. A certified arborist and the civil engineer of record shall monitor all related construction activities including, but not limited to: demolition, digging, grading, excavating, or trenching, and as recommended in the supplemental reports. The monitoring of construction activities shall ensure the project implements all of recommendations and conditions provided in the arborist and geotechnical reports in order to protect the existing trees during construction.
16. Should this project meet the threshold for state-mandated water-efficient landscaping, landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.
17. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
18. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site (including abutting properties).

19. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
20. All construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.
21. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Building Division

22. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.

FYI – The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
23. Grading: If greater than 50 cubic yard (excluding excavation for foundation, Grading/Drainage Plans shall be prepared by a registered engineer.
24. Slope Setback: For 3:1 or steeper slopes contiguous to a site, the construction must be designed to comply with the slope setback requirements per the CA Residential Code.
25. Fire Zone: The project is located in a Very High Fire Hazard Severity Zone, so the new construction must conform to the requirements per Section R337 of the CA Residential Code.
26. Energy: New 2019 energy standards usually requires the installation of solar (photovoltaic) system for the new (detached) residential (habitable) structures.
27. Permit(s): Separate permits are fire sprinkler (if required), grading (if applicable), mechanical, electrical, and plumbing.

Fire Department

28. This project is located in an Extreme Fire Severity Zone and is required to comply with 2019 CFC; 2019 CRC Section R337, 2019 CBC Chapter 7A, Urban- International Wildland-Urban Interface Code (IWUIC) requirements.
29. Smoke Alarms: Provide an approved hardwired smoke alarm(s), with battery backup, in each sleeping room or area(s) serving a sleeping area and at the top of stairways at each floor level. All smoke alarms are to be photoelectric or a smoke alarm that is listed a

photoelectric/ionization. All smoke alarms (new & existing) locations are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal (CSFM) Listed. All smoke alarms (new & existing) are to be manufactured by the same company and compatible with each other. Smoke alarms shall not be installed within 3-feet of air registers or bathroom openings. [CBC 907]

30. Roof and Sidings: All roofing and siding materials shall be 1-hour fire-resistive or non-combustible.
31. Spark Arrestors: Provide an approved spark arrestor on all chimney(s).
32. Eaves and Projections: All eaves and other projections are required to be boxed with one-hour fire resistive or noncombustible material. Provide DETAIL DWG on plans.
33. Wall Finishes: The exterior side of the wall finish is required to be of a one-hour fire resistive or noncombustible material. Specify on plan the type of all materials.
34. Gutters – Downspouts: All proposed gutters/downspouts are required to be constructed of noncombustible material. Specify on the DWG.
35. Projections: Appendages and projections, i.e. decks, etc., are required to be a minimum of one-hour fire resistive construction, heavy timber or noncombustible material. Clearly indicate the method of compliance and provide appropriate DETAILS on plans.
36. Exterior Glazing: All exterior windows, skylights etc. are required to be tempered glass and multilayered, dual or triple, glazing. Clearly indicate this requirement on the plan. Revise Window Schedule as required.
37. Exterior Doors: All exterior doors are required to be 1 3/8" solid core. Clearly indicate this requirement on the drawings and Door Schedule.
38. Attics and Elevated Foundations: Attic and foundation ventilation in vertical exterior walls and vent through roofs shall comply with CBC, 7A; CSFM Standard 12-7A. The vents shall be covered with noncombustible corrosion resistant mesh openings a minimum of 1/16-inch not to exceed 1/8-inch openings. Attic ventilation openings shall NOT be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as possible. Clearly indicate these requirements on the plan. (Pasadena Fire Department is recommending all vent openings be located on the leeward side of the house based on Santa Ana Wind Conditions, winds from the North - Northeast directions, to minimize flames and hot embers from entering the interior of the structure of the attic, living, or under floor spaces.) Alternate Method of Protection is acceptable provided it complies with CSFM – SFM 12-7A-1, 7A-3 Listed Opening Protection.

Public Works Department

39. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The

house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

40. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
41. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

42. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any

existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> .

43. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
44. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:
- a. Sewer Facility Charge - Chapter 4.53 of the PMC
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
 - b. City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://www.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.
 - c. Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://www.cityofpasadena.net/public-works/recycling-resources/construction-demolition-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - i. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - ii. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is

fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

**ATTACHMENT C
HEARING OFFICER DECISION LETTER
Dated January 11, 2021**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

January 11, 2021

Deborah Rachlin Ross
8640 National Boulevard
Culver City, CA 90232

**Subject: Hillside Development Permit #6837
801 South San Rafael Avenue
Council District #6**

ZENT2020-10015

Dear Ms. Rachlin:

Your application for a **Hillside Development Permit** at **801 South San Rafael** was considered by the **Hearing Officer** on **January 6, 2021**.

HILLSIDE DEVELOPMENT PERMIT: To allow the construction of two, new 600 square-foot detached accessory structures and the conversion of a playroom that is currently attached to the main house by a breezeway into a 262 square-foot detached accessory structure.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter. Based upon these findings, it was decided by the Hearing Officer that the **Hillside Development Permit** be **approved** with the conditions in Attachment B and in accordance with submitted plans stamped **January 6, 2021**.

