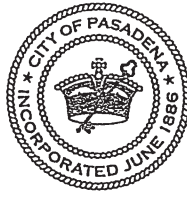


ATTACHMENT D
BOARD OF ZONING APPEALS DECISION LETTER DATED APRIL 11, 2017



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

April 11, 2017

Winston Liu
2335 W. Foothill Blvd., Suite 1
Upland, CA 91737

Re: Tentative Parcel Map #073535
349 East California Avenue
Council District #6

PLN2016-00346

Dear Mr. Liu:

Your application for a Tentative Parcel Map at 349 East California Avenue was considered by the Board of Zoning Appeals on February 15, 2017.

TENTATIVE PARCEL MAP: To create three air parcels for residential condominium purposes on one land lot. The project received Final Design Review approval on April 26, 2016. This application is for the creation of air parcels only; no changes to the development project are proposed as part of the current application.

At the conclusion of the public hearing, the Board of Zoning Appeals decided to adopt the environmental determination that the proposed project is exempt from environmental review. A motion was made to overturn the Hearing Officer's decision and disapprove the Tentative Parcel Map that resulted in a 3-0 vote by the three members present. As a result, action was taken to **disapprove the Tentative Parcel Map** based on the findings in Attachment A.

You are hereby notified that the decision made by the Board of Zoning Appeals is final and is not subject to further appeal. If you have reason to believe the Environmental Determination is incorrect, this determination is appealable to the City Council. If the Environmental Determination is appealed, the Council will hold a new hearing on the entire application. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal or a request for a call for review of this decision shall be within ten days, the last day to file an appeal or a request for a call for review is **Monday, March 17, 2017**. Appeal applications must cite a reason for objecting to a decision and should be filed with the City Clerk. Without any call-up or appeal, the effective date will be **Tuesday, March 18, 2017**. The regular Appeal fee is \$272.95. The Appeal fee for Non-profit Community-based organizations pre-registered with Neighborhood Connections is \$136.48.

It was determined that the project is Categorical Exempt from CEQA (Section 15303, Class 3, New Construction or Conversion of Small Structures) on April 26, 2016 as part of the approval of Consolidated Design Review. It has further been determined that there are no changed

circumstances or new information as part of the proposed Tentative Parcel Map application that necessitate further environmental review.

For further information regarding this case please contact **Luis Rocha** at **(626) 744-6747**.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelvin Parker". The signature is written in a cursive, flowing style.

Kelvin Parker
Zoning Administrator

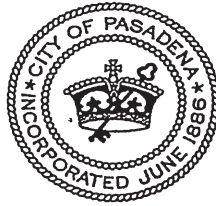
Enclosures: Attachment A

xc: City Clerk, City Council, Building Division, Public Works, Design and Historic Preservation, Hearing Officer, Code Enforcement-Jon Pollard, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR TENTATIVE PARCEL MAP #073535

1. *The proposed map is not consistent with applicable general and specific plans as specified in Section 65450. The proposed map is not consistent with General Plan Land Use Policy 23.4 (Development Transitions) in that the project does not ensure a sensitive transition in building scale between buildings in multi-family residential areas and lower-scale buildings in adjoining residential areas. The proposed map is also not consistent with General Plan Land Use Policy 8.1 (Identify and Protect Historic Resources) in that the proposed map does not protect historic resources that represent significant examples of the City's history as it relates to the bungalow court that is individually listed in the National Register of Historic Places that is located immediately north of the site.*

ATTACHMENT E
BOARD OF ZONING APPEALS STAFF REPORT DATED APRIL 5, 2017
(WITHOUT ATTACHMENTS)



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: APRIL 5, 2017
TO: BOARD OF ZONING APPEALS
FROM: KELVIN PARKER, PRINCIPAL PLANNER/ZONING ADMINISTRATOR
SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
TENTATIVE PARCEL MAP #073535 – 349 E. CALIFORNIA BLVD.

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 3 §15303, New Construction or Conversion of Small Structures); and
2. Uphold the Hearing Officer's decision and approve Tentative Parcel Map #073535.

