

Agenda Report

October 18, 2021

TO: Honorable Mayor and City Council

FROM: Planning and Community Development Department

**SUBJECT: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION ON
HILLSIDE DEVELOPMENT PERMIT #6838
1820 LINDA VISTA AVENUE**

RECOMMENDATION:

It is recommended that the City Council:

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, §15301, Class 1, Existing Facilities); and,
2. Overturn the Board of Zoning Appeals' decision and approve Hillside Development Permit #6838.

EXECUTIVE SUMMARY:

Hillside Development Permit (HDP) #6838 was presented to the Hearing Officer on January 6, 2021. The HDP application was requested to allow the construction of a 2,208 square-foot, two-story addition to the existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and attached 439 square-foot carport. The application included a 1,401 square-foot addition to the same level as the existing residence and a new 807 square-foot lower-story addition. The combined additions resulted in a 4,660 square-foot residence with an attached 754 square-foot garage. The property is zoned RS-4-HD (Single-Family Residential, 0-4 units/acre, Hillside Overlay District), and a HDP is required for an addition exceeding 500 square feet within the Hillside Overlay District.

Staff's recommendation to the Hearing Officer was to approve HDP #6838. Staff assessed the proposed project, and, based on the analyses, concluded that the findings necessary for approving the HDP could be made. At the conclusion of the public hearing, and after public testimony, the Hearing Officer approved HDP #6838 (Attachment K) with conditions and adopted the environmental determination that the

project was 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, §15301, Class 1, Existing Facilities).

On January 19, 2021, Jin Ser Park, an abutting property owner to 1812 Linda Vista Avenue, filed an appeal with the Board of Zoning Appeals, of the Hearing Officer's decision. (Attachment J).

On April 22, 2021, the Board of Zoning Appeals considered at its regularly noticed hearing, an appeal of the Hearing Officer's decision to approve HDP #6838. At the conclusion of the public hearing, the Board of Zoning Appeals made a motion to overturn the Hearing Officer's decision and to disapprove HDP #6838 (Attachment F). The motion resulted in a 5-0 vote by the five members present.

On May 3, 2021, the applicant, Matthew Feldhaus, submitted an appeal application (Attachment E) to the City Council. As part of the appeal, the applicant proposes a new project design in response to the Board of Zoning Appeals decision. As it relates to consideration of the submitted application and plans, pursuant to Zoning Code Section 17.72.070.2.c, changes to the original submittal to address objections of the review authority need not be the subject of a new application, and therefore the City Council may review the redesigned project. The revised project eliminates the previously proposed lower-story addition to the residence. Instead, the applicant proposes a lower-story Accessory Dwelling Unit (ADU).

In response to the Board of Zoning Appeals decision, and as part of the appeal application, the project applicant submitted revised plans by eliminating the 807 square-foot lower-story as an addition to the residence and instead proposing an 807 square-foot Accessory Dwelling Unit (ADU) in its place. The additions to the residence were reduced in size in an effort to have the size of the residence within the allowed floor area of the Neighborhood Compatibility analysis. The revised project includes a 1,401 square-foot addition to the same level as the existing residence and an aggregate 158 square-feet of lower story addition of enclosed pool equipment and storage space. The project results in a 3,853 square-foot residence with an attached 754 square-foot garage, a lower-story 807 square-foot Accessory Dwelling Unit (ADU), and an aggregate 158 square-feet of enclosed pool equipment and storage space, for a total gross floor area of 5,572 square feet. The proposed ADU is ministerial and shall not be a part of this discretionary review. In addition, per Section 17.29.030 of the Zoning Code the proposed deck expansion and pool are not subject a Hillside Development Permit. Thus the ADU, proposed deck expansion, and pool are allowed by right and are included both on the plans and in the geotechnical report as part of the general project scope for informational purposes only.

The hearing before the City Council is a de novo hearing where the Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

Based on the analysis and the recommended Conditions of Approval, Staff recommends that the City Council overturn the Board of Zoning Appeals April 22, 2021,

decision and 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, §15301, Class 1, Existing Facilities) and approve Hillside Development Permit #6838, subject to the findings provided in Attachment A and recommended conditions of approval in Attachment B.

BACKGROUND:

Existing Site Characteristics:

The subject property is located on the east side of Linda Vista Avenue, north of La Vista Place. The property descends east down a hillside toward the Arroyo Seco. The 50,332 square-foot property is developed with an existing single-story single-family dwelling including an attached two-car garage and attached carport. The site topography is generally flat at the location of the existing improvements. The average slope across the site is 29 percent. The applicant provided a tree inventory, which identified 47 trees on private property (two of which are located on the property to the north), 23 of which have been identified as protected by the City's Tree Protection Ordinance.