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

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

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72 (Appeals), any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (January 19, 2021)**. The effective date of this case will be **January 20, 2021**. Prior to such effective date, a member of the City Council or Planning Commission may request that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when

City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$1,681.48. The Appeal fee for non-profit community-based organizations is \$840.74.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval) shall be incorporated into the plans submitted for building permits.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures. The project involves the addition of two new 600 square-foot accessory structures and the creation of a 262 square-foot accessory structure from a portion of the existing residence. Therefore, the proposal is exempt from environmental review.

For more information regarding this case please contact **Jennifer Driver** at **(626) 744-6756** or **jdriver@cityofpasadena.net**.

Please be advised that during this COVID-19 health emergency, all individuals performing work on the site are required to adhere to the City's policies related to social distancing (see attached guidelines).

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C (Site Plan)

xc: City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Fire Department, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6837

Hillside Development Permit: To allow the construction of detached accessory structures.

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed project is for the construction of two new 600 square-foot detached accessory structures and the conversion of a portion of main residence into a 262 square-foot detached accessory structure on a property developed with an existing single-family residence and a detached three-car garage. A single-family residential use, with accessory structures, is a permitted use within the RS-4 HD (Residential Single-Family, Hillside Overlay District) zoning district. Accessory structures are allowed with approval of a Hillside Development Permit. In addition, the proposed accessory structures will be in compliance with all applicable development standards, including maximum allowable floor area, lot coverage, setbacks, building height, and off-street parking requirements of the RS-4 HD zoning district.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject property is zoned RS-4 HD, which is designated primarily for single-family residential purposes. Accessory structures are permitted as subordinate structures to the main use. The subject site and the surrounding properties within the neighborhood are developed with one and two-story, single-family residences and accessory structures. The proposed project will be consistent with existing development within the vicinity. As analyzed, the project will meet all applicable development standards for the RS-4 HD zoning district, such as floor area, lot coverage, setbacks, building height and off-street parking.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed construction of two new 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure on a property developed with an existing two-story, single-family residence and detached three-car garage, would comply with all the development standards set forth in the City's Zoning Code. The proposed combined size of all the accessory structures (2,062 square feet) would comply with the maximum permitted for the property. The primary structure would not be altered by this project, except to detach the playroom, and would maintain its Monterey Colonial Revival architectural style utilizing earth tone colors and materials that would be compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the one-story accessory structures would be consistent with the scale and setting of the surrounding residences. Vehicle access to the site would continue to occur from San Rafael Avenue. Therefore, staff finds that the project would be consistent with applicable General Plan objectives and policies.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project will be constructed

in such a manner as to minimize impacts to surrounding property owners. The proposed project meets all adopted Code requirements and will be subject to all current Code provisions. As proposed, the height of the three detached accessory structures will be at or below the maximum allowable height, and the gross floor area and lot coverage will be within the maximum floor area and lot coverage permitted for the site. The project meets all Code requirements and no variances are required. Furthermore, the project is required to comply with all applicable conditions of approval. Therefore, the proposed project will not be detrimental to the public health, safety, or welfare of persons or properties within the surrounding neighborhood.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed project will be constructed in compliance with the current Building Code and Zoning Code standards. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Building Division, Fire Department and the Public Works Department. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed additions.
6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The use of the site will remain as a single-family residential use. The project complies with all the development standards of the Zoning Code. The project is not located on the top of any prominent ridgelines. The one-story detached structures will not block views or impede upon privacy of the neighboring properties. The proposed project will be below the maximum allowable floor area requirements. The project has been designed with the use of wood siding and earth tones which are design elements that can be found in the neighborhood. Additionally, the one-story detached accessory structure's scale and massing is within the scale and setting of the surrounding vicinity. Thus, the project would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
7. *The design, location, and size of the proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots as described in Section 17.29.060.D of this ordinance and in terms of aesthetics, character, scale, and view protection.* The proposed total gross floor area for the property developed with an existing two-story single-family residence and a detached three-car garage, combined with the three proposed detached accessory structures, is 5,838 square feet, which is below 9,083 square feet, the maximum allowed on the subject site. The project has been designed with the use of wood siding and earth tones which are design elements compatible with the surrounding environment. Additionally, the scale and massing of the proposed detached accessory structures are in keeping with the scale and setting of the surrounding residences. Furthermore, as designed, the placement of the proposed accessory structures would not impede protected views of any adjoining property. Thus, the project is in scale with the context and character of existing and future development in the neighborhood in terms of aesthetics, character, scale, and view protection.
8. *The placement of the proposed additions avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.* The subject site is relatively flat, with an average slope of 3.17

percent. The proposed accessory structures will comply with all of the required development standards. Given the site is developed with a single-family residence, the project proposes minimal grading and site disturbance compared to the typical hillside development. As part of the building permit review, the Building Division will review any grading and/or drainage plans to ensure that the drainage conditions after construction comply with all applicable regulations. A Soils Engineering report was prepared by SubSurface Designs Inc., which concludes that the proposed development is safe and adequate for its intended use.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6837

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

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, January 6, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Hillside Development Permit allows the applicant to construct two, 600 square-foot detached accessory structures and the conversion of a portion of the existing residence into a 262 square-foot, partially unenclosed detached accessory structure.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2020-10015** is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Jennifer Driver, Current Planning Section, at (626) 744-6756 to schedule an inspection appointment time.

