

**DATE:** November 7, 2005

**TO:** City Council

**FROM:** City Manager

**RE:** Call for Review of Tentative Parcel Map #061676 and Hillside Development Permit #4395 for 720 South San Rafael Avenue (725 Hillside Terrace).

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### **Revised Recommendation**

It is recommended that the City Council:

1. Adopt the draft initial environmental study and Negative Declaration that the proposed project will not create any significant adverse effects on the environment;
2. Direct the City Clerk to file a Notice of Determination with the County Clerk; and
3. Affirm the decision of the Zoning Hearing Officer to approve Tentative Parcel Map #061676 to allow:
  - a. Tentative Parcel Map – Subdivide one land lot into two land lots;
  - b. Hillside Development Permit – Subdivision of land within the Hillside Overlay district;
4. Approve Hillside Development Permit #4395 with amended conditions (as shown in Attachment A to this memorandum and summarized below) to allow:
  - a. Hillside Development Permit – Construction of single-family house; and
  - b. Private Tree Removal – Removal of one Toyon (*heteromeles arbutifolia*) tree.

### **Background**

In response to concerns raised by neighbors and at the September 26 City Council meeting, staff recommends the following changes to the conditions of approval as summarized below and shown in Attachment A to this memorandum:

- A. Add a requirement to condition #4 for public review and comment on construction staging plan;
- B. Replace condition #11 with a new condition that requires a condition monitoring inspection program;

~~11/7/2005-  
6: A. - 7:30 P.M.~~

11/14/2005  
6.A. 8:00 P.M.

- C. Add condition #12 that requires detailed geotechnical, geological, and hydrology analyses be prepared by a professional engineer and made available for public review and comment prior to issuance of any permits. These reports shall also be approved by the Building Official prior to issuance of any permits;
- D. Add condition #13 that requires structural analysis on the existing retaining wall and that it be made available for public review and comment; and
- E. Add condition #14 that the color of building walls and roof be dark tones, including earth tones, to reduce visual impact of house.

On September 26, 2005 the City Council conducted a public hearing for the Call for Review of these applications. The staff recommendation was to approve both applications with a series of conditions. During public comment, concerns were raised about the safety of constructing a new house at the proposed location because of perceived slope instability and the 'massing' of the proposed house. At the request of the City Council, the applicant/property owner agreed to continue the hearing to November 7, 2005 and to meet with concerned neighbors to determine if mutually beneficial solutions could be agreed upon prior to the November 7 hearing.

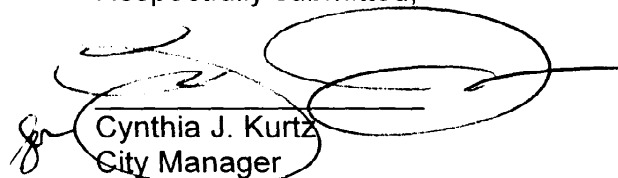
A meeting was held at the San Rafael Branch Library on Wednesday, October 12. In addition to the applicant, identification cards were completed by 16 people, eleven of whom are nearby residents. Staff's analysis of the concerns and questions raised at the neighborhood meeting is contained in Attachment B to this memorandum.

### **Conclusion**

In response to concerns of the neighbors, staff has modified the recommended conditions of approval (Attachment A to this memorandum) to allow for greater public review of the engineering studies and plans required for this project.

Based on compliance with the Zoning Code, and specifically the Hillside Ordinance, staff continues to recommend approval Tentative Parcel Map #061676 and Hillside Development Permit #4395 for 720 South San Rafael Avenue (725 Hillside Terrace) with the findings and conditions as attached to the staff report, except as modified in Attachment B (conditions of approval for Hillside Development Permit #4395) to this memorandum.