Adjacent Uses:

North – Single-Family Residential
South – Single-Family Residential
East – Open Space/Arroyo Seco
West – Single-Family Residential

Adjacent Zoning:

North – RS-4-HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Development Overlay District)
South – RS-4-HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)
East – OS (Open Space)
West – RS-2-HD (Single-Family Residential, 0-2 dwelling units per acre, Hillside Development Overlay District)

PUBLIC HEARINGS

Hearing Officer Public Hearing

The applicant, Matthew Feldhaus, had originally submitted a HDP application to allow the construction of a 2,208 square-foot, two-story addition to the existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and an attached 439 square-foot carport. The application included a 1,401 square-foot addition to the same level as the existing residence and a new 807 square-foot lower-

story addition. The project would have resulted in a 4,660 square-foot residence with an attached 754 square-foot garage. A Hillside Development Permit is required for an addition exceeding 500 square feet within the Hillside Overlay District. No protected trees were proposed for removal as part of the project.

The application presented to the Hearing Officer included a request to exceed Neighborhood Compatibility, as allowed pursuant to Zoning Code Section 17.29.080 (Neighborhood Compatibility findings to grant additional floor area) for lots larger than 20,000 square feet. The Neighborhood Compatibility analysis consisted of 27 developed parcels in the RS-2-HD and the RS-4-HD zoning districts. The median floor area was 2,827 square feet. Thirty-five percent above the median was 3,816 square feet. The proposal included a dwelling with 4,660 square feet of floor area (excluding the garage) and exceeded the Neighborhood Compatibility threshold by 844 square feet.

The Hillside Development Permit application was presented to the Hearing Officer at a public hearing on January 6, 2021. Staff recommended that the Hearing Officer approve Hillside Development Permit #6838, with conditions, on the basis that all required findings for the Hillside Development Permit could be made.

There were three public comments in opposition of the project received prior to or at the Hearing Officer hearing, including two from the attorney of the neighboring parcel to the south (1812 Linda Vista Avenue). The primary concerns raised in the public comments were about privacy impacts on abutting properties, potential impact on protected views, the proximity of the addition to the top edge of the slope, grading impacts, and incorrect application of a CEQA exemption.

In response to public comments, the Hearing Officer acknowledged the concerns and discussed them in relation to staff's recommendation. At the conclusion of public testimony, the Hearing Officer approved HDP #6838, as recommended by staff. This decision was based on the findings and conditions of approval in Attachment K (Decision Letter). To supplement the decision, the Hearing Officer provided an addendum with explanation for approval of the application (Attachment I).

Board of Zoning Appeal's Public Hearing

On January 19, 2021, Jin Ser Park, the abutting property owner of 1812 Linda Vista Avenue to the south, filed an appeal application (Attachment J) to the Board of Zoning Appeals. The appellant cites the following reasons for the appeal:

1. Out of Scale Development
2. Failure to Consider View Rights
3. Unusual Circumstances
4. Cumulative Impacts
5. Threat to Historic/Natural Resource

On April 22, 2021, the Board of Zoning Appeals considered at a noticed public hearing, an appeal of the Hearing Officer's decision to approve HDP #6838. A response to each

of the appellant's claims was provided to the Board of Zoning appeals as a component of the April 22, 2021, Board of Zoning Appeals staff report (Attachment G). This included a determination by the Design and Historic Preservation staff that the property did not meet the criteria for designation as a landmark (Attachment M). Staff presented the project and recommended that the Board of Zoning Appeals adopt the environmental determination and approve Hillside Development Permit #6838.

During public testimony, the appellant's attorney spoke in opposition to the project and had submitted additional correspondence to the Board of Zoning Appeals for their review (Attachment H). The appellant's concerns, as indicated in their appeal application, were regarding view impacts, the scale of proposed development and environmental determination. The appellant submitted photographs from an interior first-story window showing a cross-view to the north, over the roof of the project site and its temporary silhouette (see photos 7-10 of Attachment H). The photographs depict a partial view of the ridge line of the San Gabriel Mountains that would be blocked by the new roof-design of the single-story additions. In addition to the appellant's testimony, one public comment letter was received prior to the hearing in opposition to the project.