Planning Division

7. A covenant(s) shall be required for the proposed accessory structures in compliance with Zoning Code Section 17.50.250.B.2, stating that each structure is an accessory structure and shall be maintained as an accessory structure and not be used for sleeping quarters or be converted to a residential use. The covenants shall be recorded with LA County Recorder prior to the issuance of a building permit.
8. As part of the building permit plan check for Accessory Structure 3 (the 262 square-foot, partially unenclosed detached accessory structure), the plans shall include details on how the existing fireplace will be made inoperable.
9. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts), 17.29 (Hillside Overlay District), and 17.50.250 (Residential Uses - Accessory Uses and Structures) that relate to residential development in the Hillside Development Overlay District.
10. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to

Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).

11. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
12. The applicant or successor in interest shall use earth tones, for the exterior walls and roofs on the house that blend with the natural terrain. Color and material samples shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.
13. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
14. As part of its analysis, the tree protection and retention plan shall take into account the trees on adjoining properties along the south property line, adjacent to the proposed project that might be impacted by the proposed construction. The plan shall provide mitigation measures, if necessary, and analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.
15. A certified arborist and the civil engineer of record shall monitor all related construction activities including, but not limited to: demolition, digging, grading, excavating, or trenching, and as recommended in the supplemental reports. The monitoring of construction activities shall ensure the project implements all of recommendations and conditions provided in the arborist and geotechnical reports in order to protect the existing trees during construction.
16. Should this project meet the threshold for state-mandated water-efficient landscaping, landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.
17. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
18. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site (including abutting properties).

19. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
20. All construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.
21. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Building Division

22. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.

FYI – The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
23. Grading: If greater than 50 cubic yard (excluding excavation for foundation, Grading/Drainage Plans shall be prepared by a registered engineer.
24. Slope Setback: For 3:1 or steeper slopes contiguous to a site, the construction must be designed to comply with the slope setback requirements per the CA Residential Code.
25. Fire Zone: The project is located in a Very High Fire Hazard Severity Zone, so the new construction must conform to the requirements per Section R337 of the CA Residential Code.
26. Energy: New 2019 energy standards usually requires the installation of solar (photovoltaic) system for the new (detached) residential (habitable) structures.
27. Permit(s): Separate permits are fire sprinkler (if required), grading (if applicable), mechanical, electrical, and plumbing.

Fire Department

28. This project is located in an Extreme Fire Severity Zone and is required to comply with 2019 CFC; 2019 CRC Section R337, 2019 CBC Chapter 7A, Urban- International Wildland-Urban Interface Code (IWUIC) requirements.
29. Smoke Alarms: Provide an approved hardwired smoke alarm(s), with battery backup, in each sleeping room or area(s) serving a sleeping area and at the top of stairways at each floor level. All smoke alarms are to be photoelectric or a smoke alarm that is listed a

photoelectric/ionization. All smoke alarms (new & existing) locations are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal (CSFM) Listed. All smoke alarms (new & existing) are to be manufactured by the same company and compatible with each other. Smoke alarms shall not be installed within 3-feet of air registers or bathroom openings. [CBC 907]

30. Roof and Sidings: All roofing and siding materials shall be 1-hour fire-resistive or non-combustible.
31. Spark Arrestors: Provide an approved spark arrestor on all chimney(s).
32. Eaves and Projections: All eaves and other projections are required to be boxed with one-hour fire resistive or noncombustible material. Provide DETAIL DWG on plans.
33. Wall Finishes: The exterior side of the wall finish is required to be of a one-hour fire resistive or noncombustible material. Specify on plan the type of all materials.
34. Gutters – Downspouts: All proposed gutters/downspouts are required to be constructed of noncombustible material. Specify on the DWG.
35. Projections: Appendages and projections, i.e. decks, etc., are required to be a minimum of one-hour fire resistive construction, heavy timber or noncombustible material. Clearly indicate the method of compliance and provide appropriate DETAILS on plans.
36. Exterior Glazing: All exterior windows, skylights etc. are required to be tempered glass and multilayered, dual or triple, glazing. Clearly indicate this requirement on the plan. Revise Window Schedule as required.
37. Exterior Doors: All exterior doors are required to be 1 3/8" solid core. Clearly indicate this requirement on the drawings and Door Schedule.
38. Attics and Elevated Foundations: Attic and foundation ventilation in vertical exterior walls and vent through roofs shall comply with CBC, 7A; CSFM Standard 12-7A. The vents shall be covered with noncombustible corrosion resistant mesh openings a minimum of 1/16-inch not to exceed 1/8-inch openings. Attic ventilation openings shall NOT be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as possible. Clearly indicate these requirements on the plan. (Pasadena Fire Department is recommending all vent openings be located on the leeward side of the house based on Santa Ana Wind Conditions, winds from the North - Northeast directions, to minimize flames and hot embers from entering the interior of the structure of the attic, living, or under floor spaces.) Alternate Method of Protection is acceptable provided it complies with CSFM – SFM 12-7A-1, 7A-3 Listed Opening Protection.

Public Works Department

39. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The

house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

40. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
41. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

42. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any

existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> .

43. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
44. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:
- a. Sewer Facility Charge - Chapter 4.53 of the PMC
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
 - b. City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://www.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.
 - c. Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://www.cityofpasadena.net/public-works/recycling-resources/construction-demolition-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - i. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - ii. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is

fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.



COVID-19 SAFETY GUIDANCE FOR CONSTRUCTION SITES

APRIL 1, 2020

The following guidelines are based on Interim CDC's Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications.