Respectfully submitted,



Cynthia J. Kurtz  
City Manager

### **Attachments:**

- A. Revised Conditions of Approval for Hillside Development Permit #4395
- B. Staff Analysis of Neighborhood Concerns and Questions
- C. Landscape Plan revised to show tree canopies

D. Section Drawing of Hillside

**ATTACHMENT A**  
**REVISED CONDITIONS OF APPROVAL FOR**  
**HILLSIDE DEVELOPMENT PERMIT #4395**

(Replaces Attachment D to original staff report. Revisions are underlined)

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

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans submitted and stamped "Received at Hearing, September 26, 2005", except as modified herein.
2. The applicant shall comply with all requirements of Chapter 17.22 and 17.29 that relate to residential development in the Hillside Overlay district.
3. The project shall comply with the Tree Protection Ordinance. A tree protection plan shall be submitted to the Zoning Administrator for approval prior to the approval of any building or grading permits. The approval of a Tree Removal Application shall be obtained prior to the issuance of building permits if any protected trees, as specified in the Tree Ordinance, are removed.
4. A construction parking and staging plan shall be submitted to and approved by the Zoning Administrator and the Department of Public Works and Department of Transportation prior to issuance of any permits. The construction parking and staging 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 also be available for review and comment by ~~surrounding property owners~~ the public prior to the issuance of any permits.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. The applicant or successor in interest shall comply with Section 14.05 of the Pasadena Municipal Code that relates to excavation and grading in hillside areas.
7. No mechanical equipment, with the exception of solar collectors, shall be permitted on any roof unless fully enclosed in an enclosure designed to be architecturally compatible with the existing house. Any above ground mechanical equipment shall be screened from the street and shall be more than 5 feet from all property lines.
8. All new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements of the Building Division.
9. All landscape and walkway lighting shall be directed downwards to minimize glare from the property.

10. For projects subject to a building permit, all construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 AM. and after 3:00 PM. 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 AM and after 3:00 PM.
11. ~~The proposed project, **Case No. PLN2004-00304**, shall comply with all conditions of approval, subject to a Final Zoning Inspection. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee and to schedule an inspection appointment time. All fees are to be paid to the cashier at the permit center located at 175 N. Garfield Avenue. The cashier will ask for the case number provided above. Failure to pay the inspection fee prior to initiating the application may result in revocation proceedings of this entitlement.~~

The proposed project, Activity Number **PLN2004-00304**, shall comply with all conditions and is subject to the **Condition/Mitigation Monitoring Program** by the City and is subject to **Final Zoning Inspection**. Condition Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. These inspections will occur during the term of the project. Required monitoring fees or deposit for setup and inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee or deposit. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

12. Detailed geotechnical, geological, and hydrology analyses shall be prepared by a professional engineer and submitted to the Building Division prior the issuance of any permits. This analysis shall include at minimum information regarding slope stability, soils, and hydrology (surface and sub-surface). This analysis shall also be available for review and comment by the public prior the issuance of any permits. The City shall also have a qualified engineering consultant conduct a peer review of these studies.
13. A structural analysis of the integrity of the existing retaining wall at the Hillside Terrace property line shall be submitted to the Building Division prior the issuance of

any permits. This analysis shall also be available for review and comment by the public prior to the issuance of any permits.

14. Prior to the issuance of building permits, the applicant shall submit color and material samples for the review and approval of the Zoning Administrator. All exterior features of the proposed house shall be composed of muted dark tones, including earth tones, to better blend with the hillside. No white shall be permitted except for window mullions and accents. No reflective materials are permitted. The approved color and material palette shall be included in the final set of plans submitted for building permits.

## **ATTACHMENT B**

### **Staff Analysis of Concerns and Questions**

Many areas of concerns were identified at the October 12 neighborhood meeting and Council meeting of September 26. These areas are:

- Duration of construction;
- Height and massing of the proposed house;
- Landscaping;
- Slope stability;
- Water drainage and how it will be affected by the proposed construction;
- Stability of existing retaining wall along street property line;
- Construction staging and truck routes to/from project site; and
- Infrastructure impacts.