EXECUTIVE SUMMARY:

On November 16, 2016, the Hearing Officer considered, at its regularly noticed hearing, Tentative Parcel Map #073535. The request was create three air parcels for residential condominium purposes on one land lot; a mapping action.

Staff's recommendation to the Hearing Officer was to approve Tentative Parcel Map #073535. Specifically staff found that the proposed subdivision was in compliance with Chapter 16.20 (Tentative Maps) of the Pasadena Municipal Code and would result in a project that would be consistent with the land use policies of the General Plan, and is also in compliance with the "City of Gardens" development standards for multi-family projects as established in the Zoning Code. No variances are required for the project. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer approved Tentative Parcel Map #073535 (Attachment C).

On November 28, 2016, Kelley Holmes, representing the Madison Heights Neighborhood Association, submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing disagreements with the decision of the Hearing Officer. The hearing before the Board of Zoning Appeals is a *de novo* hearing where the Board has no obligation to honor the prior

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

Staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's November 16, 2016 decision and approve Tentative Parcel Map #073535 (Attachment A).

SITE BACKGROUND:

Existing Site Characteristics:

The subject site is a corner, rectangular shaped lot, located on the northwest corner of California Boulevard and Euclid Avenue. The site is 8,260 square feet in size, relatively flat, and is currently developed with a one single-story residential building and a detached garage

Adjacent Uses:

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

Adjacent Zoning:

- North – RM-16 (Multi-Family Residential, 0-16 dwelling units per acre)
- South – RM-16 (Multi-Family Residential, 0-16 dwelling units per acre)
- East – RM-16 (Multi-Family Residential, 0-16 dwelling units per acre)
- West – RM-16 (Multi-Family Residential, 0-16 dwelling units per acre)

Project Description:

The applicant, Betsy Lee, submitted a Tentative Parcel Map application to create three air parcels for residential condominium purposes for an approved residential project.

The residential project involves the demolition of one single-story residential building and an accessory structure currently existing on the property. The site would be developed with a structure with three residential units over one level of subterranean parking. Two of the units would have a two-story floor plan and one unit would have a three-story floor plan. The development project received Final Design Review approval on April 26, 2016 and no variances were required for the project. The development of three residential units is allowed by right, with no Zoning discretionary approval required for a project that complies with the Zoning Code. The current application is for the creation of air parcels only; no changes to the previously approved residential project are proposed. An approved, and finalized, parcel map would allow the applicant to sell the units individually and create home ownership opportunities.

Public Hearing

The application was presented to the Hearing Officer at a public hearing on November 16, 2016. Staff's recommendation to the Hearing Officer was to approve Tentative Parcel Map #073535 since the proposed subdivision would comply with Chapter 16.20 (Tentative Maps) of the

Pasadena Municipal Code and would result in the creation of air parcels for condominium purposes.

At the hearing, three speakers expressed concerns regarding the proposed tentative tract map. The concerns raised at the public hearing were:

- Rental property would be preferable as it would be more affordable;
- Condominiums are not common along California Boulevard and adjacent streets; and
- The approved residential project is inconsistent with surrounding development.

At the conclusion of public testimony, the Hearing Officer approved the Tentative Parcel Map #073535. This decision was based on the findings and the conditions of approval in Attachment C (Decision Letter) to this report. Furthermore, the Hearing Officer has provided an addendum with justification for the approval of the Tentative Parcel Map (Attachment E).

Appeal

On November 28, 2016, Kelley Holmes, representing the Madison Heights Neighborhood Association, submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing disagreements with the decision of the Hearing Officer. The effect of an appeal is that the prior decision of the Hearing Officer is vacated. The hearing before the Board of Zoning Appeals is a *de novo* hearing where the Board has no obligation to honor the prior decision and has the authority to make an entirely different decision.