Construction industry employers shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing; symptom checking; hygiene; decontamination procedures, and training. An exposure control plan and the following practices must be followed to prevent any onsite worker from contracting COVID-19, as many people with COVID-19 are asymptomatic and can potentially spread disease. Failure to comply with this guidance shall be deemed as creating unsafe conditions and may result in withheld inspections or shutting down the construction site until corrected.

City staff will verify compliance with these guidelines during regular scheduled inspections for projects under construction as well as during investigations associated with complaints that may be submitted to the Pasadena Citizens Service Center at 626-744-7311 or at <http://ww5.cityofpasadena.net/citizen-service-center/>.

1. Practice social distancing by maintaining a minimum 6-foot distance from others. No gatherings of 10+ people. Workers on break or lunch break should not gather in groups and should maintain 6-foot distance.
2. Preclude gatherings of any size, and any time two or more people must meet, ensure minimum 6-foot separation. Meetings should be conducted online or via conference call when possible.
3. Provide personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed. Do not share personal protective equipment.
4. The owner/contractor shall designate a site specific COVID-19 Supervisor to enforce this guidance. A designated COVID-19 Supervisor shall be present on the construction site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.
5. Identify "choke points" and "high-risk areas" where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so social distancing is maintained.
6. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
7. Stagger the trades as necessary to reduce density and maintain minimum 6-foot separation social distancing. Limit the number of people to the minimum possible. Restrict non-essential visitors.
8. Discourage workers from using other worker's phones, desks, offices, work tools and equipment. If necessary, clean and disinfect them before and after use, and hand shaking.
9. Post, in areas visible to all workers, required hygienic practices including not touching face with unwashed hands or gloves; washing hands often with soap and water for at least 20 seconds; use of hand sanitizer with at least 60% alcohol, cleaning AND disinfecting frequently touched objects and surfaces, such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the CDC.
10. Place wash stations or hand sanitizers in multiple locations to encourage hand hygiene, identify location of trash receptacles for proper disposal.
11. Require anyone on the project to stay home if they are sick, except to get medical care.
12. Have employees inform their supervisor if they have a sick family member at home with COVID-19.
13. Maintain a daily attendance log of all workers and visitors.

**ATTACHMENT D
APPEAL APPLICATION
Dated January 11, 2021**



REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 801 S. SAN RAFAEL AVE
Case Type (MCUP, TTM, etc.) and Number: HDP #6837
Hearing Date: 1/6/21 Appeal Deadline: 1/19/21

APPELLANT INFORMATION

APPELLANT: ROXANNE CHRIST Telephone: (213) 422-8664
Address: 815 S. SAN RAFAEL AVE Fax: [] _____
City: PASADENA State: CA Zip: 91105 Email: choochoofew@klovd.com
APPLICANT (IF DIFFERENT): DEBORAH RACHLIN ROSS

I hereby appeal the decision of the:

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

REASON FOR APPEAL

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

SEE ATTACHMENT A, attached hereto + incorporated herein

DATE RECEIVED

JAN 19 2021

Signature of Appellant



1/18/21

Date

* OFFICE USE ONLY

PLN # _____ CASE # _____ PRJ # _____
DESCRIPTION _____
DATE APPEAL RECEIVED: _____ APPEAL FEES: \$ _____ RECEIVED BY: _____

**ATTACHMENT "A" TO APPEAL OF HEARING OFFICER DECISION
HILLSIDE DEVELOPMENT PERMIT #6837
801 S. SAN RAFAEL AVENUE**

The following errors and omissions by the Hearing Officer are the reasons for this Appeal to the Board of Zoning Appeals:

I. THE HEARING OFFICER'S ERRORS AND OMISSIONS

A. Hillside Development Permit. The Hearing Officer erred in approving the Hillside Development Permit. These errors include but are not limited to:

1. failing to include a Condition requiring the applicant to use excavation, demolition and construction methods that can reasonably be expected to avoid and minimize damage to my train room, display cases and collection, bearing in mind that I live next door and the train room is only 14 feet away from the HDP work site;
2. not requiring a demolition plan describing the methods and tools the applicant intends to use to demolish the existing guest house/playroom and any surrounding hardscape and transport debris therefrom;
3. not requiring an excavation and grading plan describing the methods and tools the applicant intends to use to excavate and grade the sites for Accessory Structures 1 and 2 and transport any debris and excess soils therefrom;
4. not requiring the applicant to specify and submit plans for other "future foundations" that will be excavated as part of the HDP project;
5. failing to include a Condition requiring the applicant to install plantings along the property line behind Accessory Structure 3 to protect my privacy and shield my house from noise from the new outdoor "cabana" centered in and located only about 25 feet from my nearest window; and
6. delegating to other departments the task of making findings that are required to be made by the Hearing Officer.

B. Findings Cannot Be Made. The Hearing Officer erred in making all the required findings because the findings are not supported by substantial evidence, including but not limited to:

1. Finding 4 because, among other reasons, absent conditions (a) the project will *not* be constructed in a manner to minimize impacts on me and my property; and (b) the project will be detrimental to me, my property and my house; and (b) the project will pose health and safety risks.

2. Finding 5 because, among other reasons, without conditions, the project and its use will be detrimental and injurious to my property and improvements.