#### Duration of Construction.

The project architect stated that the duration of construction is expected to take from 12 to 14 months.

#### Height and Massing.

The height of the proposed house is 24 feet tall as measured from existing grade (maximum allowed is 28 feet) and 32 feet from the lowest part of the house to the highest point (maximum allowed is 35 feet). A significant portion of the house would be located below existing and finished grade. However, from the front of the house all three levels would be visible. The City's Zoning Code does not regulate the number of stories in single-family houses, just the height. Further, the proposed house would be located 25 feet from the front property line, which is the minimum requirement.

One option that was proposed at the meeting to reduce the visual impact of the proposed house is to use darker tones than what is proposed. Staff agrees with this proposal and has added a condition of approval (#14 in Attachment A) that requires the applicant to submit color and material samples for the review and approval of the Zoning Administrator prior to issuance of building permits. The colors shall be muted dark tones, including earth tones, to better blend with the hillside.

Another option that was proposed by the residents to address the massing of the house is to redesign the house such that it would 'step' up the hillside. The effect of having to significantly redesign the interior of the house aside, the project architect has analyzed the effect on grading and excavation if the front half of the upper floor were moved to the rear of the upper floor. The result is that the rear of the house would be located approximately 16 feet from the proposed rear property line, closer than the 25 foot minimum. There is some flexibility here because the rear property line is proposed through the Tentative Parcel Map application under consideration.

The increase in the amount of hillside that would need to be excavated would be approximately 545 cubic yards; an increase of approximately 25%. It is staff's position that the effect of moving a portion of the house to the rear would unnecessarily increase the amount of grading and excavation on the site.

The project architect has further investigated the amount of excavation proposed for the project. It has been proposed to revise the grading that would occur adjacent to the proposed driveway such that the finished grade would not slope down to six-inch curbs on either side of the driveway, but instead would remain more level and be retained by retaining walls (maximum height of four feet) on either side of the driveway. This would result in less soil being exported from the site.

The application submitted with the plans states that 2,250 cubic yards of the property would be 'cut' and 2,050 cubic yards of that would be exported from the site. The proposed revision as described above would result in a reduction of 86 cubic yards being exported, for a total export of 1,964 cubic yards.

#### Landscaping.

Some of the meeting attendees were concerned that the eleven trees to be planted between the house and the front property line would be inadequate to properly screen the house from the street (Hillside Terrace). In response to this, the architect has submitted a revised landscape plan (Attachment C) that shows the existing and proposed tree canopies. This plan shows a high amount of tree foliage throughout the property, particularly between the house and the Hillside Terrace.

On September 26, the City Council asked how long it would take to replace the tree canopy of the nine trees proposed for removal, one of which is under the jurisdiction of the City's Tree Protection Ordinance. Based on the size and type of the 34 proposed trees, staff has estimated that it will take four to five years to replace the tree canopy.

#### Slope Stability and Water Drainage.

Slope stability and water drainage is of great concern to the neighborhood. A preliminary geotechnical and soil study was submitted to the City as a part of the Hillside Development Permit application. This study found that the proposed house can be safely constructed on the site. As part of the normal procedure for the construction of new houses in the Hillside Overlay district a more detailed geotechnical and soil study is required. In addition, the City's Storm Water and Urban Runoff Control Regulation Ordinance requires that the applicant submit to the Department of Public Works a detailed plan to show compliance with the Regional Water Quality Control Board's Standard Urban Storm Water Mitigation Plan (SUSMP) to show how storm water runoff will be controlled.

To further address concerns of the neighborhood, staff is proposing to include a condition of approval that allows for the neighborhood to review and comment upon the detailed geotechnical, geological, and hydrology analyses that are required for this project when the plans are submitted for building permit. Timely comments would be directed to the Building Official prior to the issuance of any permits. This condition is #12 in Attachment A to this memorandum.

