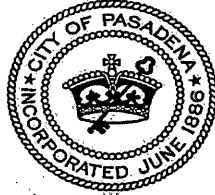


**ATTACHMENT L
HEARING OFFICER STAFF REPORT DATED DECEMBER 2, 2015
(WITHOUT ATTACHMENTS)**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 2, 2015

TO: Hearing Officer

SUBJECT: Hillside Development Permit #6347

LOCATION: 1835 Kaweah Drive

APPLICANT: Patrick Nicholson

ZONING DESIGNATION: RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Luis Rocha

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Hillside Development Permit #6347 with the conditions in Attachment B.

PROJECT PROPOSAL: Hillside Development Permit: To allow the construction of a new 1,337 square foot, three-story, single-family residence and an attached 366 square-foot garage, on a vacant lot, in the RS-6-HD-SR zoning district;

Variance: To allow 56 percent (323 sq. ft.) of the front yard to be paved, where the maximum permitted is 30 percent (174 sq. ft.);

Variance: To allow an 18'-6" vehicular driveway width where the maximum permitted is 15 feet;

Minor Variance: To allow fencing in the front yard area with a height of up to 12 feet, where the maximum permitted is four feet; and

Minor Variance: To allow a reduced front yard setback of seven feet, where the minimum required is 12 feet.

ENVIRONMENTAL DETERMINATION:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures). This class exempts from environmental review the construction of limited numbers of new, small facilities or structures. Section 15303(a) specifically exempts the construction of one single-family residence in a residential zone. The proposed project involves the construction of one single-family residence in the RS-6-HD-SR zone, a residential zone.

BACKGROUND:

Site characteristics:

The site is an irregular-shaped interior lot measuring 5,356 square feet, located on the north side of Kaweah Drive, north of Tamarac Drive. The developable area of the lot is 5,356 square feet with an average slope of 38.6 percent. The site slopes downward to the northwest away from Kaweah Drive. The site is currently vacant and undeveloped.

Adjacent Uses:

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

Adjacent Zoning:

North – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)
South – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)
East – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)
West – RS-6-HD-SR (Single-Family Residential, 0-6 lots per acre, Hillside Overlay District, San Rafael Area)

Previous zoning cases on this property:

HDP #4766 – Permit to construct a new single family residence on a vacant lot. The project was administratively withdrawn due to lack of activity, on April 15, 2009.

PROJECT DESCRIPTION:

The applicant, Patrick Nicholson, has submitted a Hillside Development Permit (HDP) application to allow the construction of a new 1,337 square-foot, three-story, single-family residence and an attached 366 square-foot garage, on a vacant lot, in the RS-6-HD-SR zoning district. The uppermost level of the proposed residence consists of the attached garage, followed by two lower levels of living area. The total gross floor area of the subject site, including the attached garage, would be 1,703 square feet. The building would have a 726 square-foot basement that is not included in the gross floor area, because it does not exceed a height of three feet above existing grade at any point and does not have an exposed wall that is more than six feet above finished grade.

An HDP is required for the construction of a new single-family residence in the Hillside Overlay District. No trees are proposed for removal as part of the project. In addition to the HDP, the applicant is requesting three variances to construct the project as proposed:

1. A Variance is requested to allow 56 percent (323 sq. ft.) of the front yard area to be paved, where the maximum permitted is 30 percent (174 sq. ft.);
2. A second Variance is requested to allow an 18'-6" vehicular driveway width, where the maximum permitted width is 15 feet;
3. A Minor Variance is requested to allow fencing in the front yard area with a height of up to 12 feet, as measured from existing grade, where the maximum permitted is four feet; and
4. A Minor Variance is requested to allow the residence to provide a seven-foot, where the minimum required is 12 feet.

The proposed residence would have an attached 366 square-foot, two-car, garage located at street level adjacent to Kaweah Drive. The residence would be sited behind the garage, at a lower elevation, and is designed to step down and follow the downward slope of the site. The residence consists of a first floor with 670 square-feet of floor area and a second floor with 667 square feet of floor area. The proposed 726 square-foot basement is not included in the floor area, because it does not exceed a height of three feet above existing grade at any point and does not have an exposed wall that is more than six feet above finished grade.

ANALYSIS:

Hillside Development Permit: Construction of a 1,337 square-foot, three-story single-family residence with a 366 square-foot attached two-car garage.

Development Standards

Gross Floor Area:

In the RS-6-HD-SR zoning district, the maximum allowable gross floor area, which includes all covered parking spaces, accessory structures and enclosed space, is 27.5 percent of the lot area plus 500 square feet. For a lot of 10,000 square feet or more in the Hillside Overlay District; any portions of the lot with a 50 percent slope or more, and any access easement on the lot must be deducted from the lot area for calculating the maximum allowable gross floor

area. If the average slope of the lot area exceeds 15 percent, the maximum allowable gross floor area shall be further reduced in compliance with the slope reduction formula as described in Section 17.29.060.A.4 of the City's Zoning Code.

According to the application package, the subject site measures 5,356 square feet, less than 10,000 square feet, and there are no access easements on the lot. However, the subject site has an average slope of 38.6 percent and is subject to the slope reduction formula as described in Section 17.29.060.A.4 of the City's Zoning Code.

Based on the floor area calculation, including application of the slope reduction formula, the maximum allowable gross floor area for the site is 1,740 square feet. The total gross floor area, including the attached garage, would be 1,703 square feet and is in compliance with the allowable floor area for the site.

Lot Coverage:

In addition to maximum allowable gross floor area requirement, the site is also subject to maximum lot coverage requirement. The maximum allowable lot coverage sets limits on the footprint of all covered structures (enclosed or unenclosed) and overhangs extending more than three feet of up to 35 percent of the lot area. The maximum allowable lot coverage for the subject 5,356 square-foot lot is 1,875 square feet. The proposed lot coverage for this site would be 1,495 square feet or approximately 28 percent of the lot area. The proposed project is in compliance with the lot coverage requirement.

Setbacks:

Within the San Rafael Area of the Hillside Overlay District, the front setbacks are governed by Table 2-9 of the City's Zoning Code. Pursuant to Table 2-9, the minimum front yard setback for the subject site is 12 feet. The proposed garage, attached to the residence, is setback approximately 12'-3" from the front property line and in compliance with the minimum front yard setback requirement. However, in response to concerns related to view protection, the applicant is requesting a Minor Variance to move the proposed residence five feet towards Kaweah Drive and providing a reduced front yard setback of seven feet.

The minimum required interior side yard setback is 10 percent of the lot width, with a minimum of 5 feet, and a maximum of 10 feet. The lot width is approximately 47 feet; therefore, the minimum required side yard setback is five feet, as measured from each side property line or nearest top or toe of slope, whichever is closer. As proposed, the new residence would provide a side yard that exceeds five feet along both side property lines; thus the proposed project is in compliance with the minimum side yard setback requirement. The minimum required rear yard setback is 25 feet. The residence is proposed to be set back approximately 36 feet from the rear property line, therefore in compliance with the minimum rear yard setback.

Furthermore, the proposed project is subject to the encroachment plane requirement per Section 17.40.160.D.1 of the Zoning Code. The Zoning Code requires residences not to be located within a side setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the interior side property line. No portion of the proposed residence encroaches into the encroachment angle.

With the exception of the reduced front yard setback, the proposed project is consistent with the setback and encroachment plane standards.

Height:

The maximum allowable height for properties in the Hillside Overlay District is 28 feet at any point with a maximum overall height of 35 feet, measured from the lowest point to the highest point of the structure. The maximum overall height of the proposed project is 31'-2". The highest at-any-point height of the new building would be 24 feet. The proposed project is in compliance with both height requirements.

Parking:

The Zoning Code requires two covered parking spaces for a single-family residence. The applicant is proposing a new two-car garage attached to the front elevation of the proposed residence. Because the property is located within the San Rafael Area of the Hillside Overlay District, the required uncovered off-street guest parking spaces as required per Section 17.29.050.G do not apply. The proposed project meets the parking requirements of the Zoning Code.

Neighborhood Compatibility:

The Hillside Overlay District requires that all projects subject to an HDP comply with the Neighborhood Compatibility guidelines. These guidelines are intended to ensure that the proposed project is designed to be in-scale and compatible with existing single-family residential development within the vicinity. The "neighborhood" is defined as the area within a 500-foot radius of the project site. In addition to the floor area ratio requirements of the Zoning Code, the total habitable area of the project shall not exceed the Neighborhood Compatibility threshold, which is established by calculating 35 percent above the median floor area of the existing houses within a 500-foot radius of the site. This square footage excludes garages and accessory structures.

There are 87 parcels within the City developed with single-family residences within a 500-foot radius of the site. According to records from the Los Angeles County Assessor, the median floor area of these residences is 1,508 square feet (excluding garages and other accessory structures). Thirty five-percent above this median is 2,036 square feet. The total habitable floor area of the project is 1,337 square feet. The proposed 726 square-foot basement is not included in the floor area, because it does not exceed a height of three feet above existing grade at any point and does not have an exposed wall that is more than six feet above finished grade.

The proposed habitable area of 1,337 square feet is within the Neighborhood Compatibility threshold. The analyses are incorporated in this report as Attachment C. The proposed project complies with the Neighborhood Compatibility requirement.

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 proposed single-family residence is contemporary in design. The exterior of the building would be treated mainly with Hardie Plank smooth-faced lap siding, up to the roof parapet. Section 17.29.060.C.4.a of the Zoning Code requires the use of darker tones, including earth

tones for building walls and roofs. The proposed colors for the residence are brown for the exterior walls and maroon for the window frames, trellis and fascia. The proposed design, materials, and color palette are consistent with the applicable design criteria (architectural features) for the Hillside Overlay District.

While the house is designed with three-stories, when viewed from Kaweah Drive, the house appears to be one-story; with the garage being the main portion of the structure visible from the street. The majority of the residence is sited behind garage, at a lower elevation that is approximately 15 to 20 feet below Kaweah Drive. The residence is designed to step down and follow the downward slope of the site.

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

Although the proposed house is visible from surrounding properties, the placement of the new residence would not impede the protected view of an adjoining property. Section 17.29.060.E (View Protection) of the Zoning Code states that a proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible. Specifically, new structures shall not be placed directly in the view of the primary living areas on a neighboring parcel. "Primary" living area refers to living rooms, family rooms, patios, but not a kitchen, bedroom, or bathroom. Per Section 17.29.060.E, views that are protected under this section are views that are oriented towards the sites downhill slope.

The adjoining property to the east (1827 Kaweah Drive) was designed with primary living areas, with an extensive 36-foot wide window system, facing west on looking towards the city of Glendale. The downhill slope, establishing the protected view for 1827 Kaweah Drive, is towards north/northwest; the existing slope does not run towards the west, across the project site. Therefore, the proposed residence would not block any protected views that are oriented towards the downhill slope. The location of the proposed residence would, however, be placed in the view of and be visible from the primary living areas of 1827 Kaweah Drive. As discussed, the adjoining residence has a 36-foot field of view. The proposed residence encroaches approximately 10 feet into the field of view of the primary living areas of 1827 Kaweah Drive. To reduce the encroachment into the field of view, the applicant is proposing to move the proposed residence five feet closer to Kaweah Drive; thereby reducing the encroachment of the proposed residence.