At the conclusion of the public hearing, after considering public testimony, the Zoning Code, the staff report, the development plans and application material, and with full knowledge of the property and vicinity, the Board of Zoning Appeals determined that:

- *The application was requesting 844 square feet of additional floor area above the maximum permitted by the Neighborhood Compatibility requirement.*
- *One of the two required findings for the granting of additional floor area, per Section 17.29.80.G.1, requires the decision maker to find in the affirmative that "no additional view impacts will occur to neighboring properties as a result of granting additional square footage".*
- *The proposed project would block the appellant's views of the ridgelines to the north from a first floor window on the north elevation of the residence at 1812 Linda Vista Avenue.*
- *Due to the view impacts, the finding required to grant the additional floor area above the maximum permitted by the Neighborhood Compatibility requirement cannot be made.*

Based on the determination above, the Board of Zoning Appeals motioned to overturn the Hearing Officer's decision and to disapprove the Hillside Development Permit that resulted in a 5-0 votes by the members present. As a result, action was taken to disapprove Hillside Development Permit #6838 (Attachment F).

In their decision, the Board of Zoning Appeals did not vote on the CEQA recommendation that the project was exempt from environmental review. Pursuant to Zoning Code Section 17.72.070.5, if a vote to affirmatively approve the CEQA determination is not made it is considered a denial thereof.

APPEAL OF BOARD OF ZONING APPEALS DECISION:

On May 3, 2021, the project applicant, Matthew Feldhaus, submitted an appeal application (Attachment E) of the Board of Zoning Appeals' decision to the City Council. The hearing before the City Council is a de novo hearing where the City Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

Revised Project

In response to the Board of Zoning Appeals decision, and as part of the appeal application, the project applicant submitted revised plans to reduce the size of the additions to the residence by eliminating the lower-story as an addition and instead proposing an Accessory Dwelling Unit (ADU) in its place. The additions were reduced in size in an effort to have the size of the residence within the allowed floor area of the Neighborhood Compatibility analysis. The revised scope of work includes a 1,401 square-foot addition to the same level as the existing residence, resulting in a 3,853 square-foot residence; the previous proposal was for a 4,660 square-foot residence. The proposed residence would have an attached 754 square-foot garage, a lower-story 807 square-foot ADU, and an aggregate 158 square-feet of lower story enclosed pool equipment and storage space, for a total gross floor area of 5,572 square feet.

The applicant also requests that the City Council modify the "neighborhood" used for the Neighborhood Compatibility analysis to allow the removal of properties that are not in the same RS zoning district as the subject site; additional discussion can be found in the Neighborhood Compatibility analysis section of this report. Pursuant to California Government Code Section 65852.2, ADUs are ministerial and shall not be subject to discretionary review or a public hearing. In addition, the proposed deck expansion and pool are not subject to a Hillside Development Permit. Although the ADU, proposed deck expansion, and pool are allowed by right, they are included both on the proposed development plans and in the geotechnical report as part of the overall project scope. Where applicable, the analysis below will identify the ADU's compliance with development standards for informational purposes.

ANALYSIS:

The subject property is located in the RS-4-HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District) zoning district. Properties located within the Hillside Overlay are required to comply with additional standards beyond those applicable to the base single-family residential zoning district (RS-4). These additional standards are intended, in part, to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features.

The City Council may approve a Hillside Development Permit only after making eight findings pursuant to Zoning Code Section 17.61.050 (Conditional Use Permits and Master Plans) and 17.29.080 (Hillside Development Permit). Findings are necessary for the purpose of evaluating compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. The following analysis discusses the project's compliance with development standards of the Hillside Overlay District.

RS-4 and Hillside Overlay District Development Standards

Properties located within the Hillside Overlay District are required to comply with all of the required development standards of the RS-4 zoning district, except as superseded by additional development standards listed in Zoning Code Sections 17.29.050 through Section 17.29.070 (Hillside Overlay District).

In addition to the following discussion, an outline of development standards is provided in Table A (Page 16) to show compliance with all of the applicable zoning and Hillside Overlay development standards.

Gross Floor Area

Calculating the maximum allowed floor area in the Hillside Overlay District is a multi-step process. The intent of the process is to consider the steepness or topography of a property when determining the size of a development; a steeper property may provide less land area suitable for development. The Zoning Code considers this with respect to maximum allowed floor area.

Gross floor area includes all covered parking (garage and carport areas), habitable attic space, accessory structures and basements with any exposed wall (or portion thereof) six feet or more above finished grade, measured from finished grade elevation to the floor above. The maximum allowable gross floor area for properties located in the RS-4-HD zoning district with a property size more than 10,000 square feet is 25 percent of the lot size plus 500 square feet. Further, additional reductions are taken based on the average slope of the lot.

Based on the slope analysis provided by the applicant, the lot area measures 50,332 square feet. Of this, 6,232 square feet slopes equal to or greater than 50 percent. Furthermore, the average slope of the lot is approximately 29 percent. Based on the calculation applicable to the RS-4-HD zoning district, the maximum allowed floor area is 10,714 square feet.