The appellant cited the following issues with the project as the basis for the appeal:

- Due to traffic issues, the project should be subject to a Focused Environmental Impact Report (EIR) pursuant to CEQA Section 15179.5(a)(2)(c); and
- The project would be out of character and not in scale with existing adjacent development, including the historical bungalows to the north.

Environmental Response

CEQA Section 15175 covers the procedures for the preparation of a Master Environmental Impact Report (EIR), and Section 15179.5 provides a procedure for a limited environmental review through the preparation of a Focused EIR for projects that are proposed where a Master EIR exists. These Sections of CEQA do not apply to the proposed project as there is no Master EIR involved.

CEQA Sections 15175 to 15179.5 provide guidance in the preparation of a Master EIR. A Master EIR is an environmental review of plans and programs upon which the approval of subsequent related development proposals can be based for. A Master EIR has the effect of streamlining future developments that are consistent with the Master EIR. Typically a Master EIR is utilized for a project that consists of smaller individual projects that will be constructed in separate phases over a long period of time. A Focused EIR, as discussed in CEQA Section 15179.5, is a limited environmental analysis that is conducted for a subsequent project that is covered under the Master EIR. The Focused EIR can also be utilized for limited residential and commercial development (less than 100 units and less than 100,000 sq. ft. in size) that is not covered or contemplated in the Master EIR.

The proposed development project is Categorically Exempt from CEQA pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures). Section 15303 exempts

from environmental review the construction of a duplex or similar multi-family residential structure, totaling no more than four dwelling units and six dwelling units in urbanized areas. The development project would result in the construction of three residential units.

Character and Scale

The subject property is located on a portion of California Boulevard that is zoned RM-16. This zoning district is intended to allow multi-family development up to 16 units to the acre with a maximum height of 32 feet. This portion of California Boulevard is characterized by a mix of single-family residential and multi-family residential buildings with several having two-story and three-story floor plans and varying building heights; the highest being a four-story structure.

The proposed development received Design Review approval on April 26, 2016. Through this process, the Design and Historic Preservation Section determined that the development is consistent with the applicable design guidelines and designed to be compatible with the surrounding context in terms of massing, height, setback, architectural style and materials. As a result, the project is consistent with the existing adjacent development.

The massing and siting are consistent with the design guidelines applicable to multi-family residential development. The site is a corner lot and the proposed building is appropriately sited at the street corner behind the required setbacks, in line with the setbacks of the adjacent properties. The building graduates in height from two to three stories of massing, with the three-story massing located toward the rear portion of the lot over only one of the units. The third story is also within the pitch of the mansard roof, with arched dormers providing the required light and ventilation to the habitable space within. This configuration minimizes the appearance of the third story. The proposed three-story maximum height is consistent with the surrounding multi-family zoned properties, which range from one to four stories in height.

The bungalow court located immediately north of the site, at 545 S. Euclid Ave., is individually listed in the National Register of Historic Places. The north elevation of the proposed development was modified through the design review process to provide a ten-foot setback from the rear property line and a reduction in the number of windows provided in order to be sensitive to historic property. In addition, it was determined that the proposed French Eclectic architectural style of the development would be compatible with the English Tudor architectural style of the adjacent bungalow courts.

ANALYSIS:

The subject site is located within the RM-16 (Multi-Family Residential, 0-16 dwelling units per acre) zoning district. Multi-family residential development within this zoning district is subject to the development standards of the Zoning Code. In this case, based on a lot size of 8,260 square feet, a maximum number of three units are permitted on the site. The applicant is proposing three dwelling units for this project, which complies with the maximum density requirement of the Zoning Code.

Development projects in the RM-16 zoning district are subject to the City of Gardens development standards (e.g. main garden area, total garden area, building separation...etc.) of the Zoning Code. The project has completed the Preliminary Plan Check process. During this review, staff determined that the project satisfied all the applicable development requirements. The project has also been reviewed by Design and Historic Preservation staff through the Design Review process. On April 26, 2016, Design and Historic Preservation staff found that

the design of the project complies with the Citywide Design Principles in the General Plan Land Use Element and the architectural standards for multi-family housing, and approved the application. No deviations, concessions, or waivers were requested.

