

**ATTACHMENT H**  
**BOARD OF ZONING APPEALS: APPELLANT COMMENT LETTER/PRESENTATION**  
**Dated November 18, 2021**



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November 17, 2021

**VIA ELECTRONIC MAIL (david@coheradr.com)**

David Coher, Chair  
Board of Zoning Appeals  
Hale Building  
175 N. Garfield Ave., 2nd Floor  
Pasadena, CA 91101

Re: **STATEMENT OF APPELLANT AT 1812 LINDA VISTA  
REGARDING THE NEW PROJECT AT 1820 LINDA VISTA**

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838  
City Council Agenda Item #12

|                          |                         |
|--------------------------|-------------------------|
| <i>Project Location:</i> | 1820 Linda Vista Avenue |
| <i>Zoning:</i>           | RS-4-HD                 |
| <i>Hearing Date:</i>     | November 18, 2021       |
| <i>Agenda Item:</i>      | 3-B                     |

Dear Chairman Coher and Honorable Members of the Commission:

This office represents neighboring property owner and the Original Project Appellant Jin Ser Park (“Appellant”) in connection with the above-captioned appeal. Appellant challenged the Hearing Director’s approval of the subject application and prevailed by a unanimous decision of the Board of Zoning Appeals (sometimes the “BZA”) on April 22, 2021. (See Exhibit I.)

The Owner/Developer/Architect Applicant Matthew Feldhaus (“Applicant”) originally proposed a massive expansion of his hillside single family residence, which would have greatly changed the massing of the structures thereupon and blocked Appellant’s legally protected views. The original approval Applicant sought was for Hillside Development Permit #6838 to convert an existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and an attached 439 square-foot carport to the following: a 4,660 square-foot, two-story residence with an attached 754

square foot garage for a total gross area of 5,414 square feet (the “Original Project”)<sup>1</sup>. (See October 18, 2021 Staff Report, p.1.)

Having the Original Project rejected at the BZA Hearing, Applicant *now* seeks the City Council’s approval of a different and significantly more troubling project. The new project proposes a 3,853 square-foot residence with an attached 754 square foot garage, and 158 square feet of enclosed pool equipment in tandem with a deck expansion, infinity pool, and an 807 square-foot lower floor Accessory Dwelling Units (“ADU”) for a total gross area of **5,572 square feet** (the “New Project”). The story poles still in place from the Original Project show that the very same view obstruction remains. Furthermore, the exemption from environmental review is now for a more unwieldy construction project on a steep hillside next to liquefaction zones, a golf course, and a historic resource.

There is no *legal basis for a “do-over” of the BZA’s decision*. The BZA has no jurisdiction, under these circumstances, to approve the New Project or the Old Project. The Statutory framework for the BZA to reevaluate its own decision by way of remand from the City Council does not exist; the Planning Department and Appellant’s counsel misconstrued a statute giving the Hearing Officer the chance to submit a report on so-called “new evidence” for the benefit of the review authority.

Furthermore, “Public Notice” of the New Project is lacking. Appellant first learned of the New Project in the new staff report, which was only released in the evening of October 14. Moreover, the homes within the notice radius did not receive the traditional mailing notification. The expanded project footprint, bypassing of public input at the Hearing Officer stage and consideration by the BZA, and change of project in the goal of reaching a final decision by the City Council violate the Brown Act, due process, equal protection, and the Pasadena Zoning Code. This lack of due notice deprives the public of the opportunity to review and comment upon the project before a Hearing Officer, who would then make decisions in a public forum about the Hillside Ordinance and the New Project’s impact on the environment.

Of additional concern is the fact that Applicant and his attorney shared the modified, expanded plans for the New Project with the Planning Department *without showing them to his neighbor or the local neighborhood association*. It evidences his motive to avoid review and reflects a complete lack of respect for the next-door-neighbor who is most harmed by the project. He brazenly seeks to avoid public review and input.

**Finally, and most importantly, Applicant makes the dubious claim that the ADU and pool are not considered part of the Hillside Development Permit.** However, these both *exist* within the framework of the project, and the Applicant has made it inseverable from the New Project. The HDP requires *all additions to be considered*. Had Applicant *only* applied for an ADU *only*, then State law may override this consideration. However, Applicant does not want to decouple the application.

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<sup>1</sup> The Project Description described the elements of the Project as such. At the April 21 BZA hearing, there was a discussion of the omission of the pool in the description.

Based on the foregoing, Appellant respectfully requests the BZA rightfully find that it has already rendered a unanimous decision on the Original Project and lacks the statutory authority to “reconsider” that decision. Alternatively, if it is inclined to render a decision, it should uphold its prior decision and reject Hillside Development Permit #6838, as the underlying circumstances regarding view infringement, dangerous hillside massing, and inadequate environmental review have not been addressed.

TABLE OF CONTENTS  
[hyperlinked for convenience]

| <b>Section</b>   | <b>Page</b> |
|--|-------------|
| I. The BZA Lacks Jurisdiction to Take Action on the New Project  | 4           |
| II. The New Project Still Substantially Infringes on Appellant’s Protected Views   | 5           |
| III. The Project is Not Exempt from CEQA Because of Its Location and Attendant Unusual Circumstances   | 6           |
| IV. The Project Must Be Denied Because it Fails to Conform to the Requirements of the General Plan and the Hillside Development Overlay District           | 11          |
| V. The New Application Exacerbates the Denial of Equal Protection of the Law and Due Process by Improperly Favoring Applicant at the Expense of the Public | 15          |
| VI. Conclusion   | 20          |

EXIBITS  
[hyperlinked for convenience]

| <b>Description</b>   | <b>Ex.</b> |
|--|------------|
| April 2021 Decision of BZA on Original Project   | I          |
| Emails from David Reyes Requesting Remand to BZA   | II         |
| Photographs Reflecting Obstruction of Protected Views Shown by Story Poles:<br><br>(1) View from Appellant’s Dining Room [Protected View]<br>(2) View from Appellant’s Dining Room [Colorized to Show Ridgeline Obstruction] | III        |



|  |     |
|--|-----|
| (3) View from Appellant's Dining Room with Different Angle and Showing Window [Partially Colorized to Show Ridgeline Obstruction]  |     |
| Google Map with Annotations Showing Liquefaction Zones   | IV  |
| Project Rendering Showing Infinity Pool  | V   |
| Appellant's Geotechnical Report  | VI  |
| Emails Between Applicant and City Planning Showing Intentional Concealment of Current Development Plans and Advice on Project Segmentation<br><br>(1) July 27, 2020<br>(2) July 27 – August 7, 2020<br>(3) January 20 – February 3, 2021 | VII |

## I. THE BZA LACKS JURISDICTION TO TAKE ACTION ON THE NEW PROJECT

The Applicant and the Department of Planning and Community Development (the "Planning Department"), citing the City of Pasadena Municipal Code ["PMC"] § 17.72.070 B-3. This statute does *not allow review/remand of* the BZA's former decision to the BZA. It simply allows the Hearing Officer to prepare a report in response to "new evidence." It reads as follows:

**New evidence.** If new or different evidence is presented during the hearing, the applicable review authority (e.g., Board of Zoning Appeals, Design Commission, Historic Preservation Commission, or Council) may refer the matter back to the Director, Zoning Administrator, Hearing Officer, Environmental Administrator, Design Commission, or Historic Preservation Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

Notice the BZA is not among the entities for review based on "new evidence." It is without jurisdiction to issue a different finding than its previous one with regards to either iteration of the Project. The statute only calls for a report by the enumerated entities, which would be for consideration by the review authority before which the hearing was taking place, in this instance the City Council.

Furthermore, the "new evidence" before the City Council is a redesign of the project to add an ADU and expand the footprint of the building even further. This is a different project which should have required cancellation and a resubmission:

If the applicant submits new plans and materials that differ substantially, as determined by the Zoning Administrator, from the materials submitted

for the original decision, the hearing shall be terminated and the applicant shall file a new application.

(PMC § 17.72.070 B-2(b).)

The day of the City Council Hearing of the appeal of the BZA's rejection of the Old Project, Planning Director David Reyes requested remand of the appeal to the BZA, citing this statute. (See Exhibit II.) Appellant's counsel objected in writing to this remand shortly after it was proposed and before the Council made the decision to do so; that objection was read into the record at the October 18 City Council Hearing. Regardless, there is no statutory basis for a "remand" to the BZA for what effectively constitutes a reconsideration of its previous, unanimous decision. It fully considered the Original Project, which was smaller than the New Project and lacked the additional residential unit.

## II. THE NEW PROJECT STILL SUBSTANTIALLY INFRINGES ON APPELLANT'S PROTECTED VIEWS

Certain view corridors are a legally protected benefit that belongs to those who reside in the Hillside Development Overlay District (the "District"). The PMC requires that applicants for hillside development permits avoid blocking certain views:

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New structures and tall landscaping 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*. ***New structures shall avoid blocking the following from any room of a main dwelling*** on a neighboring property:

1. Culturally significant structures such as the Rose Bowl, Colorado Street Bridge, City Hall, etc.;
2. Downslope views of the valley floor;
3. **Prominent ridgelines**; and/or
4. The horizon line.

(PMC § 17.29.060-G [emphasis added].)

The Original Staff report before the April 22 BZA Appeals Hearing concluded (with no meaningful analysis) that since the Original Project would "maintain the general height of the existing residence, ... the existing view conditions [of Appellant's Property] would not be impacted." (Staff Rep., p. 8.) However, the expansion of square footage for the Project will leave new structures and obstacles directly within the line of sight from

Appellant's rooms to the Ridgeline. (See Exhibit I.) The October 18 Staff Report *now admits the unlawful ridgeline view obstruction*. (Oct 18 Staff Rep., p. 14 ["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." (Emphasis added)].) This is the very thing the statute in question prohibits. Of course, this completely understates the point since there are several first-floor windows and multiple rooms that would be affected by the view obstruction.<sup>2</sup> Furthermore, if Applicant wanted an exemption from compliance with the view ordinance or other relief from these provisions based on hardship, he could have asked for that in his application. He did not.

Planning Staff has no analysis of sight angles from the Project. (See *Topanga Association for a Scenic Community v. County of LA* (1974) 11 Cal.3d 506, 511 [for discretionary permits to be granted, there must be "substantial evidence [that] supports the findings that legislative requirements have been satisfied."]) The lack of analysis renders the Planning Department's review of the application critically defective and unsupported.

Since the New Project does not address the objections based on the view ordinance from the original application, so it is inappropriate to attempt to piggyback review of the Original Project and bypass the process for Hillside Development Permits. (See PMC § 17.72.070 B-2(c) ["Changes to the original submittal to address objections of the review authority need not be the subject of a new application."])