3. Finding 7 because the project is not compatible with the existing development and use of my home, namely the train room and use of the train room to display the train collection.

C. Hillside Ordinance Incorrectly Interpreted and Applied. The Hearing Officer erred in interpreting and applying the purposes and provisions of the Hillside Overlay Ordinance to the proposed project's scale, character, compatible architecture and preservation of privacy, and impact on me, an abutting neighbor.

D. Inconsistent with General Plan. The Hearing Officer erred in determining that the proposed project is consistent with Pasadena's General Plan.

E. CEQA. The Hearing Officer erred in determining that the project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) for the reasons described in the letter submitted to the Hearing Officer from the Silverstein Law firm dated January 6, 2021.

F. Significant Errors and Omissions. The Hearing Officer's decision is invalid because the record, including the project description and information incorporated into the findings that was contained in the staff presentation, and the staff report and Table A thereto includes measurement mistakes, arithmetic mistakes, factual mistakes, misstatements and other errors and inconsistencies describing the proposed project.

G. Failure to Consider Evidence. The Hearing Officer's decision ignored and failed to consider significant, substantial and relevant evidence submitted concerning the proposed Project and its effects on me.

H. Decision Not Supported by Substantial Evidence. The Hearing Officer's decision is not supported by substantial evidence.

I. Decision Is Arbitrary and Capricious. The Hearing Officer's decision is arbitrary and capricious and in error and constitutes a breach of both administrative discretion and quasi-judicial procedure and process.

ATTACHMENT E
HEARING OFFICER ADDENDUM
Dated March 6, 2021

**ZHO Addendum for
Hillside Development Permit #6837
801 So. San Rafael Avenue**

March 6, 2021

Background

On January 11, 2021, I issued a written determination approving the Hillside Development Permit #6387.

I have reviewed the appeal, filed by the owner of 815 So. San Rafael (which abuts the subject property), which was filed on January 18, 2021, including both the appeal form itself and the two-page attachment.

Appeal Issues:

This Addendum addresses each of the issues raised in the appeal. In some instances, I have consolidated various points in the interest of addressing related issues. The applicant's issues, and my responses, are provided herein.

Inadequate Information/Conditions:

"A.1: [F]ailing to include a Condition requiring the applicant to use excavation, demolition, and construction methods that can reasonably be expected to avoid and minimize damage to my train room, display cases and collection . . ."

"A.2.: [N]ot requiring a demolition plan describing the methods and tools the applicant intends to use to demolish the existing guest house . . ."

"A.3.: [N]ot requiring an excavation and grading plan describing plan describing the methods and tools the applicant intends to use to excavate and graded the sites . . ."

"A.4.: [N]ot requiring the applicant to specify and submit plans for other 'future foundations' that will be excavated . . ."

Response: The requests to specify certain "methods" associated with excavation, grading, demolition, and construction is beyond the scope of a Hillside Development Permit. The applicant's proposal is subject to several provisions in the City's Municipal Code, which are the appropriate means of addressing the concerns noted, above, by the appellant. Condition No. 22 requires compliance with all relevant governing codes, including the "Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes." Condition No. 23 states that "If greater than 50 cubic yard (excluding

excavation for foundation), Grading/Drainage Plans shall be prepared by a registered engineer.”

Failure to require plantings for privacy:

“A.5.: [F]ailing to include a Condition requiring the applicant to install plantings along the property line behind Accessory Structure 3 to protect my [appellant’s] privacy and shield my house from noise from the new outdoor ‘cabana’ centered in and located only about 25 feet from my nearest window.”

Response: I do not support the appellant’s contention that trees to protect his privacy are required for a small cabana which, according to the appellant, is located twenty-five feet (25’) from the appellant’s nearest window. This distance is more than adequate to mitigate any privacy issues. The distance is, without question, substantially farther than the spacing that exists between single-family dwellings and accessory buildings on abutting properties in many single-family neighborhoods in Pasadena. The appellant’s claim that a twenty-five feet (25’) separation somehow represents an unacceptable invasion of the appellant’s privacy is not supported by any facts in the record, nor by common practice in existing neighborhoods in Pasadena, nor by any reasonable standard of privacy amongst adjoining properties.

Delegation of Findings to Staff:

“A.5.: [D]elegating to other departments the task of making findings that are required to be made by the Hearing Officer.

Response: The appellant’s use of the word “delegating” inaccurately conflates two separate actions. While Planning Department staff prepares a set of draft findings, the Hearing Officer makes those findings as a component of rendering his or her decision (or, in the alternative, adopts a different set of findings). I reviewed the draft findings presented by staff, and I found them to be adequate, well-reasoned, defensible, and sufficient to approve Hillside Development Permit #6837. I made all eight (8) findings required for a Hillside Development Permit, as documented on Pages 3 through 5 of the January 11, 2021 decision letter.

Inadequate Findings:

“B.1. Finding 4 because, among other reasons, absent conditions (a) the project will not be constructed in a manner to minimize impacts on me and my property; and (b) the project will be detrimental to me, my property and my house; and (b) [sic] the property will pose health and safety risks.”

Response: The applicant's proposal is subject to several provisions in the City's Municipal Code, which are the appropriate means of addressing the concerns noted, above, by the appellant. As the decision-maker, I simply do not agree that the project will be detrimental to the appellant and his house. The applicant has not provided sufficient evidence to document any alleged detriment to the appellant's "property" (presumably his trains, displays, and related items) by the proposed development on the subject property at 801 So. San Rafael Avenue. The contention that "the property will pose health and safety risks" is vague and is not supported by the record.