The two adjoining properties to the west of the proposed project site, along Kaweah Drive, are currently vacant with no primary structures. The properties directly to the south, across Kaweah Drive, are sited at an elevation of approximately 20 feet above Kaweah Drive and would maintain substantial views to the north/northwest because the majority of the proposed residence is sited below Kaweah Drive and follows the downward slope of the site. The proposed project is in compliance with the view protection requirements.

Preliminary Geotechnical Report:

A Geologic and Soils Engineering Exploration report for the project site was prepared by Patrick Nicholson, P.E. on August 30, 2014. The purpose of the report was to determine the subsurface conditions as they relate to the proposed construction of the new single-family residence. The subsurface exploration consisted of five borings excavated to a maximum depth of six feet.

Based on the test borings, field geologic mapping, review of the previous report, research of available records, 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.

Variance: To allow 56 percent (323 sq. ft.) of the front yard to be paved, where the maximum permitted is 30 percent (174 sq. ft.)

Pursuant to Section 17.40.160.F.3.a, within a residential zoning district, not more than 30 percent of the front yard area may be paved between the street property line and the building line. For the proposed project, the front yard area is the area between the front property line and the front façade of the attached garage.

As proposed the front yard setback is approximately 12'-3". The subject lot is irregular in shape with a narrow frontage that gradually widens to the rear property line. At its narrowest point, the front property line, abutting Kaweah Drive, has a width of 40'-6".

According to the information provided as part of the application package, the front area measures 579 square feet. Therefore, the maximum permitted paving in the front yard is 174 square feet. The applicant is proposing a total of 323 square feet (56 percent) of paving to provide a driveway, to access the required two-car garage, and a pedestrian walkway utilized to access the residence.

Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. The subject property is characterized by an irregular shape lot, with a narrow front yard (40'-6"), and a steep descending slope; where the elevation difference between the front of the lot and the rear is approximately 40 feet. A majority of the lots in this vicinity have a wider street frontage than the subject site and have relatively flat pads that can accommodate the residence and the garage.

To avoid the variance request, and reduce the paving percentage provided, the applicant would be required to provide a larger front yard setback (proposed 12'-3") to increase the front yard area. However, this would result in an unnecessary hardship as the residence would have to be sited further down the slope and require additional grading and impacts to the slope.

The increase in the maximum paving would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. The additional paving would lead to the proposed garage and provide a pedestrian walkway. As such, the increased amount of front yard paving would not be a negative impact on the surrounding residential neighborhood. Furthermore, the additional paving would not result in the granting of a special privilege to the applicant as there are residences along Kaweah Drive with paving that exceeds the 30 percent requirement.

Variance: To allow an 18'-6" vehicular driveway width where the maximum permitted is 15 feet.

Pursuant to Section 17.29.050.F.1, the minimum and maximum paved width of a driveway, within the front yard area, is 15 feet. Due to the topography of the site, the applicant has designed the proposed project so that the two-car garage is located at the front of the property; in close proximity to Kaweah Drive for access purposes. The garage is proposed with a width of approximately 18'-6" and is accessed via a driveway with a corresponding width.

Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. The subject property is characterized by a steep descending slope; where the elevation difference between the front of the lot and the rear is approximately 40 feet. A majority of the lots in this vicinity have a wider street frontage than the subject site and have relatively flat pads that can accommodate the residence and the garage.

To avoid the variance request, and reduce the width of the driveway width, the applicant would be required to design the garage so that it is located outside the front yard setback and placed further down the slope. However, this would result in an unnecessary hardship as the garage would have to be sited further down the slope and require additional grading and impacts to the slope.

The increase in the maximum driveway width would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. The additional driveway width would lead directly to the proposed garage. As such, the increased amount of driveway width, 3'-6", would not be a negative impact on the surrounding residential neighborhood. Furthermore, the additional driveway width would not result in the granting of a special privilege to the applicant as there are residences along Kaweah Drive with driveway widths that exceed 15 feet.

Minor Variance: To allow fencing in the front yard area with a height of up to 12 feet, where the maximum permitted is four feet.

Pursuant to Section 17.40.180.B.2.c, between the front property line and the occupancy frontage, the maximum fence height shall be four feet. Additionally, Section 17.40.180.A.1 states that, "walls and fences shall be measured from the existing grade to the top of the wall or fence."

As proposed, due to the steeply descending grade at the front of the site, the area to be utilized for the driveway would have the existing grade increased in height to provide a flat pad connecting the driveway from Kaweah Drive to the garage entry. For safety purposes, a fence, serving as a railing, is proposed to be installed along the length of the driveway due to the resulting difference in elevation between the driveway and the site. The proposed fence physically would only have a height of three feet and six inches; however, the height is measured from existing grade as required by Section 17.40.180.A.1. When measured from existing grade, the fence measures approximately 12 feet in height.

Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. The subject property is characterized by a steep descending slope, with no flat pad, resulting in site constraints not commonly found on other sites; where the elevation difference between the front of the lot and the rear is approximately 40 feet.

To avoid the minor variance request, the applicant would have to eliminate the fence or design the garage so that it is located outside the front yard setback and placed further down the slope, allowing the driveway to follow the natural terrain (existing grade) to the maximum extent feasible. However, if the applicant went with this option, the driveway would exceed the maximum average grade of 15 percent pursuant to Section 17.29.050F.2. The proposed site design eliminates the need for the garage to be sited further down the slope, reduces the

amount of driveway paving on the site and eliminates unnecessary grading and impacts to the slope.

The increase in fence height would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. The proposed fence would serve as a railing, placed adjacent to the driveway, to provide a pedestrian and vehicular barrier from the resulting difference in elevation. When measured from finish grade, the proposed fence physically would only have a height of three feet and six inches. As such, the increased amount of fence height would not be a negative impact on the surrounding residential neighborhood.

Minor Variance: To allow a reduced front yard setback of seven feet, where the minimum required is 12 feet.

Pursuant to Section 17.29.100, Table 2-9, the minimum front yard setback for the subject site is 12 feet. Due to the topography of the site and the view protection requirements of the Zoning Code, the applicant has requested to design the proposed residence so that it provides a seven-foot front setback in response to concerns related to view protection from an adjacent property at 1827 Kaweah Drive.

Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. The subject property is characterized by a steep descending slope; where the elevation difference between the front of the lot and the rear is approximately 40 feet. Furthermore, there is an existing adjacent residence with an extensive window system that is oriented towards the subject site. The subject property is located in an RS zoning district within the Hillside Overlay District and is subject to the view protection requirements of the Zoning Code; whereas RS properties outside of the Hillside Overlay District are not subject to such a standard.

The reduced front yard setback of seven feet would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. The reduced setback would reduce the encroachment into the field of view of the adjacent property located at 1827 Kaweah Drive. In addition, the reduced front yard setback would reduce grading impacts to the slope as the residence would be sited further up the slope. Furthermore, the reduced front setback would not result in the granting of a special privilege to the applicant as there are residences along Kaweah Drive with shallow front setbacks due to the topography of the area.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would be a single-family residence; therefore, the character of the single-family neighborhood would be maintained. Policy 21.9 of the General Plan Land Use Element is to "maintain appropriate scale, massing and access to residential structures located in hillside areas." Policy 7.1 discourages "mansionization" by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods and Policy 4.11 requires that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics. The proposed livable area of the project is 1,337 square feet and within the Neighborhood Compatibility threshold. As designed, the project would not block any

views, and is in compliance with the ridgeline protection standard. Furthermore, as designed, the proposed project would be compatible with the surrounding neighborhood.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures). This exempts from environmental review the construction of limited numbers of new, small facilities or structures. Section 15303(a) specifically exempts the construction of one single-family residence in a residential zone. The proposed project involves the construction of one single-family residence in the RS-6-HD-SR zone, a residential zone. The use of the site would be as a single-family dwelling.

REVIEW BY OTHER CITY DEPARTMENTS:

The project has been reviewed by the Building and Safety Division, Fire Department, Department of Transportation, Department of Public Works, and Design and Historic Preservation Section. The Building and Safety Division, Fire Department, Department of Transportation and Design and Historic Preservation Section had no concerns at this time and would review the plans through the building permit plan check process. The Department of Public Works provided comments and recommended conditions of approval, which have been incorporated to this report under Attachment B "Recommended Conditions of Approval." Furthermore, as part of their review, the Fire Department and Department of Transportation reviewed the project subject to Section 17.29.050.F.3, of the Zoning Code, and considered the location and design of the existing driveway as it relates to on- and off-street safety of vehicles, vehicle passengers and pedestrians, and access for emergency vehicles; no additional comments were provided.

CONCLUSION:

Staff concludes that the findings necessary for approving the Hillside Development Permit can be made (Attachment A). The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the required variances as a result of the topography on the site. Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that does not apply generally to sites in the same zoning district. As designed, the requested variances would not be harmful or detrimental to surrounding properties and to other residences in the immediate neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding neighborhood. Therefore, staff recommends approval of the Hillside Development Permit, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

ATTACHMENTS:

Attachment A: Hillside Development Permit Findings
Attachment B: Recommended Conditions of Approval
Attachment C: Neighborhood Compatibility Analysis

**ATTACHMENT M
CORRESPONDENCE RECEIVED FOR THE DECEMBER 2, 2015
HEARING OFFICER MEETING**

Daniel and Barbara Grady
1827 Kaweah Drive
Pasadena, California 91105

December 2, 2015

COMMENTS/OBSERVATIONS RE:
HILLSIDE DEVELOPMENT PERMIT # 6347
1835 KAWEAH DRIVE

WHO WE ARE

- I am Daniel Grady. My wife, Barbara, and I live at 1827 Kaweah Drive. We have lived in the San Rafael Hills area for 42 years. After living on La Loma Road for 32 years, in 2005 we purchased Lot #16 on which our current home at 1827 Kaweah Drive was built and designed. We have been and remain compliant with all codes and permit requirements, absent any requests for variances. At the time we built our current home, we worked with our neighbors to be certain that the design of our home met with their approval.
- In building our home in 2005 we designed a single-family custom home with a west looking panoramic view. Our primary upstairs living area was designed around this view with a complete open area, living room, family room, and deck with 30 feet of arched glass windows.
- We had first written comments to you on November 12, when we expected that the hearing for Hillside Development Permit # 6347 would be held on November 18, 2015. The November 18 hearing was rescheduled for December 2, 2015.
- Since the Planning staff has prepared a revised report for the December 2, 2015, hearing regarding Hillside Development Permit # 6347, it is very important for us to present our comments and observations re: the Staff Report of December 2, 2015, since the staff report continues to contain both inaccuracies and errors in fact.