### **III. THE PROJECT IS NOT EXEMPT FROM CEQA BECAUSE OF ITS LOCATION AND ATTENDANT UNUSUAL CIRCUMSTANCES**

#### *1. CEQA Review Is Warranted in Projects Where there is a Risk of a Significant Impact on the Environment*

CEQA requires the preparation of an Environmental Impact Report where a project may have a significant effect on the environment, and the exceptions to it are narrowly construed. (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165, 1120 ["The purpose of CEQA in general is well established: **to afford the fullest possible protection to the environment within the reasonable scope of the statutory language**." [emphasis added, internal citation and quotation marks omitted.] The EIR must be prepared "as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment." (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal. 3d 376, 395); (Public Resources Code § 21080(d) ["[i]f there is substantial evidence, in light of

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<sup>2</sup> Appellant submitted to the City Council a file containing and video and photographs that give context to the layout and locations of the north-facing kitchen and dining room windows at 1812 Linda Vista Avenue. That file is concurrently provided to the BZA via the following link: <https://vimeo.com/635556634>.

the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report **shall be prepared.**”] [emphasis added.]

As noted below, elements of otherwise ministerial projects that are part of a discretionary project must factor into CEQA analysis.

2. *Unusual Circumstances Exist with Respect Because of a Combination of Factors, including the (a) Site’s Adjacency to a Large Liquefaction Zone; (b) the Site Location on a Hillside; (c) the Nature of the Accessory Structures; (d) the Main Residence’s Construction Over 73 Years Ago; and (e) the Situation of the Property in a High Fire Severity Zone*

An exemption cannot stand when the party challenging the exemption provides evidence supporting a “fair argument” (a standard even less rigorous than the substantial evidence standard) that the exemption applies. (See *Bankers Hill, Hillcrest, Park West Community Preservation Group v. San Diego* (2006) 139 Cal. App. 249.) In this case, there is a high probability that the New Project<sup>3</sup> will have a significant effect on the environment due to circumstances unique to the subject parcel. (See 14 California Code of Regulations § 15300.2(c)) (unusual circumstances as an exception to Class 3 exemptions). Numerous factors individually, and in tandem, present unusual circumstances that lead to an elevated risk of environmental damage.

Applicant’s Geotechnical Report(s) make no consideration whatsoever of the extremely large liquefaction zone downslope to the east of the property, nor the smaller one on the adjacent property to the north. (See Exhibit IV [showing location of liquefaction zones].)

Furthermore, **nowhere** does the City nor Applicant even consider the effect of the large pool sitting atop the “lower level.” (See Exhibit V.) How much water will be included, what will be the weight, and what risk factors accompany leaks and or overrun water onto the Hillside over time? No one has analyzed those questions.

Appellant’s attached Geotechnical Report observes understated qualifications. It notes that a proper slope stability report should account for the “attributes of a liquefaction zone and large drainage.” (Exhibit VI); (See Public Resources Code § 21080(e)(1) [“substantial evidence [that a project may have a significant effect on the environment] includes expert opinion supported by facts.”])

The Site also lies in a High Fire Severity Zone, which contributes to issues faced by the Project. With the *now immediate desire of Appellant to convert a portion of* the residence to a hillside ADU, the fire issue becomes even more pressing, particularly when considered against the expansion of the remaining residential footprint. (See General

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<sup>3</sup> The New Project has the same issues with CEQA that the Old Project does, except that the description of the New Project includes even more elements taking up square footage. In other words, the situation has an even greater prospect of potential impacts, given the description.

Plan, Safety Element, 2.4 [Fire Hazards]; Safety Element, 1.0 [“Specific hazards of concern to Pasadena include earthquakes, landslides and mudflows, dam or reservoir failure, wildland and structural fire, and contamination of soil and groundwater resources by hazardous materials associated with some of the research, commercial, and industrial facilities present in the City.”])

*3. Grading and Construction Activities Reflect a Potential Significant Environmental Impact*

A major contributor to the natural beauty of the City is its landscapes, notably the beautiful hills throughout. The City Staff seems unaware of longstanding conventions in the City whereby any Project should seek to preserve at least 95% of the character and grade of its hillsides. As one can see, Applicant would build a massive story underneath a large new pool on the hillside. This would undoubtedly require massive excavation and stabilization activities, and it would likely require extensive construction involving the transport of large quantities of fill. The structure being placed on the hillside is massive, and there is no accounting for the weight of the water necessary to fill the pool, nor can there be without intense footings to keep the entire house and structure stable. Applicant likes to ignore the fact that he is nearly *doubling* the footprint of a home originally constructed in **73 years** ago that has remained essentially unchanged since **1965** (56 years ago).<sup>4</sup> During that time, land would have shifted and compacted around the current footing of the home. Furthermore, according to the California Earthquake Hazards Map maintained by California State Department of Conservation, the Site itself is located within a landslide zone. (See PMC § 17.029.010-C [stating that one of the purposes of Hillside Development district was to prohibit features that increase “landslide or other safety hazards to the public health and safety...”])

Vibration impacts should be studied as well, based on the quantities of fill to be removed. The situation of the land and the massive increase in floor area to be installed suggest substantial drilling/excavation that could upset the balance of the hillside. (See General Plan, Safety Element, 2.2 [“Man-made modifications to a slope, and stream erosion and down-cutting can also cause a slope to become unstable and fail.”])

*4. The Project Represents a Potential Threat to Historic/Natural Resources that Must Be Examined in an EIR*

The New Project also sits adjacent to Open Space in a large liquefaction zone, which includes a historic watershed (the Arroyo Seco). (See Exhibit IV.) The stability of the new structure is threatened by potential landslides, given the large liquefaction zone that contains a watershed. (see General Plan Land Use Policy 10.9 (Natural Open Space) [mandating protection of watersheds and hillsides.]) The risks to the historic and natural resource of the Arroyo Seco cannot be understated. Applicant’s plans include a

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<sup>4</sup> The City Staff Memorandum dated July 21, 2020 from Katherine Moran to Kevin Johnson advises that the house was “substantially altered to provide an open courtyard and a carport to the front of the house, but this does not speak to the foundational support of the house, which has been in place for 73 years.”

swimming pool and a spa, which contributes to cumulative impacts promoting displacement of soil. Earthquakes would increase the likelihood of destabilization, occurring along with man-made alterations to long-preexisting developments.

Neither Applicant nor the City addresses these issues in any meaningful way, nor does Applicant's geotechnical report take them into account.

*5. The Entirety of the Project, Including the ADU and the Pool, Must Be Taken Into Account in Determining Whether Unusual Circumstances Persist*

CEQA requires preparation of an Environmental Impact Report ("EIR") for a project that has "possible environmental effects that are individually limited but cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 CCR § 15065); (*See also* 14 CCR § 15300.2(b) [(cumulative impact as an exception to Class 3 exemptions])).

CEQA has anti-segmentation provisions that require a study of the "whole project." (CEQA Guidelines § 15378 [requiring study of the "whole project."]); (also CEQA Guidelines § 15268(d) ["Where a project involves an approval that contains elements of both a *ministerial action* and a *discretionary action*, the project will be deemed to be *discretionary* and will be subject to the requirements of CEQA."] [emphasis added.]

Thus, while a pool and ADU on their own would be ministerial, their incorporation into the New Project requires consideration for their cumulative effect. Indeed, CEQA does not intend for a reviewing board to ignore over 800 feet of additional improvements being simultaneously constructed with a discretionary application. It is the discretionary application itself that warrants the consideration.

*6. The Cumulative Effects of Other Permits and Construction Must Be Considered*

The October Staff report claims that recent projects have increased the median size of homes. It did so in a misguided attempt to normalize the New Project. However, its own contention of expanded building sizes in the vicinity should prompt consideration of those recent and soon-to-be-built projects with regard to the instant massive, proposed project.

"All exemptions for these classes [of structures under CEQA] are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." (14 CCR § 15300.2(b).) Numerous properties that all abut the slope adjacent to the liquefaction zone containing the Arroyo Seco have been development over the

years on the same side of the street as Applicant's property.<sup>5</sup> Undoubtedly, the effects of these properties are significant over time, especially when they abut a liquefaction zone and historic natural resources.

Thus, the Hearing Officer should have determined that Old Project does not qualify for an exemption from CEQA. *Had* the larger New Project been submitted, he should have also determined that the CEQA exemption is inapplicable under the circumstances.

*7. The Project Has the Potential to Cause a Substantial Adverse Change to a Historic Resource and thus Requires the Preparation of an EIR*

Categorical exemptions do not apply when the potential threat to a historic resource is present. (See Pub. Res. Code § 21084(e) [identifying *nonexempt* projects as including “[a] project that may cause a substantial adverse change in the significance of a historical resource.”]; 15 CCR § 15300.2(f); also PMC § 17.029.010-C [stating that one of the purposes of Hillside Development district was to prohibit features that increase “landslide or other safety hazards to the public health and safety...”]) As stated, Applicant seeks a massive expansion of his buildings’ structural footprint, and the subject property lies to the west of a large liquefaction zone and directly south of 1840, 1850, and 1852 Linda Vista Avenue (these three properties are adjacent), which themselves are in liquefaction zones. A substantial buildout of a property on a slope as steep as the subject property, while the current structures have been in place and largely unchanged for 73 years, presents a great risk to the community. This risk must be evaluated through a complete environmental review.

*8. Summary of Unusual Conditions*

The same concerns about the environmental review of the project remain.<sup>6</sup> Though the Planning Staff seemingly ignores these concerns, there are particular and unusual circumstances that show the project may have a significant effect on the environment. Thus, the failure to prepare and Environmental Impact Report is a clear violation the California Environmental Quality Act (“CEQA”) in this case. I will summarize the particular circumstances of the site and the proposed development that require the preparation of an EIR and the study of alternative projects:

- (a) The property is located directly adjacent to a large liquefaction zone, which includes a historic watershed, the Arroyo Seco;
- (b) The property to the north of the subject property, 1840 Linda Vista Avenue, is itself directly within a liquefaction zone, according to the California Earthquake Hazards Map maintained by the California State Department of Conservation;

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<sup>5</sup> While not all of these have recently undergone renovations, some of the properties along this line are 1726, 1750, 1776, 1812, 1840, 1850. 1854, 1890 Linda Vista Avenue, as well as 1700, 1726, La Vista Place. They all face danger from inadequate slope and stability analysis.

<sup>6</sup> Appellant incorporates by reference the entirety of its arguments advanced at the BZA Hearing on April 22, 2021, including the letter dated April 20, 2021 that it submitted in advance of that hearing. The New Project does not fundamentally address the issues raised before the BZA.