The modified project proposes a 3,853 square-foot residence with an attached 754 square-foot garage, and 158 square-feet of enclosed pool equipment and storage space on the lower level for a total gross floor area of 4,765 square feet. The project also includes an expansion of the existing deck to include a patio cover and infinity pool, and an 807 square-foot lower floor ADU. The total gross floor area including the ADU is

5,572 square feet and is in compliance with the property's maximum allowable floor area of 10,714 square feet.

Lot Coverage

The maximum allowed lot coverage for a property in the Hillside District Overlay is equal to 35 percent of the lot area. This standard generally evaluates the percentage of land area covered by development. In this case, 35 percent of the 50,332 square-foot lot is 17,616 square feet. The proposed lot coverage is approximately 15 percent, or 7,434 square feet, which complies. This calculation includes the building footprint and the proposed deck extension.

Setbacks

The minimum front setback requirement for the main structure in the Hillside Overlay District is 25 feet, measured from the front property line. The existing residence is setback 52'-2" and complies with the front setback requirement.

Additionally, the minimum front setback for an attached garage is 25 feet. In this case, the proposed enclosure of the existing carport to convert to the new garage maintains a front setback of approximately 59'-9", which complies with the minimum front setback for an attached garage.

The required interior side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of ten feet. The lot width is 94'-9", resulting in a minimum side setback requirement of 9'-5". The proposed setback for the addition on the south side is 10'-9". The proposed setback for the exterior staircase at the north side is 9'-9" and the setback for the proposed additions are 13'-6". As such, the proposed setbacks comply with the minimum side setback requirement.

The minimum required rear setback is 25 feet. The setback measured from the proposed addition to the rear property line is 253'-2", which complies with the minimum rear setback requirement.

Encroachment Plane

Main structures may not be located within an encroachment plane that slopes upward and inward at a 30-degree angle, commencing at a point six feet above existing grade along the side property lines. The intent of the encroachment plane standard is to moderate the mass and scale of structures and maintain desired neighborhood character. Plans provided by the applicant depict the encroachment plane and demonstrate the proposed addition complies with the requirement.

Height

Properties in the Hillside Overlay District are required to comply with two separate standards for building height. No structure may exceed a height of 28 feet at any point on the site, measured as the vertical distance from the existing grade to an imaginary plane parallel to the existing grade; nor can the overall height, as measured from the lowest elevation on the site where the structure touches the grade, to the highest point of the roof (ridge or parapet), exceed a height of 35 feet.

The project proposes a building height of 17'-2" measured from the adjacent elevation of the existing grade, and an overall height of 32'-3", measured from the lowest grade to the highest ridge. The structure does not exceed a height of 28 feet at any point on the site and is within the total height limitation of 35 feet. Therefore, the project complies with both standards for building height.

Parking

Single-family dwellings are required to provide two covered parking spaces in the Hillside Development Overlay. Additionally, properties within the Hillside Overlay District are required to provide a minimum of four guest parking spaces on a site fronting a street where parking is prohibited on both sides of the street, or a minimum of two guest parking spaces on a site fronting a street where on-street parking is allowed. Guest parking spaces may be located in the driveway, in side-by-side and/or tandem configurations.

The proposal includes converting the existing carport attached to the front of the residence into a two-car garage. The new garage will continue to be accessible from Linda Vista Avenue via the existing driveway. The portion of Linda Vista Avenue fronting the property allows street parking, therefore two guest parking spaces are required for the project. The existing driveway will provide the required two guest parking spaces. Therefore, the project complies with the parking requirement.

Neighborhood Compatibility

Projects subject to a Hillside Development Permit are to consider the character and scale of existing development in the neighborhood. The neighborhood is generally comprised of lots with residential properties located within a 500-foot radius of the site. The Zoning Code specifies that the allowable floor area of a proposed dwelling (excluding garages, accessory structures, basements, etc.) may not exceed the median floor area of existing dwellings within the 500-foot radius by more than 35 percent. Floor area for this calculation relies on data from the Los Angeles County Assessor. Since the April 22nd Board of Zoning Appeals meeting, the applicant requested that staff provide an updated neighborhood compatibility calculation table (Attachment C) to reflect the current Los Angeles County Assessor data in conjunction with recent updates in finalized building permit square footage for 1860 Linda Vista Avenue.