Tenant Protection Ordinance

The site currently contains a single-family residence and a detached garage. The proposed development project would demolish the existing residence to allow the construction of three new residential air parcels in conjunction with new construction. Single-family residences are not subject to the Tenant Protection Ordinance requirements.

Inclusionary Housing

Chapter 17.42 of the Zoning Code applies to projects with 10 or more new dwelling units. These standards and procedures are intended to encourage the development and availability of affordable housing by ensuring that the addition of affordable housing units to the City's housing stock is in proportion to the overall increase in new housing units. Because the proposed project entails the construction of only three units, it is not subject to the Inclusionary Housing Requirements.

TREE PROTECTION ORDINANCE:

According to the tree inventory submitted by the applicant, there are a total of 12 trees on the subject property. Five of the trees are protected under the City's Tree Protection Ordinance. Through the Design Review process, the applicant requested the removal of two protected Victorian Box trees. On April 26, 2016, the proposed project received Final Design Review approval that included removal of the two protected Victorian Box trees. The tree removals were approved with a condition that replacement trees be planted in accordance with the City's adopted tree replacement matrix with eight 15-gallon, four 24-inch box or two 36-inch box specimen tree species.

GENERAL PLAN CONSISTENCY:

The proposed density of the Tentative Parcel Map is within the maximum density allowed for the Medium Density Residential land use designation of the General Plan. The project is consistent with the size and character of other residential lots in the vicinity of the site. The Tentative Parcel Map is also consistent with the following General Plan Objectives and Policies: Policy 21.4 (New Residential Development), Policy 23.1 (Character and Design), and Policy 23.2 (Parking Areas and Garages). The project supports these policies by expanding the type, and increasing the inventory of housing units available for Pasadena families. The project will enhance the neighborhood character and quality through implementation of the "City of Gardens" development standards that emphasize the coherence, embellishment, and visibility of courts and gardens; and providing parking in a subterranean structure.

ENVIRONMENTAL REVIEW:

It was determined that the project is Categorical Exempt from CEQA (Section 15303, Class 3, New Construction or Conversion of Small Structures) on April 26, 2016 as part of the approval of Consolidated Design Review. It has further been determined that there are no changed circumstances or new information as part of the proposed Tentative Parcel Map application that necessitate further environmental review.

CONCLUSION:

The Tentative Parcel Map would create three air parcels on one land lot for residential condominium purposes. The proposal is consistent with the land use policies of the General Plan, and is also in compliance with the "City of Gardens" development standards for multi-family projects as established in the Zoning Code. Therefore, staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's decision and approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.


RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

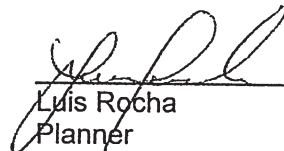
1. Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 3 §15303, New Construction or Conversion of Small Structures);and
2. Uphold the Hearing Officer's decision and approve Tentative Parcel Map #073535.

Respectfully Submitted,

Prepared By:



Kelvin Parker
Principal Planner/Zoning Administrator



Luis Rocha
Planner

Attachments:

- Attachment A – Zoning Administrator Recommended Specific Findings
- Attachment B – Recommended Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (November 21, 2016)
- Attachment D – Appeal Application (November 28, 2016)
- Attachment E – Hearing Officer Addendum

ATTACHMENT F
APPEAL APPLICATION OF HEARING OFFICER'S DECISION
DATED NOVEMBER 28, 2016



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 349 E. California Blvd.

Case Type (MCUP, TTM, etc.) and Number: TPM#073535 / PLN2016-00346

Hearing Date: 11/16/16

Appeal Deadline: 11/28/16

APPELLANT INFORMATION

APPELLANT: Madison Heights NEIGHBORHOOD Assoc., Kelley Holmes Phone: 1620 688-4511

Address: 690 Magnolia Ave

City: Pasadena State: CA Zip: 91106

Fax: []
Email: Kfh228@gmail.com

APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

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

REASON FOR APPEAL

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

See attached letter.