- (c) The Project seeks to double the footprint of the existing structures --- this is a massive expansion from structures previously in place, from structures that has been in place *since 1948*, alterations to façade and certain elements notwithstanding. The effect on the hillside, which likely has had substantial soil movement in the past **73 years** is something that must be reviewed in light of the load created by the new structures including the pool;
- (d) Portions of the property contain a steep slope (over 50%), and the average slope for the remaining portions of the parcel is 29%;
- (e) The subject property is located in a high fire severity zone;
- (f) The subject property is located next to other properties at the top of the hillside which all sit next to the largest liquefaction zone in the City;
- (g) The subject property itself sits within a landslide zone, according to the California Earthquake Hazards Map maintained by the California State Department of Conservation;
- (h) The adjacent golf course with the watershed could be damaged in the event the soil on the subject property shifts due to earthquakes, landslides, or other soil movement and this could affect the watershed, a natural resource;
- (i) The proposed swimming pool appears to put major strain on the further edge of the Project, which is closest to the steepest portions of the slope; and
- (j) There is **still no identification or analysis of how many gallons the pool will hold and the resulting strain that would put on the hillside**. Landslide danger is evident, and the public has a right to evaluate this. This renders the application, even for the New Project, incomplete.

Furthermore, CEQA has anti-segmentation provisions that require a study of the “whole project.” (CEQA Guidelines § 15378 [requiring study of the “whole project.”]); (also CEQA Guidelines § 15268(d) [“Where a project involves an approval that contains elements of both a *ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.*”] [emphasis added.]) Improper piecemealing occurs “when the purpose of the reviewed project is to be the first step toward future development...” (*Banning Ranch Conservancy v. City of Newport* (2012) 211 Cal. App. 4th 1209.) Thus, the impact of the Project on the Hillside must be considered as a whole.

#### **IV. THE PROJECT MUST BE DENIED BECAUSE IT FAILS TO CONFORM TO THE REQUIREMENTS OF THE GENERAL PLAN AND THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT**

##### *1. The Project Is at Odds with the General Plan and Intentions of the Hillside Development Overlay District*

PMC § 17.29.010 describes the intent of the District. Among the key considerations are preservation and protection of views to and from hillside areas, maintenance of the “environmental quality of the city,” maintenance of drainage patterns, prohibition of features that would “create or increase fire and landslides, and preservation of significant



natural topographic features and natural resources." (*Ibid.*)

Consistent with the objectives of the General Plan, the PMC requires neighborhood compatibility:

New houses and additions subject to a Hillside Development Permit shall be designed with consideration of the character and scale of the existing development in the vicinity. Through the Hillside Development Permit process, compatibility will be determined following a review of existing site conditions, visibility of the site, and the size, scale, and character of existing development within 500 feet of the site.

(PMC § 17.29.060-F.)

The Hillside Development Ordinance requires that the Hearing Officer find, among other things, that:

The design, location, and size of proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots, as described in Section 17.29.060.D, and in terms of aesthetics, character, scale, and view protection...

(PMC § 17.29.080-F(1).)

The Hillside Development Permit analysis also must incorporate findings required by conditional use permits. However, in the instant case, the following enumerated standards are not met (PMC § 17.61.050-H.):

\* \* \* \*

2. The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;

*Appellant's Contention:*      *The failure to protect views, privacy, and the scale of development reflects a failure to comply with this requirement. The massing of the structure, nearly doubling in size at once of a long-standing hillside home, coupled with untested consequences and an improper geotechnical report, threaten the safety of the community and the structural integrity of the hillside.*

3. The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan;

*Appellant's Contention: Likewise, the Project does not advance the goals of the General Plan as articulated in the previous point.*

4. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

*Appellant's Contention: Th Project is detrimental to the views and safety of those on the hillside, not to mention the aesthetics and need to preserve the hillside.*

...

6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.

*Appellant's Contention: Th Project is detrimental to the views and safety of those on the hillside, not to mention the aesthetics of and need to preserve the hillside. Danger exists of massive alteration with respect to the hillside.*

\* \* \* \*

Some new owners justifiably seek to expand their footprint modestly and within the norms of the neighborhood. Unfortunately, in the instant case, the change Appellant seeks is no small one. If the New Project is approved, the structures on the property will go from ...

*[continued on next page]*

| BEFORE   | AFTER  |
|--|--|
| 2,425 square foot residence<br>attached 366 square foot garage<br>attached 439 square foot carport | <u>4,660</u> square foot residential area<br>(3,853 square foot residence<br>+ 807 square foot ADU)<br>attached 754 square foot garage<br>with a <i>large</i> infinity pool<br>-and- a spa |

The housing footprint alone represents a **92.3%** increase!  $[(4,660 - 2,425) \div 2,425] = 0.923$ .

The proposed 4,600 square foot residence (setting aside for the moment the accessory structures) would be significantly larger than that of **almost every single lot in the vicinity**, with *the exception of only two lots out of 31* that have buildings exceeding 4,000 square feet.<sup>7</sup> While Applicant's lot size appears substantial, the vast majority of the lot is *unbuildable* because of the steep slope. Thus, the FAR is an insufficient measure to determine the neighborhood consistency, though the City has attempted to use that to justify excess compatibility.

The overscale house *does actually harm the neighborhood*. (PMC § 17.61.050-H(5).) It blocks views and its height and proximity disrupts Appellant's privacy, as discussed in the previous Section III. These characteristics diminish the quality of life and property values for Appellant. The Project is incompatible, based on its size and location on a steep slope, with the aesthetics, scale, and view protections advanced by the Code. (PMC § 17.61.050-H(5).) It is severely out of step with the neighborhood. Moreover, comparison to Appellant's house is inappropriate, as Appellant's house was built more than 30 years ago and in compliance with conditions in effect. The PMC has evolved, along with the General Plan, to recognize additional rights and protections afforded to homeowners in the Hillside.

## 2. *Staff Erred in Its Newly Revamped Excess Neighborhood Compatibility Analysis*

City Staff would omit 807 square feet of the New Project from counting towards compatibility because the Applicant now seeks an ADU in lieu of a mere addition to his residence. While ADU's may be entitled to ministerial review, there is no sensible reason to exclude their square footage from review of the discretionary project when they are part of the larger project. The ADU adds mass to the structure.

Applicant could have simply sought an ADU permit and proceeded with that review, eschewing the more rigorous requirements of the Hillside Development Permit. Nonetheless, he sought to jump past the initial stage to try to package the New Project with the review already underway of the Old Project.

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<sup>7</sup> This is based on the data provided in the City's original neighborhood compatibility analysis from its original staff report on the project.

City Staff acknowledges that, even under a revised neighborhood compatibility analysis, the proposed project exceeds the neighborhood compatibility threshold. In order to exercise discretion to allow such a project, in addition to other HSD requirements, Staff must find:

- (a) No additional view impacts will occur to neighboring properties as a result of granting additional square footage; and
- (b) 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.

(PMC § 17.29.080-G.)

However, the Staff cursorily concludes that the project does not violate either of these provisions. **Staff is wrong.**

Additional view impacts *do* in fact result from the additional scale, *i.e.* the near doubling in size and additional story to the building. The pictures demonstrate the blockage of a prominent ridgeline (See prior section).

## **V. THE NEW APPLICATION EXACERBATES THE DENIAL OF EQUAL PROTECTION OF THE LAW AND DUE PROCESS BY IMPROPERLY FAVORING APPLICANT AT THE EXPENSE OF THE PUBLIC**

### *1. Constitutional and Statutory Framework Concerning Due Process Applies to Administrative Hearings and Land Use Applications*

The State of California recognizes a “much more inclusive” due process standard and “protects a broader range of interests than under the federal Constitution.” (*Ryan v. California Interscholastic Federation-San Diego* (2001) 94 Cal. App. 4th 1048, 1069 [internal quotations and citations omitted]; (See also Cal. Gov. Code § 54950 et seq. [the Brown Act, which provides for open meetings and fair comment]; Cal. Gov. Code § 11340 et seq. [California Administrative Procedures Act.]

The City itself recognizes the importance of an *informed* and *fair* public participation in decisions affecting its citizens. Guiding Principle No. 7 provides: “Community Participation will be a permanent part of achieving a greater city. Citizens will be provided with timely and understandable information on planning issues and projects; citizens will directly participate in shaping plans and policies for Pasadena’s future.”

Appellants have fundamental rights at stake conferred by statute/code: (1) the right to proper environmental review of nearby properties; and (2) the rights and protections afforded to them as property owners in the District. (*Desmond v. County of Contra Costa* (1993) 21 Cal. App. 4th 330, 338-39 [observing that Contra Costa County Code required

consideration of adjoining landowners with respect to discretionary approvals.]) Case law also requires adequate public notice where a Notice of Exemption from environmental review is proposed for a new project. (*Los Angeles Department of Water and Power v. County of Inyo* (2021) 67 Cal.App.5th 1018, 1033 [“Consistent with basic principles of due process, the notice given before a public hearing has a role in defining the opportunity provided to the public[,]” citing *Mathews v. Eldridge* (1976) 424 U.S. 319, 333 for the proposition that “the essence of due process is notice and the opportunity to be heard at a meaningful time and in a meaningful manner.”]) Applicant has sought to circumvent public review of the New Project, which it has made inseparable from the ADU, and the BZA should reject the New Project for that reason alone. The Project must be considered together.

Further, the October Staff Report references the “geotechnical report” on page 2 that would presumably include the ADU as part of the project plans, but that is not available to the public. There is no way for the public to review and provide input into that process, and this denies due process to the Appellant and the public.

Applicant’s appeal of the BZA decision only noted the following: “The Board of Zoning Appeals failed to follow the zoning code and state law in their findings when they denied Hillside Development Permit #6838.” No further discussion was provided in this conclusory statement, and there was no indication that Applicant intended to submit a different project. With respect to the New Project, proper public notice was not provided, and the Planning Staff continues to exhibit strong bias in favor of Applicant by accepting and advocating no environmental review for a new, different (the ADU), and larger project.

## *2. Planning Staff Has Taken on the Role of the Advocate for the Developer*

### *(A) Planning Staff Has Without Basis Changed Its Neighborhood Compatibility Analysis In Order To Accommodate A Larger Project*

Bending over backwards to assist the developer to obtain an even larger project than the one the BZA rejected, the Planning Staff has changed its own analysis.

The Planning Staff also proposed that the BZA accept an entirely new neighborhood compatibility analysis, or reduce the project just enough so that it can rely upon its older analysis. It proposed 37 feet be reduced from the New Project, but how can Appellant or the public know what the reduction looks like or where it comes from?

Furthermore, Staff has continually exhibited strong bias in favor of the developer, going so far as to disagree with its previous neighborhood compatibility analysis (although both times, it simply chose the specifications that would assist the application).

Appellant has been denied the basic due process from a fair, impartial evaluation of the project by the Planning Staff.

The Hillside Ordinance and the General Plan are designed for the protection of the people of Pasadena. Applicant's needs do not outweigh those of the community.

(B) Planning Staff Hid the Developer / Applicant's Intention to Build an ADU from the Public Until Last Month

Not only do the emails exchanged before the BZA Hearing show the Planning Staff's attempted assistance to the developer to *avoid environmental review*, but in the New Project the Planning Staff would support a larger project by contradicting its original neighborhood analysis in favor of a different one that serves Applicant's needs.