In addition, the City's Building Division will have a qualified engineering consultant conduct a peer review of these studies.



### Stability of Existing Retaining Wall.

Concern was voiced about the stability of the existing retaining wall located at the Hillside Terrace property line. To address this concern, staff has added a condition of approval (#13 of Attachment A to this memorandum) that the applicant shall have a structural engineer analyze the wall to determine if the wall is safe, or if it must be replaced. It is worth noting that the impact of requiring it to be replaced is that the seven to nine Coast Live Oak trees could potentially be adversely affected to the extent of necessitating their removal.

### Construction staging.

The neighbors also requested the opportunity to review and comment on the construction staging and parking plan that is required to be submitted and approved by the Department of Public Works and the Zoning Administrator prior to the issuance of any building permits. Language to this affect has been added to condition of approval #4 in Attachment A to this memorandum.

### Infrastructure impacts.

The neighbors are also concerned with the potential impact of the proposed house on the existing infrastructure, namely the impact on the existing sewer system. According to staff from the Public Works Department there is a possibility of problems with the existing sewer system due to its age and damage from tree roots. As a result, one of the Department's conditions of approval (#11 from Attachment E to original staff report) requires the applicant to conduct a Closed Circuit Television (CCTV) inspection of the existing sewer and submit a recording to Public Works for review. If Public Works determines that the sewer is in need of repair, or there is potential sewer leakage, a new sewer pipe shall be installed. The applicant is responsible for all costs relating to the CCTV inspection and the new sewer pipe.

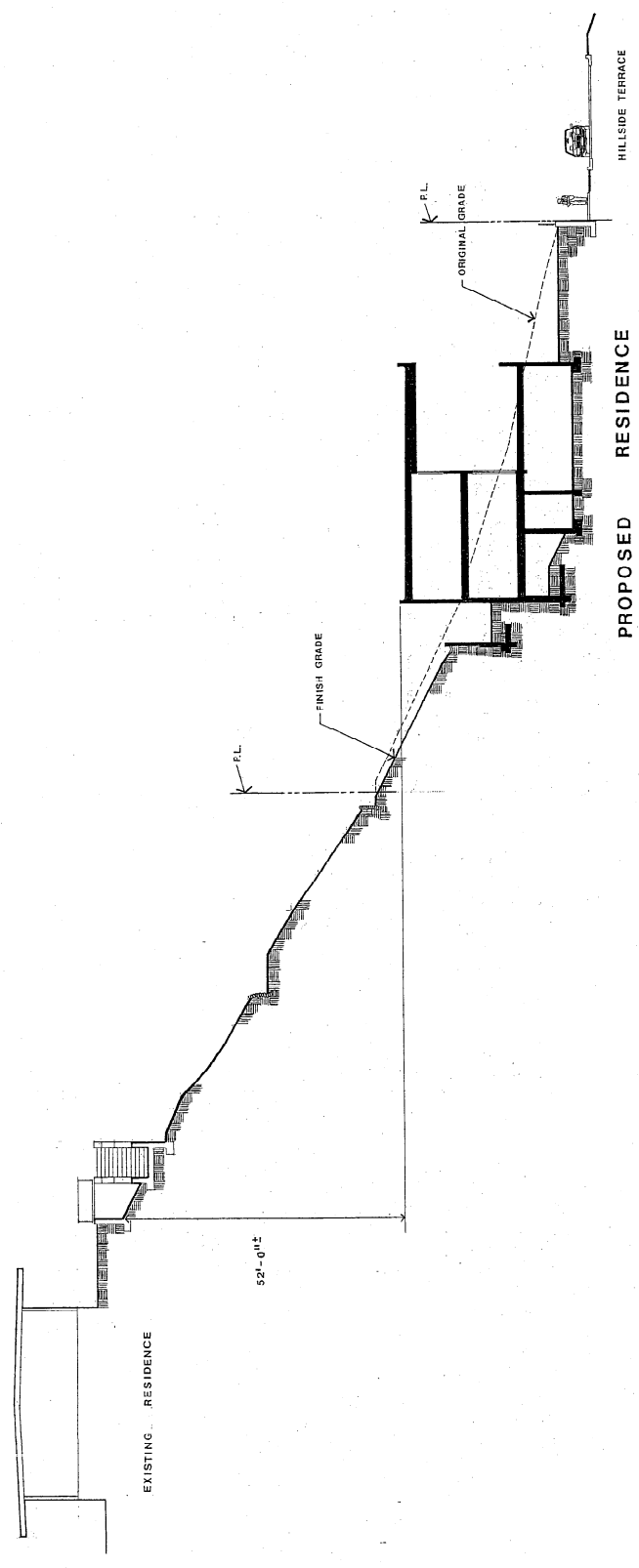
### Condition Monitoring.

