

**ATTACHMENT G**  
**APPEAL APPLICATION OF HEARING OFFICER'S DECISION**  
**Dated January 19, 2021**



# REQUEST FOR APPEAL

### APPLICATION INFORMATION

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

### APPELLANT INFORMATION

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

I hereby appeal the decision of the:

- Hearing Officer
- 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 ATTACHMENT A, attached hereto + incorporated herein

**DATE RECEIVED**

JAN 19 2021

Signature of Appellant



1/18/21

Date

\* OFFICE USE ONLY

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

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

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

**I. THE HEARING OFFICER'S ERRORS AND OMISSIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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