Within a 500-foot radius, there are 31 parcels within the City of Pasadena jurisdiction. Four of these properties are vacant. Of the remaining 27 developed parcels, located in both the RS-2-HD and RS-4-HD zoning districts, the median residential floor area is 2,827 square feet. Thirty-five percent above the median is 3,816 square feet. The proposal includes a dwelling with 3,853 square feet of floor area (excluding the garage, pool equipment/storage space and the ADU) and exceeds the base Neighborhood Compatibility threshold by 37 square feet.

Pursuant to Zoning Code Section 17.29.060.F, the 500-foot "neighborhood" may be modified by the review authority, based on any or all of the following criteria:

- a. Properties within 500 feet are not in the City of Pasadena;
- b. Properties within 500 feet are not in Hillside Overlay district;
- c. Properties within 500 feet are not in RS district, or are in a different RS district;
and
- d. Properties within 500 feet are separated by a significant manmade structure (e.g. freeway) or a significant natural feature (e.g. canyon, ridge, etc.) that, to the extent determinable by staff, is not the result of grading or other man-made alteration of the natural terrain.

In this case, the applicant has requested that the City Council modify the "neighborhood" by excluding all properties within the RS-2-HD zoning district from the calculation, resulting in the parcels only located within the RS-4-HD zoning district being included for the Neighborhood Compatibility analysis. The portion of Linda Vista Avenue fronting the project site is bisected between two residential zoning districts, with the RS-2-HD zoning district encompassing the properties located on the western side of the street and the RS-4-HD zoning district capturing the properties located on the eastern side of the street. The modification of the neighborhood would result in a comparison of lots within the same zoning district that have comparable development standards and are situated similarly along Linda Vista Avenue. The RS-4-HD zoned properties on the east side of Linda Vista Avenue, including the subject site, contain lot frontages generally at the same grade along Linda Vista Avenue. The RS-4-HD zoned properties are identified within the Arroyo Seco Slope Bank map and contain eastern descending slopes abutting the Arroyo Seco. The properties zoned RS-2-HD on the west side of Linda Vista Avenue are at a higher grade in elevation (approximately 20 feet) and generally do not have vehicular access on Linda Vista Avenue. If the modification of the neighborhood is approved, it would result in 11 developed parcels in the RS-4-HD zoning district and the median floor area would be 3,302 square feet. Thirty-five percent above the median would be 4,458 square feet (Attachment D).

If the City Council approves the modified "neighborhood", the residence would be within the allowed floor area of the Neighborhood Compatibility analysis and the applicant would not require the granting of additional floor area to exceed the analysis pursuant to Section 17.29.080.G; the following two findings would not need to be made:

1. No additional view impacts will occur to neighboring properties as a result of granting additional square footage; and
2. The massing, scale, and building articulation of the proposed dwelling or other structure is compatible with the neighborhood as viewed from public or private streets.

As previously discussed, the projected presented to the Board of Zoning Appeals exceeded the Neighborhood Compatibility analysis by 844 square feet and the application required that the findings in Section 17.29.080.G are made in order to grant the additional floor area. The Board of Zoning Appeals determined that finding No. 1 above could not be made.

If the City Council does not approve the modified “neighborhood”, the residence would have to be reduced by 37 square feet to be within the base Neighborhood Compatibility analysis threshold of 3,816 square feet.

Architecture and Setting

The existing dwellings in the neighborhood consist of varying styles. In addition to the range of architectural styles, there is also a variety in massing throughout the neighborhood such as single-story, two-story, and three-story homes and a mix of u-shaped, l-shaped, and rectangular building footprints. Roof pitches and façade materials are also mixed throughout the neighborhood. Existing architectural elements do not appear to reflect one strict style, form, massing, or material palette. The existing residence was constructed in 1948 with an addition in 1965. The current dwelling’s architectural style includes a mix of ranch and traditional architectural elements, many of which have been modified from the original construction over time. In 1965 a courtyard and carport were added to the front of the property and significantly modified the front façade and architectural design.

The applicant has designed the proposed addition and renovation to complement the original architecture. The project intends to incorporate elements of contemporary and mid-century modern design with flat roofs, large glass openings for natural daylight and ventilation, stucco and wood finishes, clerestory windows at the north and south facades, and simple trim and detailing. Similar architectural characteristics are featured in homes within the vicinity as shown in the neighborhood architectural analysis exhibits.

The proposed project's scale and massing is compatible with the scale and setting of the surrounding neighborhood. From the street, the project will continue to appear as a single-story residence. The proposed lower-floor ADU addition will be located below the residence, within the space between the master bedroom addition and the rear yard slope, within the same side setbacks as the primary residence above it, and will not be visible from the public street.