[BEGINNING OF EMAIL DISCUSSION]

A series of emails involving Applicant are attached hereto:

- (1) July 27, 2020: On July 27, Applicant makes the following statement to the planner: "[l]et me know if we can set up a call with the ADU expert for the City to discuss our proposed condition." The corresponding response from Katherine Morgan refers to ADU requirements. (See Exhibit VII.)
- (2) July 27 – August 7, 2020: Applicant asks City Planners about the "potential to include an ADU in our initial planning submittal." The Planning Department advises him that the City does alone conversion of existing permitted space. (*Ibid.*)

Later in the email chain, on *August 7, 2020* Applicant discusses his plans for an ADU:

Matthew Feldhaus matthew@rwbid.com

RE: HDP#6838 - Departmental Comments

August 07, 2020 at 3:21 PM PDT

To: Granadosin-Jones, Arlene AGranadosin-Jones@cityofpasadena.net

Cc: Moran, Katherine

**CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

I understand the planning comment since it complies with the current ordinance. I was hoping the planning committee might allow an ADU in this case since the current project approach will be to permit square footage at the lower level and then straight away apply to convert the space to an ADU.

If I am able to permit the ADU straight away, then I won't need to construct unnecessary internal stairways and additional doors then demolish them for the ADU conversion. It is more economical, timely, and environmentally friendly to include the ADU up front. Is there a way to approach a special consideration case-by-case?

Here, Applicant nakedly advises of future plans to convert premises for an ADU. He asks whether he should include it. The ADU is never once mentioned in the Staff Report or any of the documents released to the public.

- (3) January 20 – February 3, 2021: On February 2, 2021, Ms. Moran advises Applicant that he can create a flat roof **by right** if he raises the height to the “top of ridge height of the highest roof.” She essentially advises him on avoidance of Hillside Development Review. (*Ibid.*)

The next day, in response, Applicant returns to discussion to *ADUs in the hillside!* Ms. Moran discusses that her concern that adding an ADU on a 500 square foot master bedroom decision would trigger a Hillside Development Permit. **She states, “If there was a way to separate the ADU out for a subsequent permit, that may be potentially a better path.”** [emphasis added.]<sup>8</sup>

Here, in response to phone calls and the like, the Planning Department is actively (a) advising unlawful project segmentation to avoid discretionary review; (b) resuming discussing the ADU option presented in the prior year, before final submittal of project plans.

The intention to hide the scope of a project is evident in these communications, as is the intention to pursue an ADU. Notably, this is merely weeks after the appeal of the Project.

---

<sup>8</sup> This is encouragement of segmentation of projects, sometimes known as serial permits, to avoid environmental review and public notice requirements associated with discretionary permits.

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

Moran, Katherine  
RE: Appeal Application for HDP #6838  
To: MatthewFeldhaus

Hi Matt,

Unfortunately we do not have any new literature as we don't have a new ADU ordinance yet. We just have a website highlighting major requirements. We still defer to State Law and require our Community Planning Division to interpret. Our Zoning Administrator told us just this week that will no longer be prohibiting ADUs in the hillside. An issue that I do potentially have concern for is adding the lower story ADU on the same permit as the 500SF master bedroom addition, the master bedroom addition may be considered as a second story addition which could potentially trigger the HDP. If there was a way to separate the ADU out for a subsequent permit, that may potentially be a better path. This is something I would run by a supervisor with your rough sketches to get clear direction.

<https://www.cityofpasadena.net/planning/planning-division/community-planning/accessory-dwelling-units/>

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER, City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

From: Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)>  
Sent: Wednesday, February 03, 2021 3:34 PM  
To: Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)>  
Subject: RE: Appeal Application for HDP #6838

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you **know** the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

Katherine,

Is there any updated literature for the City's approval of new construction ADUs in a hillside district?

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP  
Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

RWBID DESIGN + CONSTRUCTION  
...BECAUSE SOME WASH'T BUILT IN A DAY EITHER.

In response, Applicant returns to another ADU scenario where he seeks to avoid Hillside Development permit review. He proposes involving a 499 square foot ADU and specifically notes “(No HDP Required).” The intention is clear, to pull serial permits by whatever means to obtain an ADU *without community review, input, or environmental examination*.

Despite this, the Original Project contained no ADU. Only now does the Applicant now seeks an ADU as part of a misguided attempt to shield the New Project's massing from scrutiny under the relevant criteria, namely Excess Neighborhood Compatibility and CEQA. Nonetheless, even without these, the View Ordinance is violated. The emails reflect an attempt to avoid public review by breaking the project up into separate parts, segmentation, in order to avoid consideration of the environmental implications of the structures together. The motives are clear.

These emails were reviewed and commented upon at the April Hearing; their revelation was a shock to the Members of the BZA. However, now that the intentions had come to light, the Applicant is attempting an illogical and unlawful attempt to pretend that the ADU is not part of the Project, even though these components are inextricably intertwined in the buildout as proposed by the Applicant.

The ADU is part of the New Project and the structures collectively are subject to CEQA, despite the Planning Department's ardent lobbying for the interests of the owner developer at the expense of the community.



## VI. CONCLUSION

The BZA lacks jurisdiction to approve the New Project or the Old Project, because there is no process for “remand” to this entity. There is no basis or lawful grounds for a reconsideration of its well-thought out and thoroughly considered decision on April 22, 2021.

The New Project (a) *admittedly still* violates the View Ordinance; (b) violates CEQA, which would require an Environmental Impact Report under these circumstances; and (c) violates due process, equal protection, and the building code because Applicant effectively is trying to obtain a final BZA decision on a different, though even more troubling project. These problems render the New Project even more unlawful than the Old Project, which was previously denied.

Finally, Applicant seeks to improperly short circuit public comment and review of what amounts to a completely different project. The Original Project was smaller in size and did not include an ADU.

If it determines that it has jurisdiction over this matter, Appellant respectfully requests that the BZA uphold its prior decision to reject the instant permit application. While the project now includes an ADU and is thus different, the problems that plague it have not changed whatsoever.

Sincerely,

Stephen Weaver, Esq.

cc: Tess Varsh, Staff Rep. [via email]  
Hayman Tam, Recording Secretary [via email]  
Nina Chomsky, President, Linda Vista-Annandale Association [via email]  
James Ahn, Esq. [via email]

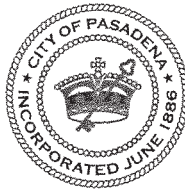
Page 21

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit I

[April 2021 Decision of BZA on Original Project]



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

April 28, 2021

**Matthew Feldhaus  
2926 Graceland Way  
Glendale, CA 91206**

**Subject: Hillside Development Permit #6838  
1820 Linda Vista Avenue  
Council District #6**

**ZENT2020-10016**

Dear Mr. Feldhaus:

Your application for a **Hillside Development Permit** at **1820 Linda Vista Avenue** was considered by the **Board of Zoning Appeals** on **April 22, 2021**.

**HILLSIDE DEVELOPMENT PERMIT:** 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 includes 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 result in a 4,660 square-foot residence with an attached 754 square-foot garage.

At the conclusion of the public hearing, and with full knowledge of the property and vicinity, a motion was made to grant the appeal and overturn the Hearing Officer's decision and **disapprove** the **Hillside Development Permit** that resulted in a 5-0 by the members present. As a result, action was taken to disapprove Hillside Development Permit #6838.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Board of Zoning Appeals has the right to appeal this decision. 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, May 3, 2021**. Appeal applications must cite a reason for objecting to a decision and should be filed with the City Clerk. Without any call for review or appeal, the effective date will be **Tuesday, May 4, 2021**. The regular Appeal fee is \$1,681.48. The Appeal fee for Non-profit Community-based Organizations is \$840.74.

For further information regarding this case, please contact **Katherine Moran** at **(626) 744-6740**.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis Rocha".

Luis Rocha  
Zoning Administrator

Enclosure: Attachment A

c: City Manager, City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Design and Historic Preservation, Department of Transportation, Hearing Officer, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6838**

1. *The design, location, operating characteristics, and size of the proposed use would not be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The design of the proposed project would not be compatible with the existing and future land uses in the vicinity in terms of view protection. The proposed project blocks a neighboring property's (1820 Linda Vista Avenue) protected view of a prominent ridgeline, on the north elevation, and does not comply with the view protection requirements of the Zoning Code.
2. *No additional view impacts will occur to neighboring properties as a result of granting additional square footage.* For lots larger than 20,000 square feet, the review authority may approve additional floor area above the maximum permitted by Neighborhood Compatibility after reviewing site conditions and compliance with Hillside District standards, and finding that no additional view impacts will occur to neighboring properties as a result of granting additional square footage. The design of the proposed project blocks a neighboring property's (1820 Linda Vista Avenue) protected view of a prominent ridgeline, on the north elevation, and does not comply with the view protection requirements of the Zoning Code. As such, the proposed project would result in additional view impacts to neighboring properties as a part of granting additional square footage above the Neighborhood Compatibility.

Page 22

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit II

[Emails from David Reyes Requesting Remand to BZA]

**From:** Reyes, David davidreyes@cityofpasadena.net  
**Subject:** FW: 1820 Linda Vista - Remand to Board of Zoning Appeals  
**Date:** October 18, 2021 at 12:40 PM  
**To:** Paige, Jennifer jpaige@cityofpasadena.net

DR

Hi Jennifer,

As indicated below, given the circumstances, it will be our recommendation that this item be remanded to the Board of Zoning Appeals. Given that there is consensus on this issue from the applicant/appellant, and neighbors, I fully suspect that the City Council will concur. However, since it is ultimately the Council's choice, we will be ready to present.

David

Bcc: staff; neighbor's representative; applicant; council office

---

**From:** Reyes, David  
**Sent:** Monday, October 18, 2021 12:31 PM  
**To:** Mermell, Steve <[smermell@cityofpasadena.net](mailto:smermell@cityofpasadena.net)>  
**Cc:** Fuentes, Theresa <[tfuentes@cityofpasadena.net](mailto:tfuentes@cityofpasadena.net)>; Paige, Jennifer <[jpaige@cityofpasadena.net](mailto:jpaige@cityofpasadena.net)>; Rocha, Luis <[lrocha@cityofpasadena.net](mailto:lrocha@cityofpasadena.net)>; Jomsky, Mark <[mjomsky@cityofpasadena.net](mailto:mjomsky@cityofpasadena.net)>  
**Subject:** 1820 Linda Vista - Remand to Board of Zoning Appeals

Hi Steve,

As you know, the Board of Zoning Appeals denied the applicant's request for an addition to their existing home. The requested entitlement was a Hillside Development Permit and request to exceed neighborhood compatibility size. Since the Board's decision, the applicant has revised the project such that some of the proposed addition to the house will now be considered an ADU, thereby eliminating the neighborhood compatibility request.

The neighbor, through their attorney, Mr. Stephen Weaver has cited due process concerns since the project that is being considered by the Council would be different from that reviewed by the Board.