See, also, the response to A.1. through A.4., above.

See, also, the response to B.3., below.

"B.2.: Finding 5 because, among other reasons, without conditions, the project and its use will be detrimental and injurious to my property and improvements."

Response: My determination approving Hillside Development Permit #6837 is not "without conditions." There are forty-four (44) conditions of approval, found on Pages 6 through 12 of the January 11, 2011 decision letter.

See, also, the response to B.3., below.

"B.3.: Finding 7 because the project is not compatible with the existing development and use of my home, namely the train room and use of the train room to display the train collection."

Response: There are existing single-family homes on both the subject property (801 So. San Rafael Avenue) and the appellant's property (815 So. San Rafael Avenue), which abuts the subject property. Although the appellant is certainly entitled to the quiet enjoyment of a room which houses trains, displays, and related items in his home, the existence of the train room does not prevent neighbors from the quiet enjoyment of reasonable uses in their homes and ancillary structures. The existing home on the subject property, and the proposed expansion thereof, is a reasonable exercise of the applicant's right to the quiet enjoyment of his property. The appellant has created what is, in essence, a "train museum" in his single-family dwelling, and his appeal suggests that neighboring property-owners should maintain the activities, decorum, and behavior one might expect in a museum. A museum is an institutional use, if not a commercial use. This use is more appropriately located on a property which enjoys commercial, institutional, or public/semi-public General Plan and zoning designations.

Hillside Ordinance

“C.: Hillside Ordinance Incorrectly Interpreted and Applied.”

Response: The appellant contends that I erred in interpreting the Hillside Ordinance. The claim is unsubstantiated, as there are no facts nor evidence in the record to support the claim.

General Plan

“D.: Inconsistent with General Plan”

Response: The appellant contends that the project is inconsistent with the General Plan. The claim is unsubstantiated, as there are no facts nor evidence in the record to support the claim.

California Environmental Quality Act (CEQA)

E. CEQA

Response: The appeal contends that I erred by adopting a categorical exemption, based upon a letter provided by appellant’s attorney (Silverstein Law Firm). The Silverstein letter was provided in advance of the hearing, and I thoroughly read through it. I found nothing in the Silverstein letter to be in any way persuasive that a categorical exemption is inappropriate relative to the applicant’s proposal. Having considered the Silverstein letter, I nevertheless stand by the adoption of the categorical exemption as the appropriate CEQA clearance for Hillside Development Permit #6837.

Significant Errors and Omissions

“F.: Significant Errors and Omissions. The Hearing Officer’s decision is invalid because the record, including the project description and information incorporated into the findings that was contained in the staff presentation, and the staff report and Table A thereto includes measurement mistakes, arithmetic mistakes, factual mistakes, misstatements and other errors and inconsistencies describing the proposed project.”

Response: While the claim is all-encompassing, the appellant fails to provide any documentation of said “mistakes, misstatements, and errors.” The claim is unsubstantiated, as there are no facts nor evidence in the record to support the claim.

Evidence

“G.: Failure to Consider Evidence. The Hearing Officer’s decision ignored and failed to consider significant, substantial and relevant evidence submitted concerning the proposed Project and its effects on me.

Response: The claim is unsubstantiated, as there are no facts or evidence in the record to support the claim; more specifically, what significant, substantial and relevant evidence” did I ignore or fail to consider? In advance of the hearing, I reviewed all of the letters, photographs, and related information provided by the applicant. In advance of the hearing, I reviewed, in detail, the letter from the appellant’s attorney. In advance of the hearing, I reviewed documents, evidence, materials, photographs, applications, correspondence, and related materials from staff, the applicant’s consulting team, and other stakeholders. At the public hearing, I considered public testimony. To simply assert that I somehow “ignored” or “failed to consider” any evidence submitted is inaccurate and contrary to the record.

“H.: Decision Not Supported by Substantial Evidence. The Hearing Officer’s decision is not supported by substantial evidence.”

Response: The decision letter includes three pages of substantial evidence in the form of the eight (8) findings for approval in the affirmative (see Pages 3-5 of the January 11, 2021 decision letter). As noted throughout this Addendum, there is an exhaustive administrative record for Hillside Development Permit #6837, which includes substantial evidence to support the approval.

See, also, the response to G., above.

Arbitrary and Capricious Decision

“I. Decision is Arbitrary and Capricious. The Hearing Officer’s decision is arbitrary and capricious and in error and constitutes a breach of both administrative discretion and quasi-judicial procedure and process.”

Response: The allegation that my decision is arbitrary and capricious is unsubstantiated, as there are no facts nor evidence in the record to support the claim. The claim is vague, in that it provides no supporting evidence to document how the decision represents “a breach of both administrative discretion and quasi-judicial procedure and process.”

Zoning Hearing Officer's Summary

There is no question that the appellant has amassed a world-class collection of museum quality antique trains, tracks, memorabilia, and related items within his home at 815 So. San Rafael Avenue. The appellant's home abuts the subject property at 801 So. San Rafael Avenue, for which I approved Hillside Development Permit #6837.

Once one sorts through the exhaustive set of claims in the appeal documents, the thrust of the appellant's argument is that the property-owner of 801 So. San Rafael should not be permitted to add new development on his property because it will adversely impact the appellant's train collection on the abutting property at 815 So. San Rafael Avenue.