The existing residence is one level with four bedrooms and three bathrooms. The proposed project would alter the configuration of the existing floor's interior by an additional 1,401 square feet, converting the existing garage into livable area to create an additional bedroom at the south, a master bedroom expansion at the north, and converting the existing carport into a new garage. The project would add a new 807 square-foot lower floor ADU at the northern side of the residence beneath the master bedroom and deck expansion. In addition to the ADU, the lower level would feature a 29 square-foot storage space under the exterior stair case and a 129 square-foot enclosed pool equipment room below the deck footprint.

The existing deck would be expanded to include a new patio cover, infinity pool, and spa (accessible from each bedroom and living area at the east elevation) at the eastern side of the dwelling. The additions are extensions of the existing living area, deck area, and filling in the space below the deck expansion with additional floor area. The lower level ADU addition underneath the main level will be entirely located within captured space that would otherwise be an empty volume. Both the upper floor and lower floor additions are placed to maintain any protected view corridors from adjacent properties.

The rear addition is setback more than 100 feet from the top edge of the Arroyo Seco Slope Bank, and more than 250 feet from the rear property line, thereby preserving the privacy of surrounding lots to the north, south, and east. All portions of the addition are set in such an area and designed in a manner that visibility from off the property would be limited to the maximum extent possible. The massing and architectural design, along with the existing topography and landscaping, help diminish the appearance of the proposed improvements. The exterior materials would include flat roofs, large glass openings for natural daylight and ventilation, stucco and wood finishes, clerestory windows at the north and south facades, and simple trim and detailing painted and finished with darker colors to blend into the hillside. Therefore, it is the staff position that the proposed size, design, materials, and color palette are consistent with the applicable design criteria (architectural features) of the Hillside Development Overlay and with properties in the neighborhood.

View Protection, Story Poles, Notice of Application Requirements

Section 17.29.060.G (View Protection) of the Zoning Code requires applicants to design and locate improvements so that they avoid blocking views from surrounding properties to the maximum extent feasible as determined by the review authority. Specifically, new structures shall not be centered directly in the view of any room of a primary structure on a neighboring parcel. Views shall be considered from windows of any room in the primary structure. The standard specifies that improvements are to avoid blocking culturally significant structures such as the Rose Bowl, Colorado Street Bridge, City Hall, downslope views of the valley floor, prominent ridgelines, and/or the horizon line. Views of the open sky, existing foliage, private yards, and existing structures on surrounding properties are not protected and shall not be taken into consideration by the review authority. For this project, views to the east and southeast to be considered include downslope views of the valley floor, the Rose Bowl, Colorado Street Bridge, and

City Hall. Views to the north include the ridgeline of the San Gabriel Mountains. To assist with the view protection analysis, a temporary silhouette (story poles) was installed on the subject property in December of 2020. Staff followed with a visual inspection, photographing the project site in relation to abutting properties. A notice of application providing a minimum 14-day notification period was also mailed in accordance with the requirements of the Zoning Code.

In this case, the applicant has proposed the additions in an area that would not reasonably affect views protected by the Zoning Code. The existing residence is one-story. Single-story additions to the front of the existing residence include converting the carport into a two-car garage and a laundry room. Additions to the rear of the existing residence would accommodate new bedrooms and expanded living areas. The gabled roof would be removed and replaced with a flat roof. From the street, the project would continue to appear to be only a single-story residence, with the lower-floor ADU addition at the rear, underneath the main level and deck, and unable to be seen from the public street.

The residences to the west, across Linda Vista Avenue, are situated at an elevation approximately 20 feet higher than the project site and would not have their views towards the east impeded by the proposed project. The abutting properties to the north and south are single-family residences located at 1840 Linda Vista Avenue and 1812 Linda Vista Avenue. Both the project site and the two abutting residences' existing footprints are oriented so that all three homes are in line and their rear wall planes are in a consistent string-line.

1840 Linda Vista Avenue is the adjacent property to the north, improved with a single-story, single-family residence, and its easterly views and views toward the north would not be impacted by the the proposed improvements.

1812 Linda Vista Avenue is the property adjacent to the south and is improved with a two-story, single-family residence. In order to avoid impacting 1812 Linda Vista Avenue's protected views from their existing second story north-facing windows, the proposed project was designed to remain a single-story residence at the street level. The applicant designed the majority of the project's addition (the master bedroom extension) to be located at the northern side of the property, approximately 70 feet from the southern side property line to minimize impacts to the abutting neighbor to the south. The proposed improvements would not block its views east and southeast views towards the valley floor, the Rose Bowl, Colorado Street Bridge, or City Hall. As part of their appeal to the Board of Zoning Appeals, the property owner of 1812 Linda Vista submitted photographs from an interior first-story window showing a cross-view to the north, over the roof of the project site and its temporary silhouette (see photos 7-10 of Attachment H). The photographs depict a partial view of the ridge line of the San Gabriel Mountains that would be blocked by the new roof-design of the single-story additions and remodel. Staff had previously conducted an exterior site visit and observed that the window in question had views of the private side yard, existing foliage, a block wall, and the existing residence of the subject application. Subsequent

to the denial of the application by the Board of Zoning Appeals, the Director of Planning and Community Development contacted the property owner's representative in an effort to get permission to enter the residence in order to conduct an analysis of the view from the interior of the subject window. Permission to enter the residence was not provided.