Therefore, pursuant to PMC 17.72.070 B 3, it is staff's recommendation that this item be re-noticed and remanded back to the Board of Zoning Appeals for their review and consideration.

I believe Theresa may provide some guidance on the hearing process this evening.

David Reyes  
Director I Planning and Community Development  
City of Pasadena  
626-744-4650

Exhibit III

[Photographs Reflecting Obstruction of Protected Views Shown by Story Poles]

- (1) View from Appellant's Dining Room [Protected View]
- (2) View from Appellant's Dining Room [Colorized to Show Ridgeline Obstruction]
- (3) View from Appellant's Dining Room with Different Angle and Showing Window  
[Partially Colorized to Show Ridgeline Obstruction]





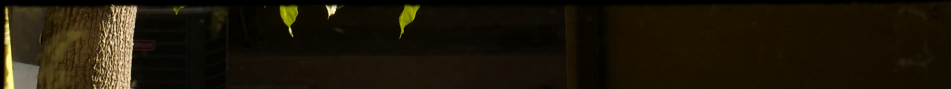
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Page 24

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit IV

[Google Map with Annotations Showing Liquefaction Zones]





Page 25

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit V

[Project Rendering Showing Infinity Pool]











Page 26

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit VI

[Appellant's Geotechnical Report]



Date: April 19, 2021

To: Weaver Land Law  
Attn: Stephen J Weaver, Esq.  
12100 Wilshire Boulevard, 8<sup>th</sup> Fl.  
Los Angeles, CA 90025  
p: 310.806.9212  
e: stephen@designgroupca.com

Re: Hillside Development Permit #6838

References:

1. Geologic and Soils Engineering Exploration Proposed Remodel, Addition, Attached Accessory Structures, and Pool/Spa APN 5704-001-049, 1820 Linda Vista Avenue, Pasadena, California, prepared by Irvine Geotechnical Inc Report, dated June 2, 2020
2. 2021-01-06 Hearing Officer C. HDP #6838 Staff Report
3. 2021-01-06 Hearing Officer C. HDP #6838 Plans
4. Park – Pasadena – Request for Appeal re: Hillside Development Permits #6838

We have prepared this letter as a summary of our opinions based upon our review of the geotechnical aspects with regard to the above referenced reports and documents.

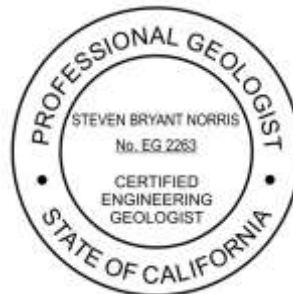
In general, our geotechnical opinions are as follows:

- 1) As part of the geotechnical slope stability study the values utilized for the soil profiles reflect the most conservative values derived from the laboratory testing. Of the three direct shear tests run, one from four different test pits, the values ranged between 31.5 to 38 degrees. The slope stability study utilized the most conservative value of 38 degrees. It is our opinion the slope stability study should be run with values more reflective of the range of values obtained from testing.
- 2) The Arroyo Seco that runs along the bottom of the property is identified by California Department of Conservation as liquefaction zone. It is our opinion the slope stability study should model the toe portion of the slice to more reflect the attributes of a liquefaction zone and large drainage.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,  
ENGINEERING DESIGN GROUP

