



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: MARCH 18, 2021
TO: BOARD OF ZONING APPEALS
FROM: LUIS ROCHA, ZONING ADMINISTRATOR
SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
HILLSIDE DEVELOPMENT PERMIT #6837
801 SOUTH SAN RAFAEL AVENUE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination, that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction or Conversion of Small Structures and §15301, Class 1, Existing Facilities). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 specifically exempts the construction of small accessory structures. Section 15301 exempts the minor alteration of existing public or private structures, including a negligible or no expansion of existing or former use. The project involves the addition of two new 600 square-foot accessory structures and the modification of a portion of the existing residence to create a 262 square-foot, detached accessory structure, and involves a negligible or no expansion of the existing single-family residential use; and
2. Uphold the Hearing Officer's decision and approve Hillside Development Permit #6837.

STAFF RECOMMENDS APPROVAL



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

Table A

Development Feature	Required	Proposed	Analysis
RS-4 Hillside Overlay District Development Standards			
Lot Size: 34,361 square feet (based on signed topographical survey)			
Maximum Floor Area Ratio	9,090 square feet (25 percent, plus 500 square feet - slope reduction)	5,838 square feet	Complies
Maximum Lot Coverage	12,026 square feet (35 percent)	4,987 square feet (14 percent)	Complies
Neighborhood Compatibility	n/a	n/a	n/a
Minimum Parking	2 covered spaces	3-car garage	Complies
Guest Parking	Four spaces	Four spaces	Complies
Accessory Structure(s)			
Maximum Individual Accessory Structure Size- Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	600 square feet	600 square feet 600 square feet 262 square feet	Complies
Maximum Allowable Aggregate Accessory Structure Size	6% of the lot size (2,062 square feet) or 600 square feet, whichever is greater	2,062 square feet (four structures)	Complies
Minimum Side Setback Northwest Accessory Structure 1 Accessory Structure 2 Accessory Structure 3 Southeast Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	2 feet for the initial length of 22 feet, 5 feet thereafter.	12'-6" 40'-1 1/4" 67'-2 1/4" 36' 10' 10'	Complies
Minimum Rear Setback Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	25'	30' 53' 242'	Complies
Maximum Allowable Overall Height Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	15'	15' 15' 12'-9"	Complies
Maximum Allowable top plate height- Accessory Structure 1 Accessory Structure 2 Accessory Structure 3	9'	9' 9' 7'-8"	Complies

COMPLIES 100%



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3 (New Construction or Conversion of Small Structures and §15301, Class 1, Existing Facilities). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures, a single-family residence and multi-family residential structures totaling no more than four or six dwelling units. Section 15301 exempts the minor alteration of existing public or private structures, involving negligible or no expansion of existing or former use.

The project involves the addition of two new 600 square-foot accessory structures and the modification of a portion of the existing residence to create a 262 square-foot, detached accessory structure, and involves a negligible or no expansion of the existing single-family residential use. The project does not include features that would preclude the project from qualifying for a categorical exemption under CEQA. The staff of the Design and Historic Preservation Section of the Planning Division reviewed an application for the landmark designation of the property at 801 South San Rafael Avenue. In November 30, 2020, after reviewing the information submitted with the application, including extensive photographs of the building, and researching information about the building, its history and its former occupants, staff has determined that the property did not meet the criteria for designation as a landmark (Attachment F). In reaching this conclusion, the staff applied the methodology for evaluating the significance of historic properties in guidelines of the National Register of Historic Places, published by the National Park Service, and the criteria in the Pasadena Municipal Code. Furthermore, even if the residence did meet the criteria for landmark designation, the proposed project (detached accessory structures at the rear of the site) would not cause a substantial adverse change in the significance of a historical resource. In addition, the "cumulative" impact of the ministerial and discretionary projects was considered and it was determined that the totality would be exempt from environmental review pursuant to the Class 1 and 3 Categorical Exemptions. The ministerially approved first floor addition and detached garage, along with the requested accessory structures through this discretionary process, are typical improvements that are commonly approved for single-family residences. These types of improvements do not result in cumulative impacts that are significant. Therefore, the proposal is exempt from environmental review.