To ensure that the proposed house is properly monitored during construction, staff is proposing to replace condition of approval #11 with a new condition that will require the applicant to pay for a condition monitoring program. The condition monitoring program will allow for Code Compliance staff to inspect the project throughout the construction process. These inspections are in addition to inspections performed by the Building Division to ascertain compliance with the construction plans and applicable building codes.

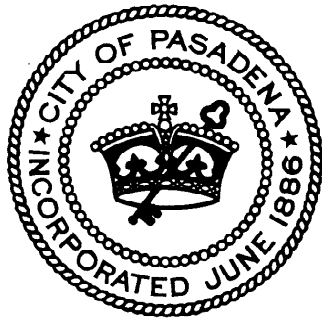
**Attachment C**  
**Landscape Plan Showing Tree Canopies**



**Attachment D  
Section Drawing of Hillside**



EAST / WEST SECTION A EXTENDED



# Agenda Report

**TO:** CITY COUNCIL

**DATE:** ~~SEPTEMBER 26, 2005~~  
NOVEMBER 7, 2005

**FROM:** CITY MANAGER

**SUBJECT:** CALL FOR REVIEW OF TENTATIVE PARCEL MAP #061676 AND HILLSIDE DEVELOPMENT PERMIT #4395, 720 SOUTH SAN RAFAEL AVENUE (725 HILLSIDE TERRACE).

## RECOMMENDATION

It is recommended that the City Council:

1. Adopt the draft initial environmental study and Negative Declaration that the proposed project will not create any significant adverse effects on the environment;
2. Direct the City Clerk to file a Notice of Determination with the County Clerk; and
3. Affirm the decision of the Zoning Hearing Officer to approve Tentative Parcel Map #061676 to allow:
  - a. Tentative Parcel Map – Subdivide one land lot into two land lots;
  - b. Hillside Development Permit – Subdivision of land within the Hillside Overlay district;
  - c. Hillside Development Permit – Construction of single-family house; and
  - d. Private Tree Removal – Removal of one Toyon (*heteromeles arbutifolia*) tree.

## BACKGROUND

The applicant, Dennis Smith, on behalf on the property owners Christopher and Lois Madison, submitted: 1) a Tentative Parcel Map application to allow a lot split of the existing 110,642 square foot (2.5 acres) lot into two lots of 86,172 square feet (Parcel A) and 24,514 square feet (Parcel B), respectively, 2) a Hillside Development Permit application to allow a subdivision in the Hillside Overlay district, 3) a Hillside Development Permit application to allow the construction of a new 5,328 square foot single-family house on Parcel B (725 Hillside Terrace); and 4) a private tree removal application for the removal of one Toyon (*Heteromeles Arbutifolia*) tree.

Staff reviewed the applications and found they comply with all applicable provisions of the Zoning Code. Therefore, staff recommended that the Zoning Hearing Officer approve the applications. The Zoning Hearing Officer approved the applications at the

MEETING OF ~~9/26/2005~~ 11/14/2005  
~~11/7/2005~~

AGENDA ITEM NO. ~~6.A.-7:30-P.M.~~ 6.A. 8:00 P.M.