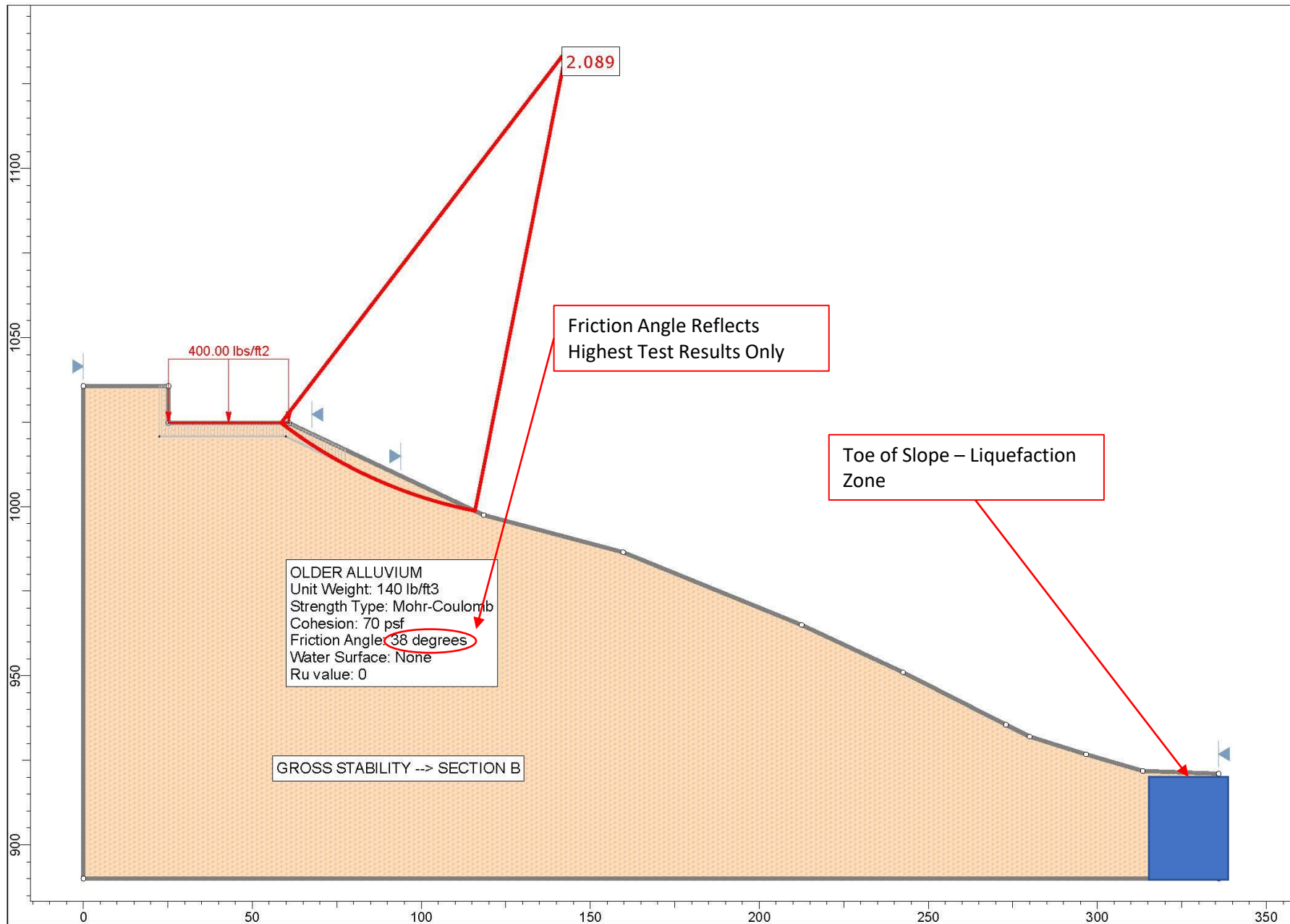
Steven Norris  
GE 2590, CEG 2263

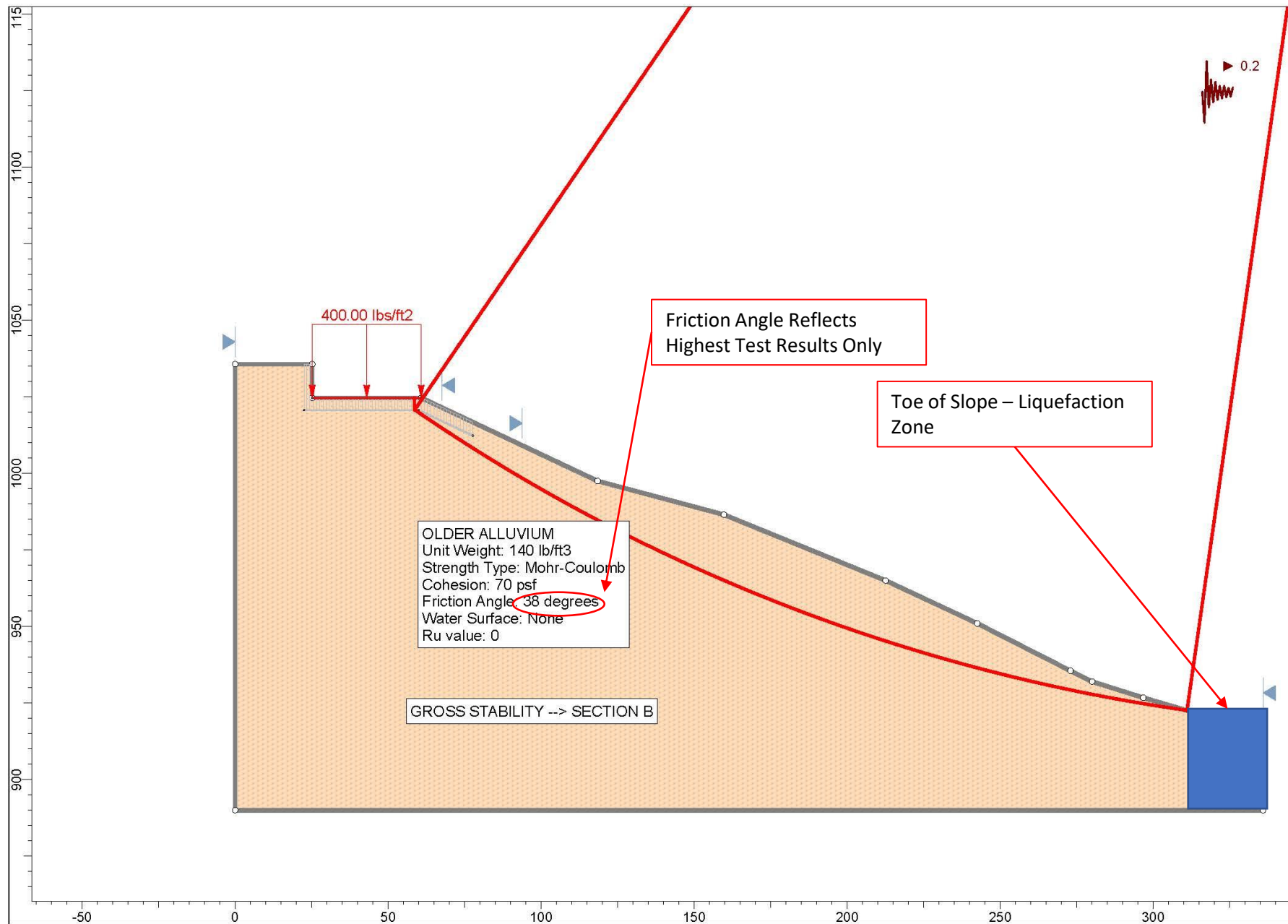


Attachments: Figures

# Slope Stability Sections

from Irvine Geotechnical Inc., dated June 2, 2020





# Direct Shear Results

from Irvine Geotechnical Inc., dated June 2, 2020



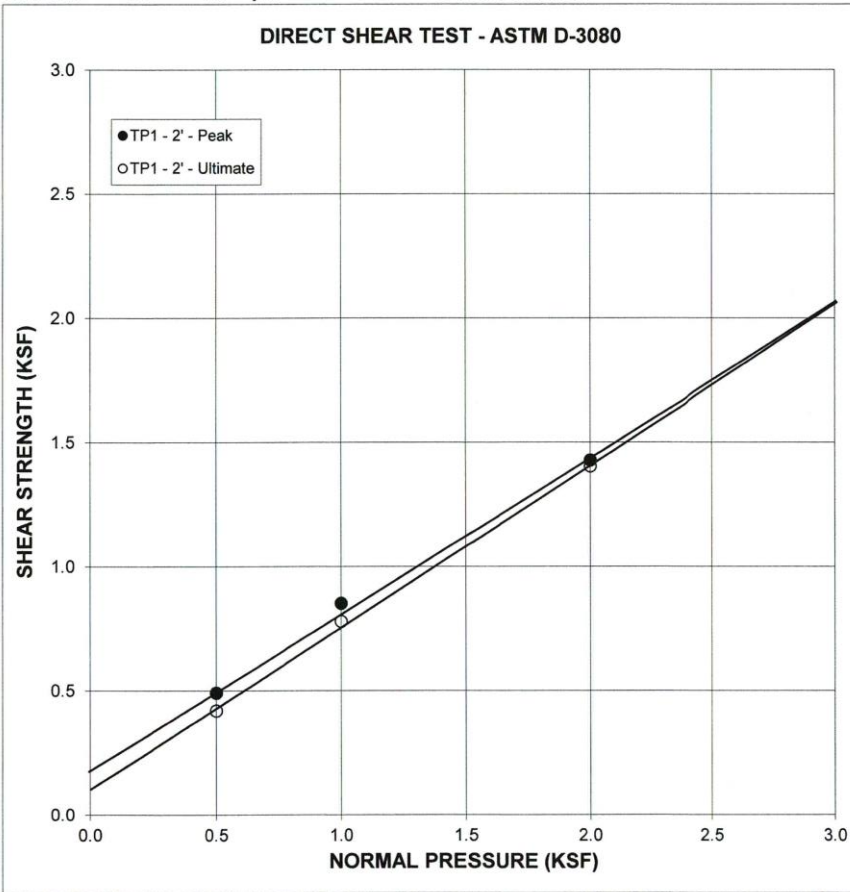
## SHEAR DIAGRAM B-1

JN: SL20.3337 CONSULTANT JAI  
CLIENT: Irvine/Feldhaus-1820 Linda Vista Ave

EARTH MATERIAL: ALLUVIAL TERRACE

|           | PEAK | ULTIMATE |         |
|-----------|------|----------|---------|
| Phi Angle | 31.5 | 32.5     | degrees |
| Cohesion  | 180  | 100      | psf     |

|                           |        |
|---------------------------|--------|
| Average Moisture Content  | 16.9%  |
| Average Dry Density (pcf) | 115.8  |
| Percent Saturation        | 100.0% |





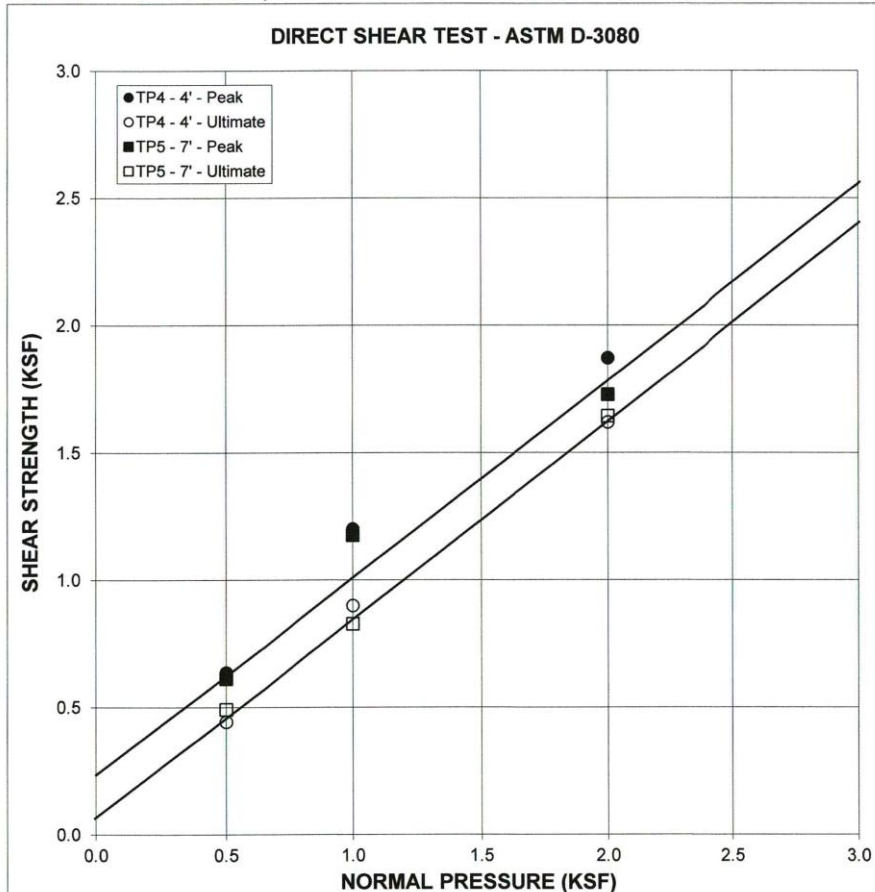
## SHEAR DIAGRAM B-2

JN: SL20.3337 CONSULTANT JAI  
CLIENT: Irvine/Feldhaus-1820 Linda Vista Ave

EARTH MATERIAL: ALLUVIAL TERRACE

|           | PEAK | ULTIMATE |         |
|-----------|------|----------|---------|
| Phi Angle | 37.5 | 38       | degrees |
| Cohesion  | 235  | 70       | psf     |

|                           |        |
|---------------------------|--------|
| Average Moisture Content  | 18.9%  |
| Average Dry Density (pcf) | 121.8  |
| Percent Saturation        | 100.0% |







## SHEAR DIAGRAM B-3

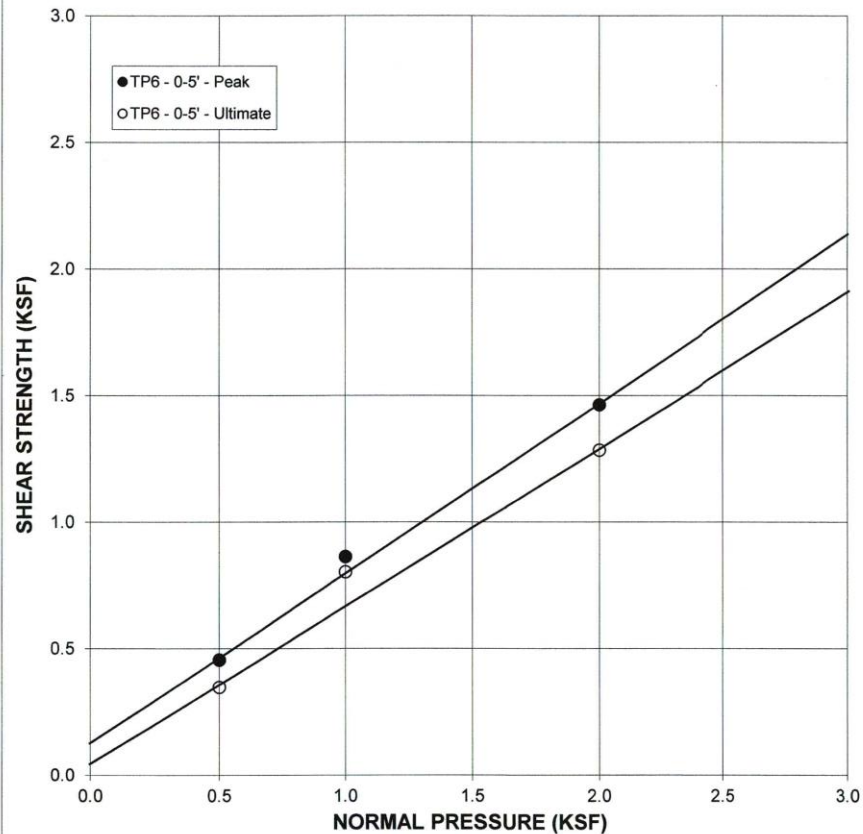
JN: SL20.3337 CONSULTANT JAI  
CLIENT: Irvine/Feldhaus-1820 Linda Vista Ave

EARTH MATERIAL: ALLUVIAL TERRACE

Sample remolded to 90 % of the laboratory maximum density

|                           | PEAK   | ULTIMATE |         |
|---------------------------|--------|----------|---------|
| Phi Angle                 | 33.5   | 31.5     | degrees |
| Cohesion                  | 125    | 45       | psf     |
| Average Moisture Content  | 16.1%  |          |         |
| Average Dry Density (pcf) | 116.3  |          |         |
| Percent Saturation        | 100.0% |          |         |

### DIRECT SHEAR TEST - ASTM D-3080



# Department of Conservation Mapping

# Earthquake Zones of Required Investigation

CGS Homepage



1820 Linda Vista Ave, Pasadena X

Show search results for 1820 Linda Vi...

Site

Address: 1001 ROSE BOWL DR

APN 5702001901  
City PASADENA  
Street 1001 ROSE BOWL DR  
Address  
Fault Zone This parcel is NOT WITHIN an Earthquake Fault Zone.

Liquefaction Zone All or a portion of this parcel LIES WITHIN a Liquefaction Zone.  
Landslide Zone All or a portion of this parcel LIES WITHIN a Landslide Zone.

Zoom to

City of Pasadena, County of Los Angeles, Bureau of Land Management, Esri, HERE, Garmin, IN...

2:52 P

4/16/20

Page 27

November 17, 2021

Letter to BZA re No. ZENT2020-10016 // Hillside Dev. Permit #6838

## Exhibit VII

Emails Between Applicant and City Planning Showing Intentional Concealment of Current Development Plans and Advice on Project Segmentation

- (1) July 27, 2020
- (2) July 27 – August 7, 2020
- (3) January 20 – February 3, 2021

**Moran, Katherine**

RE: HDP#6838 - Departmental Comments

To: MatthewFeldhaus

---

Hi Matt,

I apologize for the delay, I thought I could get it done by the end of last week. Yes I am working on your corrections sheet as we speak. I spoke to my supervisor regarding ADUs in the hillside and he was confident that the City is not required to allow production of new ADUs in the hillside district, but can allow the conversion of a legally permitted structure. You may contact Arlene Granadosin-Jones at [AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net) for more information on this topic. As soon as I complete your corrections we can schedule a phone call to discuss.