Kelley Fitzgerald Holmes
Signature of Appellant

11-28-2016
Date

* OFFICE USE ONLY			
PLN #	<u>PLN 2016-00346</u>	CASE #	<u>TPM# 073535</u>
DESCRIPTION		PRJ #	
DATE APPEAL RECEIVED	<u>11/28/16</u>	APPEAL FEES \$	<u>\$136.48</u>
		RECEIVED BY	<u>KFH</u>

November 27, 2016

Mr. Luis Rocha
Planner
Department of Planning & Community Development
175 N. Garfield Avenue
Pasadena, CA 91101

Re: 349 East California Boulevard

Dear Mr. Rocha,

A project to demolish a single story, single family home and construct a three story, three unit development at 349 California Boulevard has been proposed. As neighbors and active community members, we are appealing the November 16 hearing officer's decision to allow this project because of the impacts on the surrounding environment. Specifically, this includes the increased traffic in a congested area and deterioration of the aesthetic appearance of the street.

To address the traffic issues, this project requires a Focused EIR according to the California Environmental Quality Act (CEQA) section 15179.5(a)(2)(C), which reads:

When a project is a multiple family residential development of 100 units or less or is a residential and commercial or retail mixed-use commercial development of not more than 100,000 square feet, whether or not the project is identified in the Master EIR, a focused EIR shall be prepared pursuant to this section when the following conditions are met:

(2) The parcel on which the project is to be developed is either:

(C) Within one-half mile of an existing rail transit station.

The Fillmore Station of the Gold Line is within 1/2 mile of this project. The location of this proposed development's driveway is on Euclid just north of California. This is a heavily used intersection during the morning and afternoon hours due to its proximity to Mayfield Junior School as well as Aria School to the south. That section of Euclid is used by cars accessing and exiting the Mayfield Junior School carpool lines as well as children walking to and from school.

In terms of aesthetics and neighborhood integrity, the existing home at 349 California is original to the site. It is situated an appropriate distance from California Blvd., allowing green space and trees, and is set back similarly to several charming bungalow-style properties directly adjacent to the west. Those homes and the ones towards the north on Euclid have the appearance of buildings that were to be built at a similar time, with

similar appearances. The proposed project would loom over the English cottage bungalows on its northern boundary, and it would be discordant with the single family structure to the west of it.

The buildings along Euclid and California Blvd. adjacent to 349 California Boulevard also share a similar scale. To allow the density of a three-story, three-unit residential development in this location would irreparably alter the look of the northern side of California. Although a variety of multi-family structures have been built in the area, any development of the street has historically been mitigated by the existence of the remaining single family homes. Larger apartment developments are broken up by the existence of stretches of smaller houses. To demolish another aesthetically fitting home in favor of a tall structure built to the lot lines would be a travesty, and likely lead to the destruction of many quaint homes along California.

We urge you to allow this project to go the Board of Zoning Appeals agenda so as to further examine the appropriateness of the demolition of this single story, single family home into an over-sized-for-its-lot, three-story, three unit development.

Sincerely,

Kelley & John Holmes, 690 Magnolia Avenue

Frances and Dave Morrison, 628 Magnolia Avenue

Erika and Brett Foy, 672 Magnolia Avenue

Sandy & Tien Chu, 675 Magnolia Avenue

Elayne and Tom Techentin, 640 Magnolia Avenue

Bonnie & Rick Sill, 709 Euclid Avenue

Heather & Gabe Moreno, 712 Magnolia Avenue

Mary & Wes Monroe, 650 Magnolia Avenue

Nicole & Ron Logan, 685 Magnolia Avenue

Jann & David Sears, 704 Magnolia Avenue

Teri Shikasho & Bob Boyle, 720 Magnolia Avenue

Kristin & Berkeley Harrison, 625 Magnolia Avenue

Phil & Vivian Hosp, 900 Euclid Avenue