COMMENTS/OBSERVATIONS RE: HILLSIDE DEVELOPMENT
PERMIT # 6347, 1835 Kaweah Drive:
FOR THE DECEMBER 2, 2015, HEARING

1. Page 6 of the Staff Report: Reference to our window System: The Staff Report states that our home has as 36-foot wide window system facing west...

This statement is incorrect. The measurement of our window system in our primary living area is 30 feet, not 36 feet, a big difference. The calculation of the measurement of our window system by the staff is incorrect. Thus, how can the calculation of the encroachment be correct? We have requested the posting of flags to demonstrate the exact height and corners of the proposed structure. The staff of the Planning Department has said this is "not necessary". Given the discrepancy in the estimates, the placement of flags seems necessary. Other than Luis Rocha, Planner, no other City staff members have visited our property.

2. Page 6 of the Staff Report: "...The location of the proposed residence would, however, be placed in the view and be visible from the primary living areas of 1827 Kaweah Drive (our home). As discussed, the adjoining residence has a 36-foot field of view. (Not true: 30-foot field of view). The proposed residence encroaches approximately 10 feet into the field of view of the primary living areas of 1827 Kaweah Drive (our home). To reduce the encroachment into the field of view, the applicant is proposing to move the proposed residence five feet closer to Kaweah Drive, thereby reducing the encroachment of the proposed residence."

The deck of our home and our primary living area begin at 50 feet from Kaweah Drive. Moving the proposed residence 5 feet closer to Kaweah Drive will not reduce the encroachment into our field of view. The proposed residence needs to be moved 18 feet closer to Kaweah Drive in order to eliminate the encroachment into our field of view, including the overhangs and decks. The proposed design for Lot #17 is a long narrow structure that extends approximately 68 feet from the street. An adjustment of moving the proposed design by 18 feet, not 5 feet, toward the street, would protect the view for our home, would protect the privacy of the lower lots below on Sycamore Glen, and would also preserve the lower hillsides terrain.

We believe that the proposed structure has NOT been designed to *the maximum extent feasible* to avoid blocking the view of our home – quite the contrary. In continuing to review the plans and design, it appears that no effort to avoid blocking the view of our home has been made, in violation of Section 17.29.060E.

In the Pasadena Hillside Overlay Districts, Section 17.29.060E (View Protection), it is clearly stated *that, "a proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible. This includes abutting properties as well as properties directly across the street from the subject property."*

3. Page 6 of the Staff Report: "The downhill slope, establishing the protected view for 1827 Kaweah Drive, is towards north/northwest; the existing slope does not run towards the west, across the project site. Therefore, the proposed residence would not block any protected views that are oriented toward the downhill slope."

We disagree with the statement that our "existing slope does not run west across the project site." At the time we built our home, the report of the City Planning staff, dated March 15, 2006, states that the average slope of 37 degrees runs downward to the northwest away from Kaweah Drive." Because of this, we disagree with the staff statement above that our lot at 1827 Kaweah Drive does not run toward the west because 1/4 of our lot slopes due west.

If one stands on the street in front of Lot #17 looking down, one can see that the slope runs predominantly west in a pie shape. Allowing this proposed design to go forward as is – i.e., a long narrow structure with a flat roof – will directly block the view of the primary living area of our established home. (See the attached topographical map).

4. Re: Original Slope Calculations by the Applicant for the Proposed Residence:

In meeting with City Planner Luis Rocha on October 22, 2015, and in our Comments/Observations (dated, November 12, 2015) for the original hearing scheduled for November 18, 2015, we questioned City Staff re: the statement and assertion by the applicant/builder that his slope calculation was 32 degrees. The lot slope for our home is 37 degrees; the lot slope directly below is 42 degrees. In October and in November, we requested that the City staff accurately determine and verify the slope calculation for Lot #17. Finally, the City staff now report that the slope calculation for Lot # 17 is 38.6 degrees, which has resulted in the square footage of the project being reduced. If this important calculation was incorrect, what other calculations are incorrect and/or ignored by the City staff?

5. Attached is an example of a proposed design for a home on Lot # 17 by the previous owner of this lot and the adjacent 4 lots (the Pasadena Five). Also attached are two site plans showing the curve on Kaweah Drive and an air photograph of the hillside. Views of the attached maps illustrate that there are other options that can be utilized in designing the structure on Lot # 17, options that do not violate the View Protection Clause of the Hillside Overlay Districts (Section 17.29.060E).
6. At the time that Luis Rocha, Planner, came to our home in mid-August to view our home site and take photographs, he indicated that the owner/builder could not block our view and he was going to talk with him regarding changes to the design that would not violate the View Protection clause. He also indicated that he would contact the owner/builder to set up a meeting with us. It is our understanding that the owner/builders have refused to meet with us.
7. If the proposed project is approved as submitted, not only will our westerly view be completely destroyed but also our property value will be greatly decreased. A local realtor estimates that the value of our home will be decreased by at least 10%, approximately \$100,000 to \$150,000 less in value.

In closing, we refer again to these three (3) zoning standards/purposes:

- One of the standards (#C) embedded in the Purpose of the City's Zoning Code is "to maintain and protect the value of property."
- One of the purposes of the Hillside Overlay Districts is #G: "Provide development standards that promote orderly development consistent with the traditional scale and character of the community, and that preserve privacy and views."
- We trust that these will be the standards that will be adhered to in this matter as will Section 17.29.060.E (View Protection) of the Hillside Overlay Districts.

Thank you for your consideration.

Dan and Barbara Grady

Daniel and Barbara Grady
1827 Kaweah Drive
Pasadena, California 91105

November 12, 2015

COMMENTS/OBSERVATIONS RE:
HILLSIDE DEVELOPMENT PERMIT # 6347
1835 KAWEAH DRIVE

WHO WE ARE

- I am Daniel Grady. My wife, Barbara, and I live at 1827 Kaweah Drive. We have lived in the San Rafael Hills area for 42 years. After living on La Loma Road for 32 years, in 2005 we purchased Lot #16 on which our current home at 1827 Kaweah Drive was built and designed. We have been and remain compliant with all codes and permit requirements, absent any requests for variances. At the time we built our current home, we worked with our neighbors to be certain that the design of our home met with their approval.
- In building our home in 2005 we designed a single-family custom home with a west looking panoramic view. Our primary upstairs living area was designed around this view with a complete open area, living room, family room, and deck with 30 feet of arched glass windows.

COMMENTS/OBSERVATIONS RE: HILLSIDE DEVELOPMENT
PERMIT # 6347, 1835 Kaweah Drive

1. The proposed design of the house (Hillside Development Permit # 6347) is being designed and located in such a manner that it will obstruct and block the western view of our primary living area.
2. In the Pasadena Hillside Overlay Districts, Section 17.29.060E (View Protection), it is clearly stated *that, "a proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible. This includes abutting properties as well as properties directly across the street from the subject property."*
3. We believe that the proposed structure has **NOT** been designed *to the maximum extent feasible* to avoid blocking the view of our home – quite the contrary. In reviewing the plans and design, it appears that no effort to avoid blocking the view of our home has been made, in violation of Section 17.29.060E.
4. Actually, there are adjustments that can be made in the proposed design so as to "protect the view" of the surrounding property per Code Section 17.29.060E and still maintain an appropriate structure of the house proposed in Hillside Development Permit # 6347. For example, one adjustment is that the structure could be built closer to the top of Lot #17, where there is enough property to construct a 1,337 sq. ft. family residence without blocking our view and would be in compliance with Section 17.29.060E.

5. The corner of our home is approximately 50' from the street, and our view windows are approximately 55' from the street on the West. The proposed design for Lot #17 is a long narrow structure that extends approximately 68' from the street. An adjustment of moving the proposed design by 15' toward the street, would protect the view for our home, would protect the privacy of the lower lots below on Sycamore Glen, and would also preserve the lower hillsides terrain.
6. In front of our home at 1827 Kaweah Drive, Kaweah Drive is running directly WEST. At the start of Lot # 17, 1835 Kaweah Drive, Kaweah Drive makes a sharp curve to the SOUTH WEST. (An attached topographical map illustrates this change of direction).
7. If one stands on the street in front of Lot #17 looking down, one can see that the slope runs predominantly West in a pie shape. Allowing this design to go forward as is – i.e., a long narrow structure with a flat roof – will directly block the view of the primary living area of our established home. (See the attached topographical map).
8. The front of Lot # 17 property is approximately 40' in width; the rear of Lot #17 is approximately 63' in width. It is my understanding that according to the owner/builder, the lot Slope for Lot # 17 is 32 degrees. The lot slope for my home is 37 degrees. And the lot slope directly below is 42 degrees. It is my understanding the owner/builder asserts that his slope calculation at 32 degrees is nearly the same as ours. I dispute this. We all know that the slope calculations affect the overall gross floor plan of the design. Thus, it is imperative that the slope calculations for Lot #17 be accurately determined and verified.
9. Attached is an example of a proposed design for a home on Lot # 17 by the previous owner of this lot and the adjacent 4 lots (the Pasadena Five). Also attached are two site plans showing the curve on Kaweah Drive and an air photograph of the hillside. Views of the attached maps illustrate that there are other options that can be utilized in designing the structure on Lot # 17, options that do not violate the View Protection Clause of the Hillside Overlay Districts (Section 17.29.060E).
10. It is also unacceptable to consider allowing the minor variance that the owner/builder is requesting. The owner/builder requests that he be allowed to have "*fencing in the front yard with a height of up to twelve (12) feet, where the maximum permitted is four (4) feet.*" Requesting a variance to build a fence/wall 12 feet high in the front yard, when the maximum allowed is 4 feet, is an example of the extreme aspects of this design that contribute to the code violations inherent in this proposed design and location. If allowed, this variance is clearly in violation of one of the purposes of Hillside Overlay Districts, #G: "*Provide development standards that promote orderly development consistent with the traditional scale and character of the community, and that preserve privacy and views.*"
11. At the time that Luis Rocha, Planner, came to our home in mid-August to view our home site and take photographs, he indicated that the owner/builder could not block our view and he was going to talk with him regarding changes to the design that would not violate the View Protection clause. He also indicated that he would contact the owner/builder to set up a meeting with us. It is our understanding that the owner/builders have refused to meet with us.

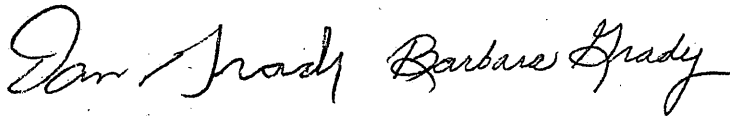
In closing, we refer again to these three (3) zoning standards/purposes:

- One of the standards (#C) embedded in the Purpose of the City's Zoning Code is "to maintain and protect the value of property."

- One of the purposes of the Hillside Overlay Districts is #G: "Provide development standards that promote orderly development consistent with the traditional scale and character of the community, and that preserve privacy and views."