Thank you,

**Katherine Moran**

ASSISTANT PLANNER . City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

---

**From:** Matthew Feldhaus <matthew@rwbid.com>>

**Sent:** Monday, July 27, 2020 11:58 AM

**To:** Moran, Katherine <kmoran@cityofpasadena.net>>

**Subject:** RE: HDP#6838 - Departmental Comments

**CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

Hi Katherine,

Are you expecting to return comments on this project this week? Let me know if we can set up a call with the ADU expert for the City to discuss our proposed condition. Thank you.

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal

Company: 626.888.9411

Direct: 562.477.7609

[www.rwbid.com](http://www.rwbid.com)

**RWBID DESIGN + CONSTRUCTION**

...BECAUSE ROME WASN'T BUILT IN A DAY EITHER.

---

**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)>>

**Sent:** Tuesday, July 21, 2020 9:25 PM

**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)>>

**Subject:** HDP#6838 - Departmental Comments

Hi Matt,

Please see the comments from Design & Historic Preservation Division below:

Design & Historic Preservation Division:

The house at 1820 Linda Vista Avenue was built in 1948 to a design by architect Curtis Chambers, and was substantially altered with the addition of enclosed floor area, an open courtyard and a carport to the front of the house in 1965. The house does not retain the character-defining features of any of the architectural styles identified in the Cultural Resources of the Recent Past Historic Context Report and, therefore, is not eligible for historical designation. As such, a Certificate of Appropriateness is not required for the proposed project.

It appears other departments are still working on their comments. I will forward them to you as soon as they come in.

For questions about requirements for adding fire sprinklers to the residence, please contact Pari Bagayee in the Fire Department at [pbagayee@cityofpasadena.net](mailto:pbagayee@cityofpasadena.net).

Thank you,

**Katherine Moran**

ASSISTANT PLANNER . City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

**Matthew Feldhaus** matthew@rwbid.com

RE: HDP#6838 - Departmental Comments

August 07, 2020 at 3:21 PM PDT

To: Granadosin-Jones, Arlene AGranadosin-Jones@cityofpasadena.net

Cc: Moran, Katherine

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I understand the planning comment since it complies with the current ordinance. I was hoping the planning committee might allow an ADU in this case since the current project approach will be to permit square footage at the lower level and then straight away apply to convert the space to an ADU.

If I am able to permit the ADU straight away, then I won't need to construct unnecessary internal stairways and additional doors then demolish them for the ADU conversion. It is more economical, timely, and environmentally friendly to include the ADU up front. Is there a way to approach a special consideration case-by-case?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal

Company: 626.888.9411

Direct: 562.477.7609

[www.rwbid.com](http://www.rwbid.com)

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---

**From:** Granadosin-Jones, Arlene <AGranadosin-Jones@cityofpasadena.net > >

**Sent:** Friday, August 7, 2020 3:01 PM

**To:** Matthew Feldhaus <matthew@rwbid.com > >

**Cc:** Moran, Katherine <kmoran@cityofpasadena.net > >

**Subject:** RE: HDP#6838 - Departmental Comments

Matthew,

I discussed your application/proposed project with Katherine and also discussed it with the Principal Planner. Katherine's previous comments about ADUs in the Hillside districts are correct.

The City's current ADU ordinance prohibits newly constructed ADUs in the Hillside districts (Section 17.50.275.B.3). Per direction from City Council, Pasadena continues to prohibit newly constructed ADUs in the Hillside districts, but does allow conversion of existing legally permitted space.

I will be out on vacation next week but if you have any additional questions about ADUs, please let Katherine know.

Regards,



**Arlene Granadosin-Jones, AICP**  
Planner I Community Planning Section  
Planning & Community Development Department  
City of Pasadena

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, August 05, 2020 5:33 PM  
**To:** Granadosin-Jones, Arlene <[AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net)> >  
**Cc:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: HDP#6838 - Departmental Comments

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Thank you.

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
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**From:** Granadosin-Jones, Arlene <[AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net)> >  
**Sent:** Wednesday, August 5, 2020 5:14 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Cc:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: HDP#6838 - Departmental Comments

Hi, Matthew,  
Just wanted to respond back to let you know that I got your email. I need to look at my calendar and will also connect with Katherine to go over your project details. I'll follow-up with you tomorrow on my availability.

Thanks,

**Arlene Granadosin-Jones, AICP**  
Planner I Community Planning Section  
Planning & Community Development Department  
City of Pasadena



---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, August 05, 2020 11:46 AM  
**To:** Granadosin-Jones, Arlene <[AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net)> >  
**Cc:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** FW: HDP#6838 - Departmental Comments

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Hi Arlene,

I was pointed in your direction from my City Planner, Katherine to discuss our proposed SFR addition project in the Hillside District and the potential to include an ADU in our initial planning submittal. Do you have some time this week to discuss the case? I look forward to speaking with you soon.

Regards,

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Monday, July 27, 2020 3:09 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: HDP#6838 - Departmental Comments

Hi Matt,

I apologize for the delay, I thought I could get it done by the end of last week. Yes I am working on your corrections sheet as we speak. I spoke to my supervisor regarding ADUs in the hillside and he was confident that the City is not required to allow production of new ADUs in the hillside district, but can allow the conversion of a legally permitted structure. You may contact Arlene Granadosin-Jones at [AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net) for more information on this topic. As soon as I complete your corrections we can schedule a phone call to discuss.

Thank you,  
**Katherine Moran**  
ASSISTANT PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

Matthew Feldhaus matthew@rwbid.com  
RE: Appeal Application for HDP #6838  
February 03, 2021 at 4:10 PM PST  
To: Moran, Katherine kmoran@cityofpasadena.net

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Reading the planning guidelines, it appears that I can *propose an ADU up to 50% of the main dwelling size*.

Let me know if this logic makes sense:

- Existing dwelling: 2,452 SF
- Proposed conversion of existing garage into living space: 366 SF
- Proposed addition: 499 SF (no HDP required)
- Total main dwelling: 3,317 SF
- Allowable ADU size (50% of main dwelling): 1,658 SF
- **Total allowable project size: 4,975 SF**

I will work on some sketches but the two story issue would need to be resolved.

---

**MATTHEW FELDHAUS**, ARCHITECT, CCM, LEED AP  
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**From:** Moran, Katherine <kmoran@cityofpasadena.net> >  
**Sent:** Wednesday, February 3, 2021 3:45 PM  
**To:** Matthew Feldhaus <matthew@rwbid.com> >  
**Subject:** RE: Appeal Application for HDP #6838

Hi Matt,

Unfortunately we do not have any new literature as we don't have a new ADU ordinance yet. We just have a website highlighting major requirements. We still defer to State Law and require our Community Planning Division to interpret. Our Zoning Administrator told us just this week that will no longer be prohibiting ADUs in the hillside. An issue that I do potentially have concern for is adding the lower story ADU on the same permit as the 500SF master bedroom addition, the master bedroom addition may be considered as a second story addition which could potentially trigger the HDP. If there was a way to separate the ADU out for a subsequent permit, that may potentially be a better path. This is something I would run by a supervisor with your rough sketches to get clear direction.

<https://www.cityofpasadena.net/planning/planning-division/community-planning/accessory-dwelling-units/>

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, February 03, 2021 3:34 PM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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Katherine,

Is there any updated literature for the City's approval of new construction ADUs in a hillside district?

---

**MATTHEW FELDHAUS**, ARCHITECT, CCM, LEED AP  
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[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, February 3, 2021 2:33 PM

To: Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)>  
Subject: RE: Appeal Application for HDP #6838

Hi Matthew,

Sorry about that. I just tried calling again. Here is the code section on what requires a Hillside Development Permit. Please take note of **Major renovations, as defined in 17.29.060.E**. So as long as you can keep the total height at or below the existing top of ridge height of the highest roof, you can raise the top plate to create your flat roof within that limitation by right.

#### 17.29.030 - Permit Requirements

- A. **HD and HD-SR overlay.** Approval of a Hillside Development Permit, in compliance with [Section 17.29.080](#) (Hillside Development Permit) shall
1. Proposed subdivision;
  2. New dwelling or structure;
  3. Any structure located within 20 feet of the top edge of the Arroyo Seco Slope Bank, pursuant to Section 17.29.050.D;
  4. An addition of 500 square feet or greater to the first floor of an existing structure;
  5. Projects that propose to match an existing structure height that exceeds the general height limit if the existing structure was constructed before adoption of the Hillside Development Permit;
  6. Any new square footage above the first story;
  7. Major renovations, as defined in 17.29.060.E.

A Hillside Development Permit is not required for the following types of development:

1. An addition to the first floor of an existing dwelling that increases the gross floor area by less than 500 square feet.
2. One single-story detached accessory structure that constitutes no more than 20 percent of the existing gross floor area of the primary structure.

The exemptions listed above apply in the aggregate with all other additions and all prior additions in the previous three years to the same lot. The exemptions shall not be used to circumvent the requirements of the base zoning district. No credit shall be given for demolition or partial demolition of a structure.

- B. **HD-1 overlay.** See [Section 17.29.090](#) (HD-1-Upper Hastings Ranch Area-Standards).

c. The color palette may be modified for designated historic properties with a Certificate of Appropriateness approved by the Planning & Community Development Department.

E. **Major Renovations.** Major renovations to an existing dwelling shall require approval of a Hillside Development Permit. A major renovation is defined as:

- a. The alteration of more than 50 percent of existing wall facades by exposing the framing. This does not include the removal and replacement of siding.
- b. Any alteration of the roofline resulting in an increase in height above the highest point of the existing roof.

Figure 2-4 – Height Measurement on Hillside

2. **General height limit.** No structure shall exceed a height of 28 feet at any point on the site, measured in compliance with Subsection B.1, and shall not exceed a height of 28 feet at any point on the site where the structure touches the grade, to the highest point of the roof. There shall be no maximum height for the top plate of a dwelling unit if the general height limit is not exceeded. This section shall not apply to projects that propose to match an existing structure height that exceeds the general height limit if the existing structure was constructed before adoption of the Hillside Development Permit.
3. **Height of lowest floor level.** The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet.
4. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architectural design of the primary building mass (see Figure 2-5).