I take no issue with the fact that the appellant is entitled to the quiet enjoyment of a room which houses trains, displays, and related items in his home. But the mere existence of the train room does not, and more importantly, should not, prevent neighbors from exercising the quiet enjoyment of reasonable uses in their homes and accessory structures. The existing home on the subject property, and the proposed expansion thereof, is a reasonable exercise of the applicant's right to the quiet enjoyment of his or her property. The appellant has created what is, in essence, a "train museum" in his single-family dwelling, and his appeal suggests that neighboring property-owners should maintain the activities, decorum, and behavior one might expect in a museum—this is an entirely unreasonable expectation in a neighborhood composed exclusively of single-family dwellings, on properties designated in the General Plan and the City's Zoning Ordinance for residential uses. A museum is an institutional use, if not a commercial use. This use is more appropriately located on a property which enjoys commercial, institutional, or public/semi-public General Plan and zoning designations.

To grant the appeal would set a dangerous precedent relative to future development and expansion of existing single-family homes in Pasadena. Granting the appeal would establish the notion that an individual landowner cannot reasonably develop or expand his or her existing home if a neighbor chooses to use his or her property for a use more appropriately located in a non-residential zone.

Consider the following examples:

- Recording studio: A musician might choose to use a room in his or her house to record music. Could that musician contend that a neighbor cannot develop his or her property because it would create noise that would interfere with the musician's recordings?
- Insect-keeping: Presume that an individual keeps a collection of live butterflies in his or her home. Presume, further, that these butterflies need a dark, quiet environment in which to breed, live, and thrive. Could the owner of the house with

the butterflies argue that his neighbor cannot develop his or her property because it would somehow harm the butterflies?

- Film Editing: The editing of film, particularly as it involves sound recordings, can be sensitive to both noise and vibration impacts. Could a film editor argue that a neighbor cannot develop his or her property because it would prevent the film editor from carrying out his or her film editing work?

To reiterate, to grant the appeal would set a precedent. To grant the appeal would put the City of Pasadena on a slippery slope, one in which individual property-owners could simply house a unique and sensitive collection within their home to prevent neighbors from the reasonable development of a new single-family home, or the reasonable expansion of an existing single-family home, all in neighborhoods which the General Plan and zoning designate for residential uses.

This appellant's ancillary arguments--inadequate CEQA clearance, and arbitrary and capricious determination, inadequate findings, the failure to consider evidence, and other claims—are specious, unsubstantiated, and contrary to the record, as documented herein.

Zoning Hearing Officer's Conclusion

Given the foregoing, the appellant has not provided an adequate reason why my decision to approve Hillside Development Permit #6837 should be overturned on appeal. The CEQA decision is adequate and justifiable; the approval contains appropriate conditions; and the findings are thorough, comprehensive, and well-reasoned. The appeal should, therefore, be denied, and my original decision to approve Hillside Development Permit #6837 should be sustained.

ATTACHMENT F
DESIGN AND HISTORIC PRESERVATION LANDMARK STATUS DECISION LETTER
Dated November 30, 2020



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

November 30, 2020

Pasadena Heritage
Attn: Andrew Salimian
651 S. St. John Ave.
Pasadena, CA 91105

Via email: preservation@pasadenaheritage.org

NOTICE OF INELIGIBILITY

Application for Designation as a Landmark
801 S. San Rafael Ave.

Case # DHP2020-10023

Council District 6

Dear Mr. Salimian:

The staff of the Design & Historic Preservation Section of the Planning Division has reviewed your application for the landmark designation of the property at 801 S. San Rafael Ave. After reviewing the information submitted with your application, including extensive photographs of the building, and researching information about the building, its builder and its former occupants, staff has determined that the property **does not meet the criteria for designation** as a landmark.

In reaching this conclusion, the staff applied the methodology for evaluating the significance of historic properties in guidelines of the National Register of Historic Places, published by the National Park Service, and the criteria in the Pasadena Municipal Code.

Section 17.62.040 of the Zoning Code sets forth the eligibility criteria for landmark designation and states:

“A landmark may be the best representation in the City of a type of historic resource or it may be one of several historic resources in the City that have common architectural attributes that represent a particular type of historic resource. A landmark shall meet one or more of the following criteria:”

- A. It is associated with events that have made a significant contribution to the broad patterns of the history of the city, region or state.
- B. It is associated with the lives of persons who are significant in the history of the city, region or state.

- C. It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of a(n) architect, designer, engineer, or builder whose work is of significance to the City or to the region or possesses artistic values of significance to the City or to the region.
- D. It has yielded, or may be likely to yield, information important locally in prehistory or history.

Staff's determination that the property is ineligible for designation as a landmark is based on the following conclusions:

Criterion A – There is no known documented evidence that the site has importance as the location of a significant historical event.

Criterion B – The original owner of the house was Holmes P. Tuttle. (1946-1951)
Subsequent owners include:

- Calvin C.B. Wheeler and his wife Dixie M. Wheeler. (1951-1955)
- E. Lena Cook and her son Howard F. Cook. (1955-1964)
- James Griffin Boswell II and his wife Rosalind M. Boswell. (1964-1987)
- John Van de Kamp and his wife Andrea Van de Kamp. (1987-2019)

With the exception of John Van de Kamp, staff was not able to locate documentation to indicate that any of the previous owners were significant to the history of Pasadena. John Van de Kamp was the District Attorney for Los Angeles County between 1975 and 1983; and then served as the Attorney General for the State of California from 1983 to 1991. However, there is no documentation to establish that Mr. Van de Kamp resided at 801 S. San Rafael Avenue during the time of the most significant political accomplishments in his career or other contributions important to Pasadena or the region.