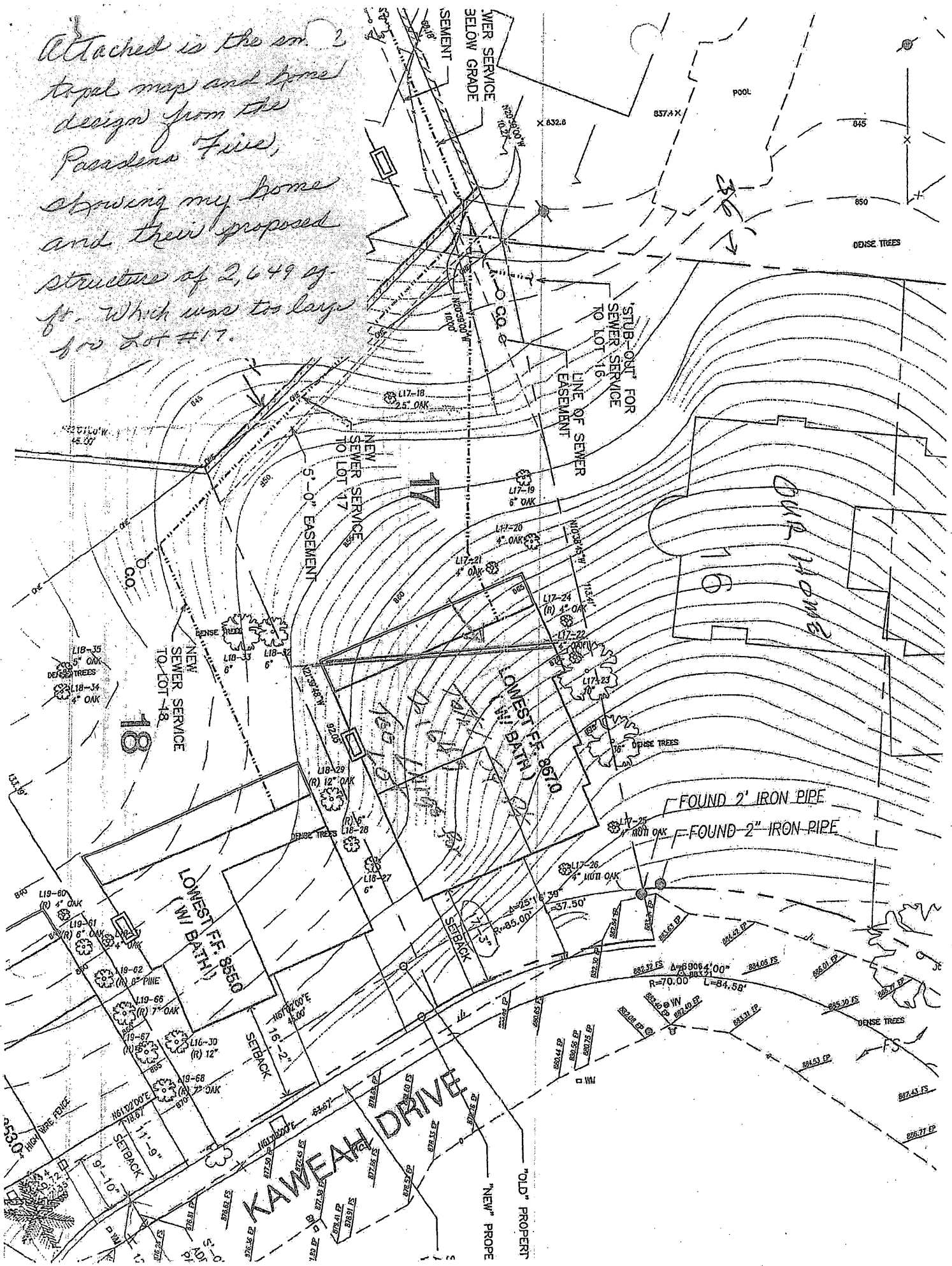
- We trust that these will be the standards that will be adhered to in this matter as will Section 17.29.060.E (View Protection) of the Hillside Overlay Districts.

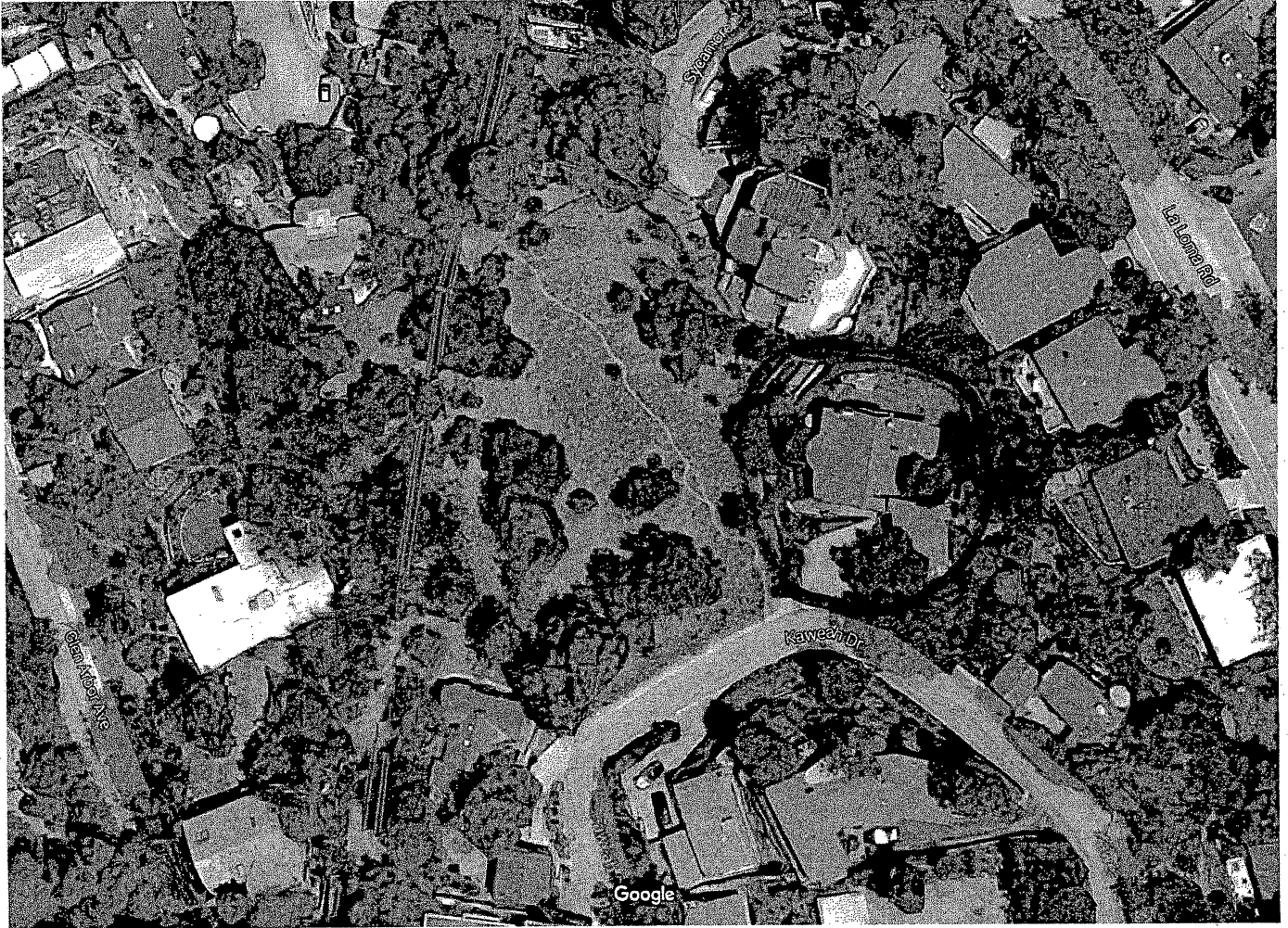
Thank you for your consideration.

Handwritten signatures of Dan and Barbara Grady in cursive script.

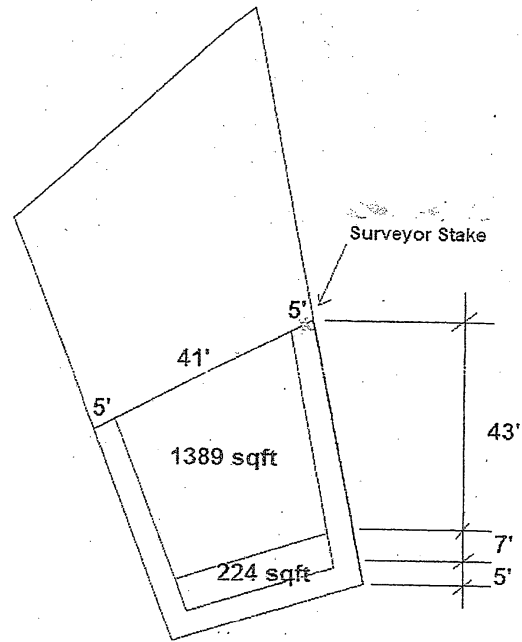
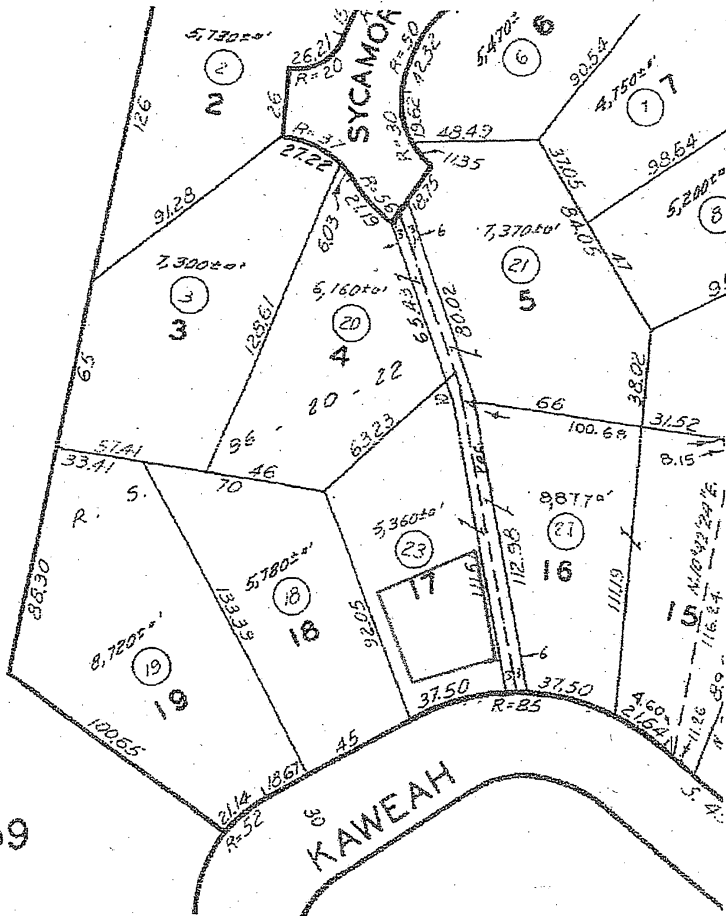
Dan and Barbara Grady

Attached is the sm. 2
 topal map and home
 design from the
 Pasadena File,
 showing my home
 and their proposed
 structure of 2,649 sq
 ft. which was too large
 for Lot #17.