Although it appears that a portion of the ridgeline would be blocked from a first-story window by the new roof-design of the single-story additions and remodel, the proposed structure is designed to avoid blocking views from surrounding properties to the maximum extent feasible. The project avoids upper-story additions, makes use of the existing building pad for the additions to the front of the residence and provides a flat roof system.

Ridgeline Protection

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

Arroyo Seco Slope Bank

Section 17.29.050.D of the City's Zoning Code states that no structure shall extend over or below the top edge of the Arroyo Seco slope bank on a lot identified on the *Arroyo Seco Slope Bank Map*, dated May 11, 2004. The subject property is located within the boundary identified on the Map. The Zoning Code defines the "top edge" of the Arroyo as the highest existing grade elevation at the point where the natural gradient inclines downward at a slope greater than 50 percent in the mapped area. On a site with multiple slope banks, the "top edge" shall be considered the point farthest from the floor of the Arroyo Seco.

The applicant provided a topographic map identifying the "top edge" of the Arroyo Seco at an elevation of approximately 977 feet. This top edge is identified as approximately 120 feet west of the rear property line and the proposed project is setback another 110'-2" from it. Therefore the project complies with the Arroyo Seco Slope Bank requirements.

Preliminary Geotechnical Report

As a part of the Hillside Development Permit requirements, a preliminary geotechnical report is required. Irvine Geotechnical, Inc. conducted a full geotechnical investigation of the site and prepared a report addressing the entire scope of work (including the proposed lower story ADU, deck expansion, and pool structures which do not require a Hillside Development Permit). The report includes a description of site conditions, results of field exploration, and laboratory testing. The geotechnical investigation is required for projects subject to a Hillside Development Permit. The purpose of the report is to evaluate the subsurface conditions that may affect site stability or structural

integrity. Irvine Geotechnical, Inc. explored the subsurface conditions around the location of the proposed upper and lower story additions by excavating seven test pits to a depth of seven feet below the surface. Based on the investigation, Irvine Geotechnical, Inc. concluded that the grading and proposed structure will be safe against hazard from landslide, settlement, or slippage and the proposed construction will have no adverse effect on the geologic stability of the adjacent properties provided recommendations are followed.

Project Summary

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: RS-4 and Hillside Overlay Development Standards

Development Feature	Required	Proposed	Analysis
RS-4 – Single Family Residential and Hillside Overlay Development Standards			
Front Setback (West): Garage Residence	25 feet	52'-2" 59'-9"	Complies
Interior Side Setback (North & South)	9'-5" (10% of lot width, minimum of 5 feet – maximum of 10 feet)	10'-9" (South) 9'-9" (North)	Complies
Rear (East)	25 feet	253'-2"	Complies
Maximum Site Coverage	17,616 square feet or 35 percent	7,434 square feet or 15 percent	Complies
Maximum Floor Area Ratio	10,714 square feet	5,572 square feet	Complies
Maximum Allowable Height- Primary Structure	28 feet at any point from existing grade; and 35 feet from lowest point where the building touches finished grade to highest point of the building	17'-2" at any point 32'-3" overall height	Complies
Minimum Parking	2 covered spaces	2 car garage	Complies
Guest Parking	2 on-site guest spaces	2 guest spaces	Complies
Neighborhood Compatibility within a 500-foot radius	Median – 3,302 square feet Median + 35 percent – 4,458 square feet	3,853 square feet	Complies*

* If the modification to the “neighborhood” is approved by the City Council.

TREE PROTECTION ORDINANCE:

The applicant provided a tree inventory, which identified 47 trees on private property (two of which are located on the property to the north). Of these 47 trees, 23 are protected by the City's Tree Protection Ordinance based on the species, size, and location on the property. The applicant proposes to retain all 23 protected trees and to remove nine of the 24 non-protected trees. Of the nine trees proposed for removal, none qualify for the replacement thresholds of Section 17.44.070 (Landscape Standards). Based on the information provided by the applicant, none of the existing trees or canopies would overlap with the proposed addition. Along with retaining all protected trees, the applicant proposes landscape improvements within the front setback. A final landscape plan would be reviewed during the Building Permit plan check process for consistency with landscape requirements of the Zoning Code.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontages, architectural design and landscaped setbacks. The proposed project consists of a two-story addition primarily to the rear of an existing single-story single-family residence. The residence is setback far from the street and is contextually appropriate with the character of the neighborhood, particularly in regards to building form, massing, and architectural design. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained.