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

CONCLUSION:

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

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



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

November 30, 2020

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

Via email: preservation@pasadenaheritage.org

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

Case # DHP2020-10023

Council District 6

Dear Mr. Salimian:

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

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

Section 17.600 of the Zoning Code sets forth the eligibility criteria for landmark designation and states:

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

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

April 21, 2021

Job Number: 2607-001

Historical Evaluation for

801 S. San Rafael Avenue, Pasadena, California 91105

This historical evaluation was prepared for the property owner to determine whether the subject property is considered a "Historical Resource" as defined in Section 15064.5(a) of the California Environmental Quality Act (CEQA) Guidelines. Sapphos Environmental, Inc. conducted a site visit to document the buildings and conducted research for the purposes of evaluating whether the property meets the criteria for inclusion in the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), or for designation as a City of Pasadena Historic Landmark (City Landmark).

This MFR includes a summary of the property's setting; the findings of the field survey; and an assessment of the property's eligibility for listing in federal, state, and/or local registers. Sapphos Environmental, Inc. finds that the buildings located at 801 S. San Rafael Avenue does not meet the criteria for listing in the National Register, the California Register, or for listing as a City Landmark.

CONCLUSION

801 S. San Rafael Avenue is ineligible for listing in the National Register, the California Register, or for designation as a City Landmark. The property does not meet the criteria listed in federal, state, or local regulations to merit listing in national, state, or local registers and therefore, does not constitute as a "Historical Resource" as defined in Section 15064.5(a) of the CEQA Guidelines. The proposed project would not result in a substantial adverse change to a historical resource pursuant to Section 15064.5(b) of the CEQA Guidelines.

April 22, 2021
Project No.: 7082

Michael Rachlin, Partner
Rachlin Partners
8640 National Boulevard
Culver City, CA 90232

VIA EMAIL

**RE: CEQA Requirements for Categorical Exemption
Construction of Accessory Structures at 801 South San Rafael Avenue in Pasadena**

Dear Mr. Rachlin,

Regarding the appeal of approval of a Hillside Development Permit (HDP) for construction of two accessory structures and a modification to the existing main residence ("project") at 801 South San Rafael Street in the City of Pasadena, this letter addresses several assertions made by the appellants regarding the applicability of two categorical exemptions to the California Environmental Quality Act (CEQA) invoked by the City of Pasadena for the project.

Background

The project applicant, the owner of a single-family residence at 801 South San Rafael Street in the City of Pasadena, submitted an application for a Hillside Development Permit (HDP) for construction of two accessory structures, 600 square feet each, in the rear (west) end of the property, one as a home office with $\frac{3}{4}$ bathroom, and the other for home gym/open storage use; and modification of an existing 926 square foot playroom attached to the main residence to form a 262-square-foot detached partially open cabana. The property is currently developed with a 4,706-square-foot, two-story single-family residence and a detached, 600-square-foot garage. The City determined that the project is exempt from CEQA under Class I (Existing Facilities) categorical exemption (CE) for modification of the existing playroom and a Class 3 (New Construction or Conversion of Small Structures) CE for construction of the two proposed accessory structures.

The Hearing Officer approved the HDP on January 6, 2021. A neighbor appealed approval of the HDP permit. The neighbor's objections are set forth in a letter from the Silverstein Law Firm to Paul Novak and Jennifer Driver regarding Objections to Hillside Development Permit #6837 dated January 6, 2021 (henceforth referred to as the Silverstein Letter). Among the neighbor's claims is that the hearing officer erred in determining that the project is categorically exempt from environmental review under CEQA.

The City of Pasadena Planning and Development Department issued a Staff Report on March 18, 2021 (henceforth referred to as Staff Report) recommending that the Board of Zoning Appeals adopt the environmental determination that the project (subject to HDP #6837) is exempt from CEQA under Class 1 and Class 3 CEs; and uphold the Hearing Officer's decision and approve Hillside Development Permit #6837.