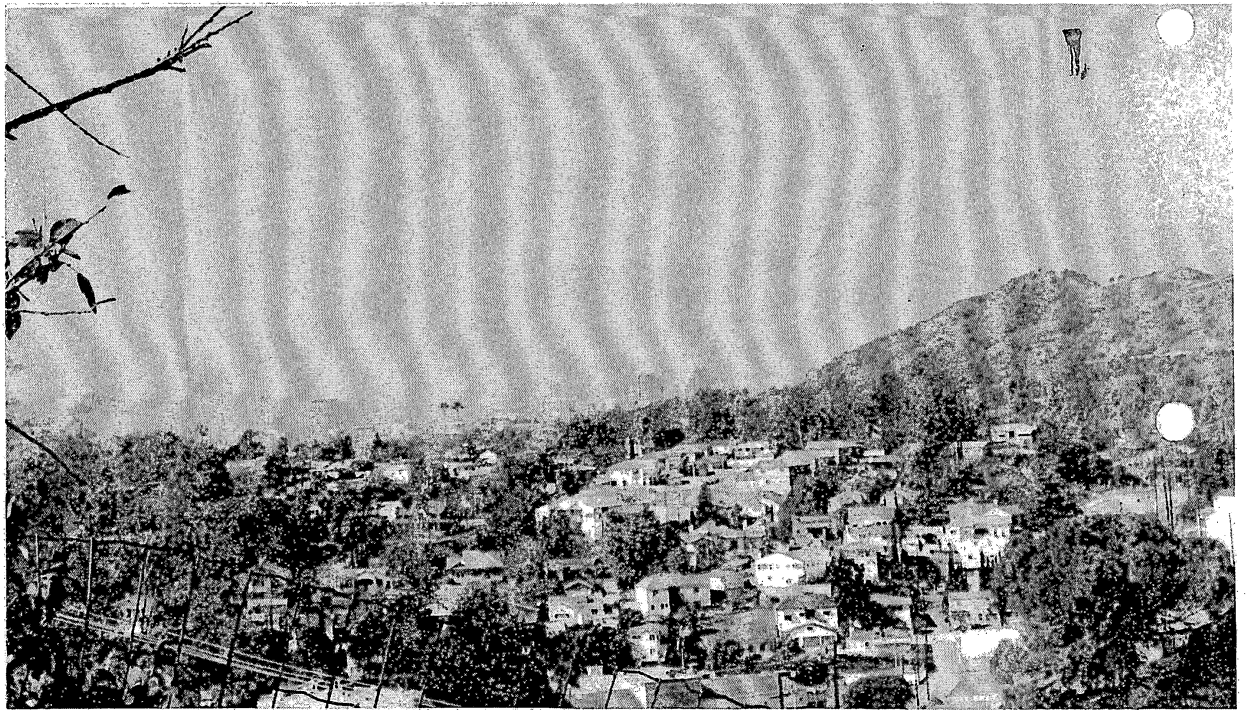
This is a google map of my property showing how Keweenaw Dr. turns Southwest which changes the frontage property of Lot #17, setting his home in a different direction. Will this help me with my new restriction?



Note:
 Approximate values.
 If from 5', then area is 1613 sq. ft.
 If from 12', then area is 1389 sq. ft.

9859
 3-24

Attached are two site plans that show he has 2,400 sq. ft. of property towards the top of the hill to the surveyor's stake, which clears our windows. This leaves him plenty of room to construct a new 1,337 sq. ft. residence with a 336 sq.



THE WALL STREET JOURNAL.

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THE MARKET

What's a View Worth?

The mantra "location, location, location" can come down to property's view. And a dust-up in Denver shows how obstructing a view can roil a neighborhood.

By KRIS HUDSON

Feb. 7, 2013 8:02 p.m. ET

Several neighbors in Denver's Grant Ranch subdivision say they were pleased when billionaire Dish Network Chairman Charlie Ergen bought a house on 35 acres adjacent to their homes with plans to preserve the property.

They didn't anticipate what happened next: Crews working for Mr. Ergen began building a 6-foot-high, half-mile-long earthen berm around much of the property in November, planting mature evergreen trees atop it. The barrier, which ensures the privacy of the lone home on the parcel, also ended up blocking his neighbors' view of open fields and nearby Bowles Lake.

"We've been worried about losses to our property values and quality of life as a result of the construction of the berm and the height and density of the trees planted on top of it," said Larry Arneson, a civil engineer whose three-bedroom, 2½-bathroom house backs up to Mr. Ergen's property.

Grant Ranch homes with views of the small lake and other nearby reservoirs have sold in recent years for \$50,000 to \$100,000 more on average than comparable Grant Ranch homes without the view, said Jim A. Urban, a real-estate consultant at Urban Cos. Real Estate who has sold houses in Grant



Sybill English's bedroom window currently overlooks large piles of dirt that will create part of the berm surrounding a 35-acre property nearby. She fears that the berm and evergreens that will follow affect her property value. *BENJAMIN RASMUSSEN FOR THE WALL STREET JOURNAL*

Ranch. Homes adjacent to Mr. Ergen's property range in value from roughly \$325,000 to \$1.1 million, according to real-estate listing service Zillow.

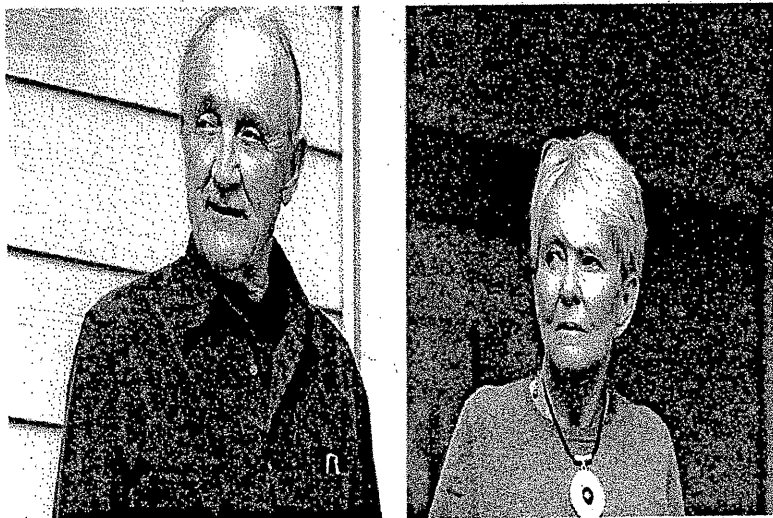


FENCES: Some residents are asking Charlie Ergen to improve their view by removing a few trees from the berm and replacing the chain-link fence with a wrought-iron one. *BENJAMIN RASMUSSEN FOR THE WALL STREET JOURNAL*

The Denver dust-up underscores how the mantra "location, location, location" can come down to property's view. Academic studies and appraisers note that a pristine view, especially of a lake or ocean, can boost a home site's value by 5% to nearly 300%, depending on the scope of the view and what it contains. A more common range, however, is 10% to 50%. Conversely, obstruction of such a view can wipe out tens of thousands, even hundreds of thousands, of dollars in value.

Find your new home now ...

Homeowners, meanwhile, have little recourse to reclaim their obstructed views unless local ordinances offer view protection or procedures to resolve disputes. Absent city guidelines, property owners are allowed to use their property as they wish—including for planting tall trees.



SEEING RED: Bob and Sybille English live in Grant Ranch, a Denver subdivision, and say property values may be hurt by an earthen berm and trees that block some views. *BENJAMIN RASMUSSEN FOR THE WALL STREET JOURNAL*

A group of neighbors in Grant Ranch said they are talking with Mr. Ergen's representatives hoping he'll agree to make slight changes to the berm, such as varying its height, removing a few trees and installing a wrought-iron fence along it rather than a chain-link variety. So far, they've made little progress. They had hired an attorney to help them negotiate with Mr. Ergen, but they say that they're unlikely to sue. Mr. Ergen is best known for building Dish Network over more than 30 years into a satellite-television colossus with 14 million subscribers.

Complicating the berm brouhaha is that the two sides are in different municipalities. Though less than 100 yards separate the Grant Ranch homes from Mr. Ergen's property, the former are mostly in Denver while the latter is in Bow Mar, Colo.

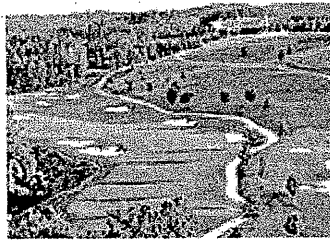
Quantifying the View

In a 2010 study, researchers quantified how much home buyers were willing to pay for good views in the Reserve at Lake Keowee, a golf course community in South Carolina. By studying sales of 600 lots there, percentages reflect the premium paid for a lot with a view compared with an interior lot with no view.

Lots with views of a golf course fairway:
Average premium: **42%**

Lots with better views of golf course fairways:
85%

Lots with views of both lake and the surrounding forest:
124%



Lots with views that are only 500 feet across the water:
219%

Lots with views that are 500 feet across the water and also include a view of the surrounding forest:
219%

Mr. Ergen, who lives in Bow Mar but not on the 35-acre parcel, declined to comment. Officials in Bow Mar say the construction and design of the berm comply with town guidelines—and that they're not obliged to protect the views of people outside the town's boundaries.

Research on residential views has shown that determining their value can be subjective, with a wide range of results. A study published in 2010 by Clemson University professor Stephen Sperry and researcher David Wyman examined 600 lot sales in the golf community of the Reserve at Lake Keowee in South Carolina for so-called view premiums. Their research found that lots with views of golf-course fairways sold at prices 42% higher than similar lots without a view. They also found that lots with lake views sold for 94% more than viewless lots, and those with both lake and mountain views sold for 133% more.

"The longer views, the farther the extent, have a greater value, especially from a water standpoint," Mr. Sperry said.

The view needn't be natural to be valuable. A study published in 2008 by University of Nebraska at Omaha professor Steven Shultz and a research assistant found that homes with views of either of two man-made lakes in Nebraska sold for 7.5% and 8.3% more, respectively, than houses without lake views in the same neighborhood.

Appraisers often find similar disparities. In New York, Jonathan Miller, president and chief executive of appraisal firm Miller Samuel, said an apartment with a view of Manhattan's Central Park can sell for 50% more than one in the same building without the view.

With views commanding such premiums, anything that blocks them can cause an uproar, sometimes leading to lawsuits or city intervention. In 2010, software mogul Larry Ellison sued his San Francisco neighbors over trees that offered them privacy but blocked Mr. Ellison's view of San Francisco Bay from his four-level house. The case was settled in 2011, with the neighbors trimming the trees to restore Mr. Ellison's view.