Criterion C – The single-family house was built in 1946 by an unknown architect and builder. It has a 2-story rectangular massing and a one-story appendage with a wide street frontage, a low-pitched side-facing gable roof, a cantilevered balcony enclosed with a wooden railing that spans the entire primary façade, flat stucco walls along the ground-floor level and T1-11 siding on the second level walls. Having been built in 1946, the appropriate historical context under which to evaluate the potential historical significance of the building's architecture is the "Cultural Resources of the Recent Past" Historic Context Report, which identifies architectural resources from the period of 1935 to 1965. This context establishes the significant architectural styles from this period in the City's history and their character-defining features, and includes such styles as Streamline Moderne, Late Moderne, Minimal Traditional, California Ranch, Modern Ranch, and others. The house does not possess the character-defining features or embody the distinctive characteristics of any of the architectural styles, property types, period or methods of construction identified in this report. The house most closely resembles the Monterey Colonial Revival architectural style, which is associated with the Period Revival Era (1915 to 1942). However, the house was designed and constructed well outside of this period of significance, and does not embody the characteristics of the style established in the City's Period Revival context report. Further, the original building permit does not indicate that the house was designed by an architect or significant builder in the City's history.

Criterion D – There are no known or likely archeological resources on the site. It is not at the location of likely early pre-historic habitation.

Based on the evaluation above, staff finds that the house at 801 S. San Rafael Avenue is not eligible for designation as a landmark. Our evaluation, therefore, is that the building should be assigned a status code of 6L (ineligible for historical designation, but should be given special consideration in the local planning process).

Effective Date	Appeals	Call for Review
----------------	---------	-----------------

The last day to file an appeal is Thursday, December 10, 2020. This decision becomes effective on **Friday, December 11, 2020.** Prior to the effective date, the City Council or Historic Preservation Commission may call for a review of this decision. In addition, you or any person affected by this decision may appeal it **before the effective date** by filing an application for an appeal with a \$2,047.64 all-inclusive fee. Appeals must cite a reason for objecting to a decision. Please note that appeals and calls for review are held as *de novo* hearings, meaning that the lower decision is set aside and the entire application is reviewed as a new proposal.

If you have questions regarding the review process for designation, please contact **Rodrigo Pelayo, Associate Planner** at (626) 744-7309 or rpelayo@cityofpasadena.net.

Sincerely,



David M. Reyes
Director of Planning & Community Development

Attachment A: Photographs

cc: City Council; Historic Preservation Commission; City Council District 6 Liaison; City Clerk; Energov; address file; Director of Planning & Community Development



COVID-19 SAFETY GUIDANCE FOR CONSTRUCTION SITES

APRIL 1, 2020

The following guidelines are based on Interim CDC's Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications.

Construction industry employers shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing; symptom checking; hygiene; decontamination procedures, and training. An exposure control plan and the following practices must be followed to prevent any onsite worker from contracting COVID-19, as many people with COVID-19 are asymptomatic and can potentially spread disease. Failure to comply with this guidance shall be deemed as creating unsafe conditions and may result in withheld inspections or shutting down the construction site until corrected.

City staff will verify compliance with these guidelines during regular scheduled inspections for projects under construction as well as during investigations associated with complaints that may be submitted to the Pasadena Citizens Service Center at 626-744-7311 or at <http://ww5.cityofpasadena.net/citizen-service-center/>.

1. Practice social distancing by maintaining a minimum 6-foot distance from others. No gatherings of 10+ people. Workers on break or lunch break should not gather in groups and should maintain 6-foot distance.
2. Preclude gatherings of any size, and any time two or more people must meet, ensure minimum 6-foot separation. Meetings should be conducted online or via conference call when possible.
3. Provide personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed. Do not share personal protective equipment.
4. The owner/contractor shall designate a site specific COVID-19 Supervisor to enforce this guidance. A designated COVID-19 Supervisor shall be present on the construction site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.
5. Identify "choke points" and "high-risk areas" where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so social distancing is maintained.
6. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
7. Stagger the trades as necessary to reduce density and maintain minimum 6-foot separation social distancing. Limit the number of people to the minimum possible. Restrict non-essential visitors.
8. Discourage workers from using other worker's phones, desks, offices, work tools and equipment. If necessary, clean and disinfect them before and after use, and hand shanking.
9. Post, in areas visible to all workers, required hygienic practices including not touching face with unwashed hands or gloves; washing hands often with soap and water for at least 20 seconds; use of hand sanitizer with at least 60% alcohol, cleaning AND disinfecting frequently touched objects and surfaces, such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the CDC.
10. Place wash stations or hand sanitizers in multiple locations to encourage hand hygiene, identify location of trash receptacles for proper disposal.
11. Require anyone on the project to stay home if they are sick, except to get medical care.
12. Have employees inform their supervisor if they have a sick family member at home with COVID-19.
13. Maintain a daily attendance log of all workers and visitors.