August 3, 2005 public hearing and that decision was called for review by the City Council on August 22, 2005.

## **ANALYSIS**

### **Tentative Parcel Map – Subdivide one land lot into two land lots (Parcels A and B).**

The property is zoned for single-family residential development as regulated by the RS-2 development standards. The minimum lot size for new parcels in this zone is 20,000 square feet. Parcel A, on which the existing house would be located, is proposed to be 86,172 square feet, while Parcel B would be 24,514 square feet.

The minimum required lot width for new properties in the RS-2 zoning district is 100 feet. The portion of Parcel A that fronts onto South San Rafael Avenue is approximately 30-35 feet for the first 250 feet; whereupon the property widens significantly to over 300 feet. This configuration will not change. Parcel B would be 286 feet wide and would front onto Hillside Terrace.

For any subdivision where an existing house is remaining, staff must also find that the existing house will comply with all size and setbacks requirements applicable to the property. In this case the existing 5,761 square foot house is significantly less than the maximum allowable size of 17,575 square feet and all minimum setback requirements (25 feet from the front and rear property lines and 10 feet from the side property lines) will continue to be exceeded (350 feet from the front property line, 84 feet from the proposed rear property line, 40 feet from the north property line and 120 feet from the south property line). All other development standards such as lot coverage and covered parking will also be met by Parcel A.

Under the Hillside requirements, the slope density reduction table yields the number of developable lots based upon areas of similar slope within the lot to be subdivided. In this case, the maximum number of lots that can be created from the subject site, based on size alone, is 3.8 lots, which exceeds the two proposed lots.

### **Hillside Development Permit – Subdivision of land within the Hillside Overlay district.**

The intent of requiring a Hillside Development Permit for subdivisions in the Hillside Overlay district is to ensure that a proposed subdivision has appropriately considered the hillside nature of the property it is subdividing. In this case, Parcel A would be located where the existing house is and would maintain its connection to South San Rafael Avenue. The house would continue to meet all applicable development standards such as floor area, lot coverage, setbacks, and height.

Parcel B would be located on the portion of the existing lot that slopes down to Hillside Terrace. The slope is generally consistent down to Hillside Terrace with a small 200 square foot area in the northern portion of the property that increases in slope to over 50%. The portion of the rear lot line of Parcel B that parallels Hillside Terrace also generally parallels the slope contours of the property.

Parcel B is large enough to provide adequate room for a new house (See Hillside Development Permit discussion below) that can meet or exceed the applicable development standards such as floor area, lot coverage, setbacks, and height.

At the public hearing the stability of the slope on Parcel B was questioned because of the number of landslides in the Hillside areas of the City last winter. The Geotechnical Report prepared for the project concluded that because the proposed house would lie below existing grade, all support for the structure will be on bedrock.

#### Hillside Development Permit – Construction of new single-family house.

The applicant is proposing to construct a new house totaling 5,328 square feet. The new house would be located in the approximate center of the newly created Parcel B and would face Hillside Terrace. The maximum allowable gross floor area for Parcel B is 5,470 square feet. This takes in account a lot size of 24,514 square feet, 200 square feet of which exceed a 50% slope, and an average slope of 31.78%. The proposed floor area of 5,328 square feet is 142 less than the maximum allowable.

The Hillside Ordinance has two height limits, as measured from the existing grade of the site. First, the maximum height of a primary residence can be no more than 28 feet at any one point on the property and the maximum height as measured from the lowest point to the highest point cannot exceed 35 feet. As proposed, highest point of the house as measured from existing grade would be 24 feet and the overall height would be 32 feet.

The minimum setback requirements are 25 feet in the front and rear and 10 feet on the sides. As proposed, the house meets or exceeds these requirements as the setbacks would be 25 feet in the front, 35 feet in the rear, 56 feet on the south side, and 92 feet on the north side.