In another case, a neighbor planted trees in 2006 that blocked part of Merton Lawwill's panoramic view of San Francisco Bay from his four-bedroom, 3½-bathroom house in Tiburon, Calif. As Mr. Lawwill went through arbitration and a lawsuit to get the neighbor to move the trees, appraiser Curt Thor of North Bay Real Estate Appraisals calculated that the view blockage had sapped 17% to 20% of the value from Mr. Lawwill's \$2.6 million home. The case was settled in 2009, with the neighbor agreeing to move some trees elsewhere and trim others, both sides say. "So I spent \$200,000 [in legal costs] to keep my view," Mr. Lawwill said. "It was three years of agony."

It's too early to determine how the case of Mr. Ergen's berm will be resolved. Few dispute that the situation could have been worse. The property's previous owner, the estate of late developer and grocery-store magnate Lloyd King, had pursued selling the property to be developed into 40 houses before opting instead to sell it to Mr. Ergen in 2011. The price: \$7 million, according to Land Title Guarantee Co.

"I'd rather see the [trees] than a bunch of additional McMansions," said Mark Griffiths, whose 2,400-square-foot home backs up to the berm.

Still, some fear they'll never get their view back. "It's not aesthetic," said Sybille English, who with her husband, Bob, owns a 4,700-square-foot home adjacent to the berm. "It's just not pleasant for a potential home buyer, or for us, to look at."

Write to Kris Hudson at kris.hudson@wsj.com

SAVING SIGHTLINES

Depending on where you live, protections might be in place to preserve your view. Some steps to follow:

DON'T ASSUME that vacant land won't eventually be developed, unless it is a designated open space.

TAKE PICTURES of your home's views after buying it, says appraiser Curt Thor of North Bay Real Estate Appraisals in Novato, Calif. Then, file the photos away in case they're needed later to demonstrate their loss due to obstruction.

CHECK CITY ORDINANCES to see if they limit the height of buildings or trees.

San Antonio and Colorado's Boulder County, for example, both have height restrictions in some areas.

ASK IF the city has a view restoration or view-resolution program that establishes procedures for resolving view disputes, often through arbitration or mediation. Among the cities with such programs are Malibu, Calif., and Santa Barbara, Calif.

STRIKE A DEAL to buy an easement from your neighbor under which the neighbor agrees not to obstruct your view.

—*K.H.*

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What's a view worth? Putting a price on a vista

By Alby Gallun September 15, 2012

Condominiums in the Residences at RiverBend command a premium for several reasons, but one stands out: the view.

"Unforgettable panoramas of the city, river and bridges," touts a broker listing for a 16th-floor unit in the building, a 37-story high-rise at the confluence of the Chicago River's north and south branches on Canal Street.

"Chicago's most phenomenal down-the-river views," crows another. Other superlatives include "spectacular," "breathtaking" and "unparalleled."

Yet there's one word you won't see in the marketing materials: endangered. With the Kennedy family pushing a plan to build three high-rises on Wolf Point, a four-acre parcel that juts out into the river, RiverBend residents face the prospect of losing their precious vista to the east.

It's a problem as old as the skyscraper itself. High-rise residents are willing to pay a premium for a view. Yet what happens to the value of their condo when that view vanishes?

At RiverBend, "you're going to see an immediate knock on it," says Jim Kinney, vice president at Baird & Warner Inc., the Chicago-based residential brokerage. "A lot will depend on how the (Wolf Point) buildings look."

Blocked views are a regular source of anxiety in a city that still has plenty of surface parking lots waiting for a developer with vision and money. Though the condo boom is over, the downtown market will come back sooner or later. And construction cranes have already returned, thanks to a sizzling apartment market.

OPPOSITION TO WOLF POINT

Other condo buildings with endangered views include Randolph Place, a 341-unit building at 165 N. Canal St. Chicago developer John O'Donnell is courting tenants for a new 1.2-million-square-foot office building just to the east, a structure that would block residents' views of the Chicago River.

In the Lakeshore East development, Magellan Development Group LLC plans eventually to build towers on several sites along Lake Shore Drive just south of the river, buildings that would block Lake Michigan views from older high-rises to the west.

"Unless you've got the lake in front of you, you're probably not safe," says Gail Lissner, vice president at Appraisal Research Counselors, a Chicago-based consulting firm.

Not surprisingly, the residents at RiverBend are among those fighting the Wolf Point plan, a project conceived by the Kennedy family and Houston-based Hines Interests L.P. A member of the RiverBend condo board, Ellen Barry, heads an opposition group, Friends of Wolf Point, formed in response to the Wolf Point proposal, which was unveiled in May.

She says the group objects to the project primarily because the neighborhood won't be able to handle the extra traffic it will generate. The development's impact on views has "never been a point of discussion," Ms. Barry says.

It's unclear whether city officials will sign off on the Kennedy-Hines plan or send the developers back to the drawing board. But nobody expects Wolf Point—one of the most coveted development sites in the city—to sit fallow forever.

The value of a view is hard to determine. Academics have tried to put a number on it: A 2011 study of the

Geneva, Switzerland, apartment market found that certain water views commanded a rent premium of as much as 57 percent, while another study last year determined that a condo in Singapore with an unobstructed sea view was worth 15 percent more than one without.

PUTTING A NUMBER ON IT

Condo values also vary within buildings depending on what views they offer. At 6 N. Michigan Ave., a former office building converted into condos several years ago, some units that faced Millennium Park sold for twice as much as similar units that looked west, directly into another building, says Ms. Lissner, the consultant.

"Anytime you can combine park and lake you've got a winner," she says. "Park and lake and skyline is spectacular."

That's what you get if you buy a south-facing unit at 2800 N. Lake Shore Drive. A 35th-floor one-bedroom unit on the south end of the building sold in July for \$312,000, or \$339 a square foot, while a one-bedroom on the 39th floor with unobstructed north views sold in May for \$237,500, or \$257 a square foot, Baird & Warner's Mr. Kinney says.

At RiverBend, 13 condos are for sale, ranging from a one-bedroom unit on the 13th floor listed at \$375,000 to a penthouse offered for \$2.2 million. The building at 333 N. Canal St. is unusual because its condos only face east, south and north.

While prospective buyers at RiverBend raise concerns about the Wolf Point development plan during showings, the news has yet to have an impact on sales at the building, says Michael Rosenblum, a broker associate at Koenig & Strey Real Living, who has a listing for the 16th-floor condo with "unforgettable panoramas."

He adds that even if the project moves forward, RiverBend will still offer some of the greatest views of the river to the north and south.

"Depending on where the building goes up, values will decrease, but not for everyone in the building," he says.



Rendering of the proposed development at Wolf Point.

1 **Richard S. Jacinto, Esq. #50809**
2 **RICHARD S. JACINTO, INC., APLC.**
3 **750 E. Green Street, Suite #200**
4 **Pasadena, CA 91101**
5 **(626)304-7766**

6
7
8 Attorney for Dan and Barbara Grady

9 **CITY OF PASADENA**
10 **PLANNING COMMISSION**

11 In re:

12 HILLSIDE DEVELOPMENT PERMIT #6347

11 OBJECTIONS TO

12 HILLSIDE DEVELOPMENT PERMIT
13 #6347

14
15 Meeting date: 12/2/2015
16 Time: 6:00p.m.

17
18 TO: PLANNING COMMISSION DEPARTMENT

19
20 Please see attached hereto, my objections to the Hillside Development Permit

Objection to Hillside Development

Permit #6347

I. Chapter 17.29- Hillside Overlay District Applies

There shall be no development within the San Rafael Hills neighborhood unless it receives a Hillside Development Permit approval. See Hillside Overlay District § 17.29.030(A). In this case, 1835 Kaweah Drive, Lot #17, is within San Rafael Hills neighborhood. Thus, the Hillside Development Permit approval is required and the standards of Hillside Overlay District § 17.29 apply.

II. Hillside Development Permit #6347 Violates Hillside Overlay District § 17.29, Resulting in the Hearing Officers Inability to Approve

The Hearing Officer may approve the permit only after first making the findings that the design, location, and size of the proposed structure will be compatible with existing adjacent lots in terms of view protection (emphasis added). See Hillside Overlay District § 17.29.080(F). A proposed view structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible. (Emphasis added) See Hillside Overlay District § 17.29.060(E). This includes abutting properties as well as properties directly across a street from the subject property. See Hillside Overlay District § 17.29.060(F). Specifically, new structures shall not be placed directly in the view of the primary living areas on a neighboring parcel. This includes the living rooms, family rooms, and patios. See Hillside Overlay District § 17.29.060(F)(1).

In this case, the design, location, and size of the proposed structure are not compatible with existing lots in terms of view protection. Specifically, Daniel and Barbra Grady live in their home at 1827 Kaweah Drive, Lot #16, which has a West looking panoramic view. Their primary upstairs living area, which includes an open area, living room, family room, and deck with thirty feet of arched glass windows, was designed around this panoramic view.

However, the design, location, and size of the proposed building for 1835 Kaweah Drive, Lot #17, which are stated in the Hillside Development Permit #6347, are not compatible with the

Grady's existing adjacent lot in terms of view protection. The Hillside Development Permit #6347 factually has the opposite affect because the proposed building will intrude and block the protected view of the Grady's upstairs primary living area.

The Hillside Development Permit #6347 was not designed nor located so that it avoids blocking views from surrounding properties to the maximum extent feasible. Moreover, after reviewing the plan and design, it appears that no effort to avoid blocking the protected view of the Grady's upstairs primary living area has been made.

Also, the owner/builder has not acted reasonably under the circumstances to solve this issue. Specifically, Luis Rocha, the Planner, came to the Grady's home in mid-August to view their home. Rocha indicated that the owner/builder could not block their view and was going to talk with him regarding changes to the design to comply with the view protections. However, it is the Grady's understanding that the builder/owner refuses to meet and confer with them. The owner/builder has made no feasible effort, including talking to Grady's, to avoid blocking the protected view.

Moreover, the slope calculations in the Hillside Development Permit #6347 are inaccurate. It is the Grady's understanding that according to the owner/building, the lot slope directly below Lot #17 is 32 degrees. The lot slope for the Grady's home is 37 degrees. And the lot slope directly below the Grady's lot is 42 degrees. It is Grady's understanding that the owner/builder asserts that his slope calculation at 32 degrees is nearly the same as the Grady's. However, this calculation is not accurate. Since the slope calculations affect the overall gross floor plan of the design, it is imperative that the slope calculations for Lot #17 be accurately determined and verified.

Furthermore, it is unacceptable that the owner/builder is requesting to have a fence that is three times taller than permitted. The owner/builder is requesting that he be allowed to have "fencing in the front yard with a height of up to twelve feet, where the maximum permitted is four feet." Requesting to have a fence that is three times taller than permitted is an example of the extreme aspects of this design that contribute to the code violations inherent in this proposed design.

III. Feasible Alternatives to Hillside Development Permit #6347, Which Comply with Hillside Overlay District § 17.29

There are adjustments that can be made in the proposed design so as to avoid blocking views from surround properties to the maximum extent feasible and still maintain an appropriate structure of the house proposed in Hillside Development Permit #6347.