General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed two-story addition to the existing single-story residence complies with all the development standards set forth in the City's Zoning Code. The proposed living area of 3,853 square feet is compatible with the Neighborhood Compatibility floor area (4,458 square feet) of properties containing single-family residences within the immediate neighborhood. The project proposes a blend of modern and ranch architectural styles utilizing earth tone colors and materials, and an architectural style and color scheme that is compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the proposed two-story addition is consistent with the scale and setting of the surrounding residences.

General Plan Land Use Policy 6.4 – (View Sheds) requires residences to recognize and protect significant views of the San Gabriel Mountains, the Arroyo Seco, open spaces along with views of significant structures such as the City Hall cupola, Central Library, and the Civic Auditorium.” The proposed project is designed to minimize massing by adding additional square footage both at the existing main level of the single-story

residence and a lower story below the main level's addition. The design of the addition will keep the appearance of residence as one story at the street level and limit potential impacts to views of these significant structures from surrounding properties.

Therefore, staff finds that the project would be consistent with General Plan objectives and policies.

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, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. The proposed 1,401 square-foot main level addition and 158 square-foot addition to create a lower story on an existing single-story dwelling with attached two-car garage does not exceed the threshold. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project location is a developed lot and not environmentally sensitive. Therefore, the proposal is exempt from environmental review.

CONCLUSION:

It is staff's assessment 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 for the RS-4-HD zoning district and the additional development standards required within the Hillside Overlay District. The proposed additions to the existing residence would not be injurious to adjacent properties or uses, nor would the development be detrimental to environmental quality, quality of life, or health, safety, and welfare of the public. Furthermore, the proposed additions are consistent with the objectives and policies of the Hillside Overlay District and the Design Principles of the General Plan. These design standards are specific to development of residential properties located within the Hillside Overlay District, which include architectural features, exterior wall features, privacy, support structures, and colors and materials. The proposed project has incorporated the building design with variation of architectural elements, features, and earth tone colors that are consistent with surrounding styles and massing. The additions are located in a way that reduces impacts to protected views to the maximum extent feasible, and importantly the protection of the existing trees.

Staff finds that the findings necessary for approving Hillside Development Permit #6838 to allow for the construction of the proposed addition can be made. Therefore, staff

recommends that the City Council overturn the Board of Zoning Appeals April 22, 2021 decision, and approve Hillside Development Permit #6838 subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

FISCAL IMPACT:

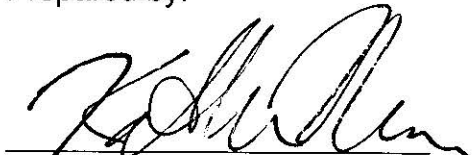
There is no fiscal impact as a result of this action and will not have any indirect or support cost requirements.

Respectfully submitted,




DAVID M. REYES
Director of Planning and Community
Development

Prepared by:



Katherine Moran
Associate Planner

Reviewed by:



Luis Rocha
Zoning Administrator

Approved by:



STEVE MERMELL
City Manager

Attachments (14):

- Attachment A – Hillside Development Permit Findings
- Attachment B – Conditions of Approval
- Attachment C – Neighborhood Compatibility Analysis (dated August 4, 2021)
- Attachment D – Modified Neighborhood Compatibility Analysis (dated August 4, 2021)
- Attachment E – Appeal Application of Board of Zoning Appeals’ decision (dated May 3, 2021)
- Attachment F – Board of Zoning Appeals Decision Letter (dated April 28, 2021)
- Attachment G – Board of Zoning Appeals Staff Report (dated April 22, 2021)
- Attachment H – Board of Zoning Appeals Appellant Presentation (dated April 21, 2021)

- Attachment I – Hearing Officer Addendum (dated March 20, 2021)
- Attachment J – Appeal Application of Hearing Officer’s decision (dated January 19, 2021)
- Attachment K – Hearing Officer Decision Letter (dated January 11, 2021)
- Attachment L – Hearing Officer Staff Report (dated January 6, 2021)
- Attachment M – Design and Historic Preservation Historical Designation Review (dated July 21, 2020)
- Attachment N – Project Plans