The Hillside Ordinance also has a requirement for Neighborhood Compatibility. This limits the gross floor area of a house, not including garages, to 35% over the median floor area of houses within 500 feet of the subject property. In this case, the median home size within 500 feet (58 homes) is 3,429 square feet. Thirty-five percent above this median is 4,629 square feet. The new house is proposed to be 4,448 square feet in size, not counting the attached garages. Thus, the home is 181 square feet below this maximum.

The new house does not occupy a ridge or prominent location. The proposed development would occupy approximately 9% of Parcel B. The proposed house will not impact any existing views as houses to the north and south will maintain their eastern views, houses to the east are below the proposed house and face east, and the existing house on Parcel A is located approximately 50 feet above the highest point of the proposed house on Parcel B. Further, prior to the issuance of any building permits the applicant shall submit a geotechnical report and detailed grading plan for the new house.

#### Private Tree Removal – Removal of one Toyon (*Heteromeles Arbutifolia*) tree.

The applicant is proposing to remove nine of the 52 trees on Parcel B. Of these nine trees, only one is protected per the City's Tree Protection Ordinance. This tree, a Toyon (*heteromeles arbutifolia*) is located between the front property line and the front of the proposed house, approximately 20 feet from the front property line. Four of the other trees proposed to be removed are located within the footprint of the proposed house and four are within close proximity of the house.



The applicant has proposed to compensate for not only the removal of the protected Toyon tree, but also the other eight trees. A preliminary landscape plan submitted with the application shows the planting of 34 new trees: 24-inch box Ginkos (3), 24-inch box Japanese Maples (2), 15-gallon Coast Live Oaks (9), 15-gallon California Rosebud trees (6), and 15-gallon Toyon trees (14). Most of these trees are proposed to be planted at the rear of the property, but the Ginkos and Japanese Maples will be planted at the front and sides of the new house. Three of the California Rosebud trees will be planted at the southern end of the front property line, while the remaining three will be planted at the northern end of the property.

Because the proposed landscape plan will result in a greater tree canopy than what currently exists, staff has made the necessary finding to permit the removal of the Toyon tree.

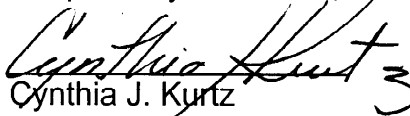
### **ENVIRONMENTAL DETERMINATION**

An Initial Environmental Study was prepared for this project. The Study found no significant environmental impacts and therefore a Negative Declaration was prepared per the requirements of the California Environmental Quality Act. The public review period was from July 13, 2005 through August 3, 2005.


### **FISCAL IMPACT**

The project will generate plan check permit fees and construction tax. Once constructed, the project will generate increased revenues from property taxes.

Respectfully submitted,

  
Cynthia J. Kurtz  
City Manager

Prepared by:

  
David Sinclair  
Associate Planner

Approved by:

  
Richard J. Bruckner, Director  
Planning and Development Department

Attachments:

- A. Specific Findings for Tentative Parcel Map #061676
- B. Specific Findings For Hillside Development Permit #4395
- C. Conditions Of Approval For Tentative Parcel Map #061676
- D. Conditions Of Approval For Hillside Development Permit #4395

- E. Conditions Of Approval For Tentative Parcel Map #061676 (Public Works Department)
- F. Conditions Of Approval For Hillside Development Permit #4395 (Public Works Department)
- G. Conditions Of Approval For Tentative Parcel Map #061676 (Water And Power Department – Water Division)
- H. Conditions Of Approval For Tentative Parcel Map #061676 (Water And Power Department – Power Division)
- I. Draft Environmental Initial Study And Negative Declaration
- J. Site Plan for Proposed Subdivision and Proposed House
- K. Artist Renderings (three) of Proposed House