For example, one adjustment is that the structure could be built closer to the top of Lot #17, where there is enough property to construct a 1,1337 sq. ft. family residence without blocking the Grady's or any other neighbor's view. Specifically, the corner of the Grady's home is approximately 50' from the street and their view windows are approximately 55' from the street on the West. The proposed design for Lot #17 is a long narrow structure that extends approximately 68' from the street. An adjustment of moving the proposed design by 18' towards the street would protect the view of the Grady's home, protect the privacy of the lower lots on Sycamore Glen, and would preserve the lower hillside terrain.

Furthermore, there are alternative designs for a home on Lot #17. Specifically, the previous owner of this lot and the adjacent 4 lots had a proposed design that did not violate the Hillside Overlay District § 17.29. Moreover, photos of an aerial view of Lot #17 illustrate that there are other options that can be utilized in designing the structure to avoid blocking views from surrounding properties to the maximum extent feasible.

IV. The Hearing Officer May Not Approve Hillside Development Permit #6347

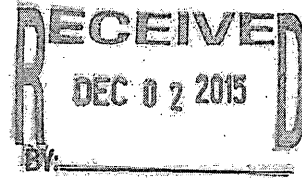
The Hearing Officer may not approve Hillside Development Permit #6347 because the design, location, and size of the proposed structure is not compatible with the Grady's residence in terms of view protection. See Hillside Overlay District § 17.29.080(F). Furthermore, Hillside Development Permit #6347 is not designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible. See Hillside Overlay District § 17.29.060(E). Rather, it appears that no reasonable steps have been taken by the owner/builder to avoid blocking the Grady's view.

However, alterations to the current proposed plan can feasibly be made to comply with Hillside Overlay District § 17.29. Also, alternative designs are available, which meet the standards. Therefore, the Hearing Officer may not approve the Hillside Development Permit #6347.

Variances

No variance should be allowed because the view of the abutting neighbors (the Grady's home) can be protected if the applicants design is altered in reasonable, uncostly, feasibly manner setting back their project 18 feet towards the South.

PARTNERS *Trust*



December 1, 2015

Mr. and Mrs. Dan Grady
1827 Kaweah
Pasadena, CA 91105

Hi Barbara and Dan,

It was fabulous meeting you last week and I appreciate the opportunity to help you out with the value of your home.

As I mentioned, I've been in the residential real estate industry for the past 15 years. I have sold numerous homes in your neighborhood for clients as well as sold three of my own, so I know the area extremely well.

Your home is spectacular and what makes it truly amazing is your incredible view. The way you've structured the location of the windows in every room gives you the peace and serenity that only a view can offer, not to mention the privacy and security. After reviewing and appraising other homes in your area without a view, I do believe that you're looking at a \$100,000 - \$150,000 added value for yours with a view. That value also includes the privacy factor, which is priceless. I do have clients whose sole criteria in a home is a view. Some want a mountain view or city view and yours has both making it extremely desirable.

Feel free to call me anytime with any questions or to discuss this further at (818) 288-4802. I look forward to hearing from you and if I can help you out in any way just let me know.

Sincerely, 
Christine Navarro - Associate Partner

Rocha, Luis

From: elsy e alam <elsyealam@id-ea.com>
Sent: Tuesday, December 01, 2015 12:14 PM
To: Rocha, Luis
Subject: Re: HDP#6347 - 1835 Kaweah Drive

Hi Luis,

I had a chance to exchange conversation about this project with one of the neighbors. I was told there was a view protection issue that will be discussed at the hearing. Unfortunately, since I cannot attend the meeting, I can't state my position to support or oppose the project as currently designed. However I will follow the hearing on the recordings a week later. Thank you for your info.

Best Regards,
Elsye

On Nov 18, 2015, at 9:39 AM, Rocha, Luis wrote:

> Hello Elsy e -
>
> We don't expect the drawings to change; If approved, a Condition of Approval will be placed on the project requiring that it be move 5 feet closer to Kaweah.
>
> Luis
>
> -----Original Message-----
> From: elsy e alam [<mailto:elsyealam@id-ea.com>]
> Sent: Wednesday, November 18, 2015 9:21 AM
> To: Rocha, Luis
> Subject: Re: HDP#6347 - 1835 Kaweah Drive
>
> Good morning, Luis.
> Thank you for letting me know.
> I would appreciate it if you could send me the updated drawings once they are available.
>
> Best,
> Elsy e
>
> On Nov 17, 2015, at 4:23 PM, Rocha, Luis wrote:
>
>> Hello Elsy e,
>>
>> The project has been continued to December 2,, 2015.

>> The applicant will be requesting a Minor Variance to move the project 5 feet closer to Kaweah; as a result the hearing will be rescheduled to December 2nd.

>>

>> Best,

>> Luis

>>

>> -----Original Message-----

>> From: elsy e alam [<mailto:elsyealam@id-ea.com>]

>> Sent: Monday, November 16, 2015 8:33 PM

>> To: Rocha, Luis

>> Subject: HDP#6347 - 1835 Kaweah Drive

>>

>> Dear Mr. Rocha,

>> I'm the owner of 1847 Kaweah Drive, one of the neighbors of 1835 Kaweah Drive which I believe is scheduled to be on Public Hearing on November 18th.

>> Unfortunately I won't be able to attend in person.

>> I wonder if it is possible to email me the staff report and the drawings of the proposed home.

>> I would really appreciate it since my property is 2 lots next to the subject property.

>> Thank you in advance for your help.

>>

>> Best Regards,

>> Elsy e

>

Rocha, Luis

From: kireilyn@mindspring.com
Sent: Tuesday, December 01, 2015 2:41 PM
To: Rocha, Luis
Subject: Re: 1835 Kaweah Dr, permit #6347

Follow Up Flag: Follow up
Flag Status: Flagged

Attn: Luis Rocha
Re: 1835 Kaweah Dr, permit # 6347

Transport of supplies and materials for this project should NOT be via LARGE TRUCKS - they cause damage to the blacktop surface of the roadway in this area due to their weight, and damage to frontage landscaping and property due to no sidewalks and curbs. In addition to deliveries, exiting is extremely difficult when trucks continue around the hill via the connection of Kaweah and Tamarac where a steep grade turns into a sharp hairpin turn (588 - 600 Tamarac) and rock curbs, plants and trees (to mitigate erosion and dust) are continually damaged by over-large vehicles. There is already a sign posted at the intersection of Tamarac, Kaweah and Jacaranda stating "road impassable to larger vehicles;" unfortunately this warning is frequently ignored.

I encourage the enlistment of the speedy cooperation of the traffic offices to I.D./post enforceable restrictions as to the weight and size (W, H, and L) for trucks and other oversize vehicles which continually cause damage similar to that of HIT and RUN in that they cannot be reported.

I URGE THE CITY TO REQUIRE THAT THE BUILDERS MUST PARK LARGE TRUCKS WITH SUPPLIES AND MATERIALS AT THE INTERSECTION OF TAMARAC, KAWEAH AND JACARANDA AND THAT THESE SUPPLIES/MATERIALS BE SHUTTLED TO THE CONSTRUCTION SITE, THUS TRAVELING ON KAWEAH ONLY, AVOIDING THE HAIRPIN TURN PREVIOUSLY MENTIONED.

Thank you,

Dennies Barber
Homeowner, 588 Tamarac Dr

Rocha, Luis

From: elsy e alam <elsyealam@id-ea.com>
Sent: Tuesday, November 17, 2015 10:32 AM
To: Rocha, Luis
Subject: Re: HDP#6347 - 1835 Kaweah Drive

Hi Luis,
Thank you for your quick response.
Apologize for not seeing the attachment on the first email.
After reviewing the drawings, I'd like to state that I support the project.

Best Regards,
Elsye

On Nov 17, 2015, at 9:03 AM, Rocha, Luis wrote:

> Elsy e,
>
> The Site Plan, previously attached in my last email, illustrates the increased paving and the width of the driveway as proposed by the applicant.
>
> The West Elevation, also previously attached, shows the fence in question that is located on the proposed driveway.
>
> Let me know if this answers your question.
>
> Thanks,
> Luis

> -----Original Message-----

> From: elsy e alam [<mailto:elsyealam@id-ea.com>]
> Sent: Tuesday, November 17, 2015 9:00 AM
> To: Rocha, Luis
> Subject: Re: HDP#6347 - 1835 Kaweah Drive

>
> Thank you, Luis.
> Would you please send me the site plan or floor plan that shows the 2 variances requested?

>
> Best,
> Elsy e

>
> On Nov 17, 2015, at 7:58 AM, Rocha, Luis wrote:

>> Good morning Elsy e-

>> Attached is the Staff Report and the Development Plans.

>> Let me know if I can be of further assistance.

>>

>> Best,

>> Luis

>>

>> Luis Rocha | Planner

>> Planning & Community Development Department City of Pasadena

>> lrocha@cityofpasadena.net P. 626.744.6747 F. 626.396.7614

>> 175 N. Garfield Ave | Pasadena, California 91101

>>

>>

>>

>> -----Original Message-----

>> From: elsy e alam [<mailto:elsyealam@id-ea.com>]

>> Sent: Monday, November 16, 2015 8:33 PM

>> To: Rocha, Luis

>> Subject: HDP#6347 - 1835 Kaweah Drive

>>

>> Dear Mr. Rocha,

>> I'm the owner of 1847 Kaweah Drive, one of the neighbors of 1835 Kaweah Drive which I believe is scheduled to be on Public Hearing on November 18th.

>> Unfortunately I won't be able to attend in person.

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>> Thank you in advance for your help.

>>

>> Best Regards,

>> Elsy e

>> <hdp_6347_sr.pdf><24x36 ELEVATIONS.pdf><24x36 FLOOR PLANS.pdf><24x36

>> SECTIONS.pdf><24x36 SITE PLAN.pdf>

>

>> <24x36 ELEVATIONS.pdf><24x36 SITE PLAN.pdf>

Rocha, Luis

From: Ronald Lamutt <rhlamutt@earthlink.net>
Sent: Monday, November 16, 2015 10:50 AM
To: Rocha, Luis
Cc: Madison, Steve; Suzuki, Takako
Subject: Hillside Development Permit #6347

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Rocha:

We just received notice of a public hearing on the captioned project for the construction of a 1,337 sq ft, single-family residence on a property in the San Rafael hills in West Pasadena. We were surprised to learn that the city is considering its approval with no concern over its impact on its neighbors.

1) The house next door to the proposed project is located at 1835 Kaweah Drive and is owned by Dan and Barbara Grady. The primary view from their living room is a spectacular, unimpeded view to the west. The hearing notice outlines a few relatively minor variances to the zoning regulations, but doesn't mention the fact that the project will completely destroy the view of the house next door. It also doesn't mention that it will overwhelm the house below it with a three story structure overlooking its backyard. This could cause huge financial damage to both neighbors.

The notice also does not consider any discussion about modifying the applicants' plans. It appears that their design could easily be changed to build the same size house without destroying the neighbors' views or privacy. We've been told that the applicants have refused to consider making any changes whatsoever to their design.

The whole purpose of the View Protection section of the Pasadena Zoning Code is to protect neighbors from exactly this type of construction. We believe it is the city's responsibility to enforce the code and to decline the applicants' current request.

2) When the application was being considered for the lot two doors west of this one, they were required to put up a flagged, 2x4 structure to show where the house would be built. This applicant has not put up such a structure. We own the house directly across the street and to the south of the site. We request that this applicant be required to flag the extents of the proposed construction so that we can determine its impact on our own primary view.

3) We might also point out that the design itself will significantly detract from the character of the neighborhood. With a few exceptions, most houses in the area are ranch style homes built in the 1950's and updated over the years. The new design just creates 3 square boxes stuck into the hillside. It seems unlikely that the applicant has any plans to actually move into the house.

Thank you for your assistance.

Ron and Marianne Lamutt
1818 Kaweah Drive
Pasadena CA 91105

Rocha, Luis

From: Cori Marshall-Pelayo <corimarshall@mac.com>
Sent: Sunday, November 15, 2015 7:42 PM
To: Rocha, Luis
Cc: dangrady59@yahoo.com
Subject: Hillside Development Permit #6347 - 1835 Kaweah Drive

Hi Mr. Rocha,

I cannot attend the meeting on Wednesday due to a scheduling conflict, but I must make my **STRONG** opinion heard regarding the above proposed building plan. The applicants, Patrick and Sonia Nicholson, are building a structure that is going to seriously impede the view of our neighbors Dan and Barbara Grady at 1827 Kaweah Drive. We are a tight community over here and feel very strongly that this new building plan must be reconsidered. There is an alternative plan that has been put out on the table which would allow these folks to revise their plan and enable Dan and Barbara to maintain the value and beauty of their home and view. Dan and Barbara are good people, long, **LONG** time residents of San Rafael Hills, and should not be subject to this nonsense.

Please let me know how I can let my opinion be heard. Should I address this to someone else? I speak for the entire neighborhood when I say that we can't allow new folks to come in to our neighborhoods and do whatever they want, without considering the well being of the existing, long time residents and the integrity of our beautiful neighborhood.

Thank you,
Cori Marshall-Pelayo
1765 Kaweah Drive
Pasadena, CA 91105
213-479-2906

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

November 15, 2015

Regarding: Hillside Development Permit #6347
1835 Kaweah Drive

Hearing Officer:

My name is Arthur Drye. My wife Ruth and I have lived at 1876 Kaweah Drive since 1972. In these past 43 years eleven (11) new homes have been built in the 1700 - 1800 blocks of Kaweah Drive, All of these homes were designed and constructed in a manner which honors the Hillside Overlay District Section pertaining to the preservation of views of existing properties. To the residences of our area, the views from our homes are paramount to the enjoyment of our homes and to sustain the market values of our property. People who have built or who have moved into existing homes have done so with these values in mind.

From our perspective, the proposed development at 1835 Kaweah Drive (Permit # 6347), violates the intent as well as the letter of the View Preservation of Section 17.29.060E, which states that structures should avoid blocking the views of surrounding properties. This development will certainly block the view of the adjacent home at 1827 Kaweah Drive.

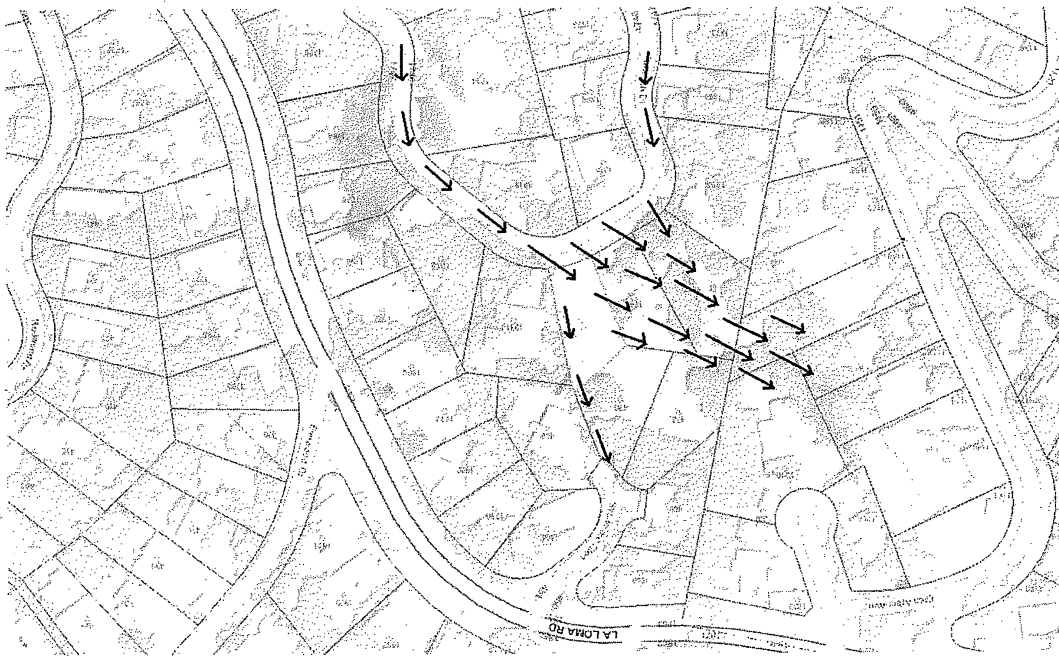
We stongly object to a proposal which violates these preservation ordinances and urge you to support the existing home owner by not allowing this development to move foward, Please help us continue to preserve the beauty and value of our hillside homes.

Resectfully:



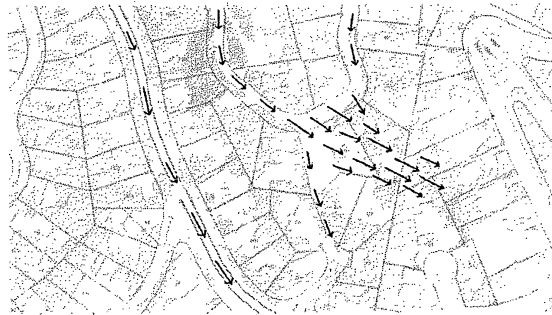
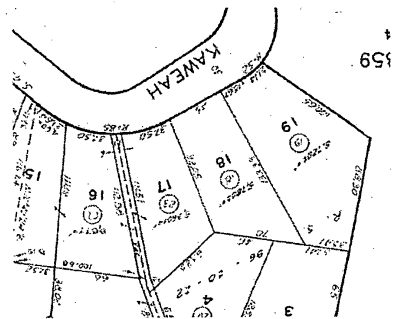
Arthur and Ruth Drye
1876 Kaweah Drive
Pasadena, Ca, 91105
323-254-1082

1. Rainwater Flow, SUSMP



- 1.1. Changes to natural flow of rainwater. Potential hazard to below properties.
- 1.2. Discharge of stormwater to Kaweah.
- 1.3. No vicinity stormwater drain easement.

2. Variances, Minor Variances



2.1. Variance: To allow 56% (323 sq. ft.) of the front yard to be paved, where the maximum permitted is 30% (174 sq. ft.).

Front Yard Area = $((37.5 + 3) + 43.5)/2 \times 12 = 504$ sq ft

Max. Permitted = $504 \times 0.3 = 151.2$ sq ft

323 sq ft coverage = 64.08%

2.2. Variance: To allow an 18'-6" vehicular driveway width where the maximum permitted is 15'.

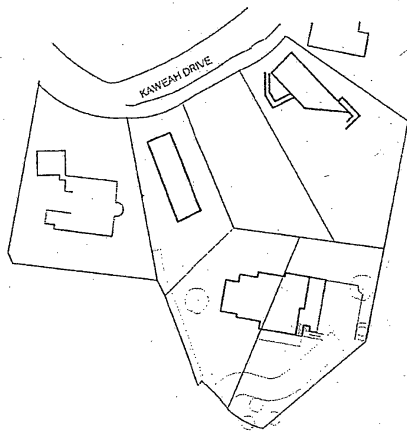
Not needed. Can build < 15' driveway based on applicable development standards.

Special privileges prohibited (City of Pasadena zoning code 17.61.080 - A.1).

2.3. Minor Variance: To allow fencing in the front yard area with a height of up to 12' where the maximum permitted is 4'.

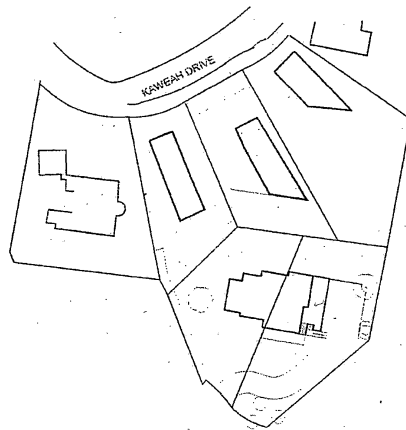
OK.

3. View Protection, Privacy, Building Size



- 3.1. View protection: Grady's residence will lose view, sunset, brightness.
Significant loss on property value, and emotional stress.
- 3.2. Privacy: Too many balconies, windows on northwest corner.
Complete view of south side of Paik's residence and backyard.
- 3.3. Building size: Too tall (4 levels), too long for the lot size and slope.
- 3.4. Potential hazard against stormwater, earthquake, landslide, soil erosion.
Odd format, not embedded to the neighborhood.

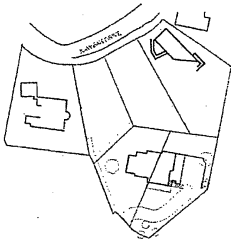
4. Future Development of 5481-017-018



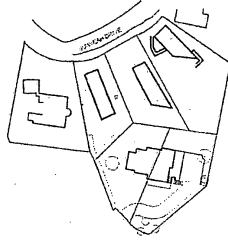
- 4.1. Provide same variances for future development.
- 4.2. Provide same minor variances.
- 4.3. Able to build within any allowable area.
- 4.4. Need to be recorded as written document for future development.

5. Solution

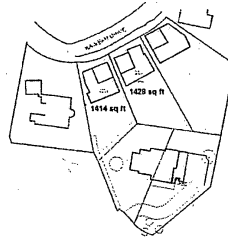
Current



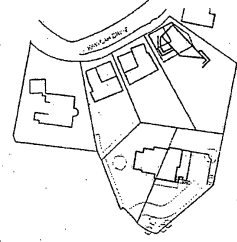
Final?



Pas.5 ('07)



Solution?



- 5.1. Merge 2 lots, build 1 in the mid. May be difficult.
- 5.2. Won't need variances. Only minor variance.
- 5.3. Minimal changes to natural rainwater flow.
- 5.4. Minimum hazard against stormwater, earthquake.
- 5.5. Views, privacy protected.

- 5.6. Follow the previous plan. About 55' from the frontage.
- 5.7. Build 2-story house (max. 2-3 level incl. basement) compatible with neighborhood (both lots).
- 5.8. Less hazard against stormwater, earthquake.
- 5.9. Better buffer zone for the existing natural rainwater flow, views protected, improved privacy.