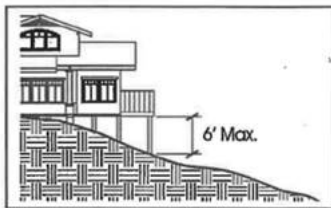


Figure 2-5 – Height Limit for Lowest Floor and Decks

Thanks,

Katherine Moran  
ASSOCIATE PLANNER, City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

From: Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)>  
Sent: Tuesday, February 02, 2021 1:01 PM

To: Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
Subject: RE: Appeal Application for HDP #6838

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Can you give me a call today to discuss this project?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Tuesday, February 2, 2021 12:36 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

The project can potentially get appealed up to City Council and/or called for review by City Council.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Tuesday, February 02, 2021 11:54 AM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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What is the neighbor's process to continue appeals if their appeal is denied by the zoning appeals Board in April?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
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Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Tuesday, February 2, 2021 11:51 AM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

Hi Matthew,

I requested to add the item to the April agenda. I will let you know if anything changes.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Tuesday, February 02, 2021 11:07 AM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

---

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Katherine,

Please sign me up for the first available appeals hearing. I had a mediation meeting with the neighbor and their lawyer today and there is no resolution to their concerns. Thank you.

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

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[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, January 27, 2021 12:04 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

Hi Matthew,

We had a staff meeting yesterday. Unfortunately, several appeals have been received for items on the past few hearing officer meetings. With the influx of appeals, the Board of Zoning Appeals agendas are full through March. The earliest your item would be able to get onto an agenda would potentially be the April meeting. I apologize for the inconvenience. Please let me know if you have any questions.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Monday, January 25, 2021 5:06 PM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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Hi Katherine,

Were we able to get on the February appeals meeting agenda? Am I also able to contact the lawyer representing the appellate?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, January 20, 2021 7:29 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

Oh shoot, I sent you the copy before our admin removed the scan of the check. Can you please delete that last email and save this one instead? Staff was able to base your recommendation on compliance with the Zoning Code and visited the site to analyze view impacts in addition to the visual analysis you provided. The meetings are typically once a month and require a few weeks of lead time for the notice, staff report etc. The meetings are typically held the third Wednesday of each month. However, if there is also a full hearing officer meeting that night, they will move to another night. There's one tomorrow if you want to tune in and see how the meeting runs.

<https://www.cityofpasadena.net/commissions/board-of-zoning-appeals/>

I will check tomorrow to see if the February meeting is an option.

Thanks,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, January 20, 2021 6:15 PM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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Interesting argument on the neighborhood compatibility since this appeal is coming from a homeowner with a 5,055 sqft house.

The CEQA argument is nonsense, as is the discussion on view protection and privacy.

Do I need to provide a written response to these items? When is the next available appeal meeting?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
Principal  
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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, January 20, 2021 5:47 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** Appeal Application for HDP #6838

Hi Matthew,

Please see attached appeal packet. Yes, you will need to keep the story poles installed until the decision is effective.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

## VISUALS TO ACCOMPANY APPELLANT'S PRESENTATION

Board of Zoning Appeals, City of Pasadena  
November 18, 2021 Meeting

|                                |   |
|--------------------------------|---|
| <i>Agenda Item</i>             | 3-B   |
| <i>Project Address</i>         | 1820 Linda Vista Avenue   |
| <i>Old Project Description</i> | Hillside Development Permit #6838 to add 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, and other accessory structures (infinity pool, spa, etc.)   |
| <i>New Project Description</i> | Hillside Development Permit to construct 1,401 square foot living area addition to existing home as well as a 315 square-foot garage addition, an attached 439 square-foot carport, a 158 square-foot pool equipment and storage area, a new swimming pool, and a lower story 807 square-foot ADU resulting in massing of structures totaling <b>5,572</b> square feet. |
| <i>Case No.</i>                | ZENT2020-10016 // HSD #6838 // CEQA Exemption   |

## CONTENTS

| <b>Description</b>   | <b>Ex.</b> |
|--|------------|
| Photographs to Show Scope of Project, Obstruction of Appellant's Protected Views, and Privacy Issues   | I          |
| (1) View from Appellant's Deck #1                      (2) View from Appellant's Deck #2<br>(3) View from Appellant's Deck #3 [reflecting silhouette of proposed structures]                      (4) View from Appellant's Deck #3 [reflecting silhouette of proposed structures]<br>(5) View from Appellant's Kitchen Window [original]                      (6) View from Appellant's Kitchen Window [colorized to show mountain view obstruction]<br>(7) View from Dining Room [original]                      (8) View from Dining Room [colorized to show mountain view obstruction]<br>(9) Original Photograph from Living Room Window on Cloudy Day                      (10) Deck visual with superimposed outline of proposed structures |            |
| Emails Between Applicant and City Planning Showing Intentional Concealment of Current Development Plans and Advice on Project Segmentation   | II         |
| (1) July 27, 2020                      (2) July 27 – August 7, 2020                      (3) January 20 – February 3, 2021   |            |
| Google Map with Annotations Showing Liquefaction Zones   | III        |
| Project Renderings Showing Infinity Pool -and- Rear View of Project  | IV         |
| Geotechnical Report in Response to Applicant's Geotechnical Report   | V          |
| July 26, 2021 Walkthrough Video of Park Property   | VI         |



November 17, 2021

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit I

[Photographs Reflecting Obstruction of Protected Views Shown by Story Poles  
-and- Privacy Intrusions]

- (1) View from Appellant's Deck #1
- (2) View from Appellant's Deck #2
- (3) View from Appellant's Deck #3 [reflecting silhouette of proposed structures]
- (4) View from Appellant's Deck #3 [reflecting silhouette of proposed structures]
- (5) View from Appellant's Kitchen Window [original]
- (6) View from Appellant's Kitchen Window [colorized to show mountain view obstruction]
- (7) View from Dining Room [original]
- (8) View from Dining Room [colorized to show mountain view obstruction]
- (9) View from Living Room Window on Cloudy Day [original]
- (10) Deck visual with superimposed outline of proposed structures

















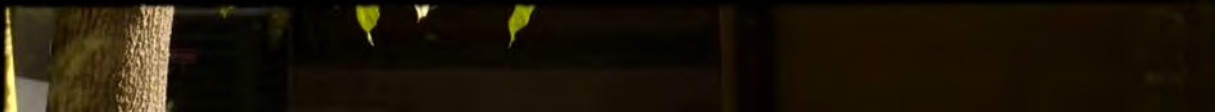




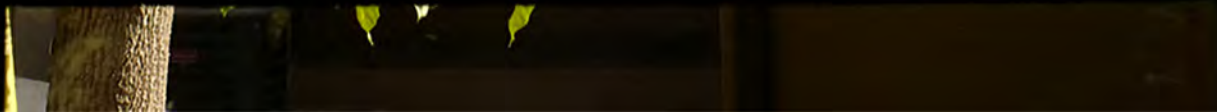
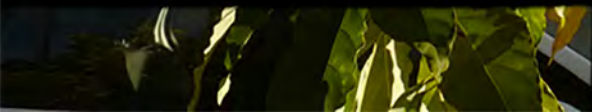






















November 17, 2021

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit II

[Emails Between Applicant and City Planning Showing Intentional Concealment of  
Future Development Plans and Project Segmentation]

(1) July 27, 2020

(2) July 27 – August 7, 2020

(3) January 20 – February 3, 2021

**Moran, Katherine**

RE: HDP#6838 - Departmental Comments

To: MatthewFeldhaus

---

Hi Matt,

I apologize for the delay, I thought I could get it done by the end of last week. Yes I am working on your corrections sheet as we speak. I spoke to my supervisor regarding ADUs in the hillside and he was confident that the City is not required to allow production of new ADUs in the hillside district, but can allow the conversion of a legally permitted structure. You may contact Arlene Granadosin-Jones at [AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net) for more information on this topic. As soon as I complete your corrections we can schedule a phone call to discuss.

Thank you,

**Katherine Moran**

ASSISTANT PLANNER . City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

---

**From:** Matthew Feldhaus <matthew@rwbid.com > >

**Sent:** Monday, July 27, 2020 11:58 AM

**To:** Moran, Katherine <kmoran@cityofpasadena.net > >

**Subject:** RE: HDP#6838 - Departmental Comments

**CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

Hi Katherine,

Are you expecting to return comments on this project this week? Let me know if we can set up a call with the ADU expert for the City to discuss our proposed condition. Thank you.

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal

Company: 626.888.9411

Direct: 562.477.7609

[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >

**Sent:** Tuesday, July 21, 2020 9:25 PM

**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >

**Subject:** HDP#6838 - Departmental Comments

Hi Matt,

Please see the comments from Design & Historic Preservation Division below:

Design & Historic Preservation Division:

The house at 1820 Linda Vista Avenue was built in 1948 to a design by architect Curtis Chambers, and was substantially altered with the addition of enclosed floor area, an open courtyard and a carport to the front of the house in 1965. The house does not retain the character-defining features of any of the architectural styles identified in the Cultural Resources of the Recent Past Historic Context Report and, therefore, is not eligible for historical designation. As such, a Certificate of Appropriateness is not required for the proposed project.

It appears other departments are still working on their comments. I will forward them to you as soon as they come in.

For questions about requirements for adding fire sprinklers to the residence, please contact Pari Bagayee in the Fire Department at [pbagayee@cityofpasadena.net](mailto:pbagayee@cityofpasadena.net).

Thank you,

**Katherine Moran**

ASSISTANT PLANNER . City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

**Matthew Feldhaus** matthew@rwbid.com

RE: HDP#6838 - Departmental Comments

August 07, 2020 at 3:21 PM PDT

To: Granadosin-Jones, Arlene AGranadosin-Jones@cityofpasadena.net

Cc: Moran, Katherine

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I understand the planning comment since it complies with the current ordinance. I was hoping the planning committee might allow an ADU in this case since the current project approach will be to permit square footage at the lower level and then straight away apply to convert the space to an ADU.

If I am able to permit the ADU straight away, then I won't need to construct unnecessary internal stairways and additional doors then demolish them for the ADU conversion. It is more economical, timely, and environmentally friendly to include the ADU up front. Is there a way to approach a special consideration case-by-case?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal

Company: 626.888.9411

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**From:** Granadosin-Jones, Arlene <AGranadosin-Jones@cityofpasadena.net > >

**Sent:** Friday, August 7, 2020 3:01 PM

**To:** Matthew Feldhaus <matthew@rwbid.com > >

**Cc:** Moran, Katherine <kmoran@cityofpasadena.net > >

**Subject:** RE: HDP#6838 - Departmental Comments

Matthew,

I discussed your application/proposed project with Katherine and also discussed it with the Principal Planner. Katherine's previous comments about ADUs in the Hillside districts are correct.

The City's current ADU ordinance prohibits newly constructed ADUs in the Hillside districts (Section 17.50.275.B.3). Per direction from City Council, Pasadena continues to prohibit newly constructed ADUs in the Hillside districts, but does allow conversion of existing legally permitted space.

I will be out on vacation next week but if you have any additional questions about ADUs, please let Katherine know.

Regards,

**Arlene Granadosin-Jones, AICP**  
Planner I Community Planning Section  
Planning & Community Development Department  
City of Pasadena

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, August 05, 2020 5:33 PM  
**To:** Granadosin-Jones, Arlene <[AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net)> >  
**Cc:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: HDP#6838 - Departmental Comments

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Thank you.

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Granadosin-Jones, Arlene <[AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net)> >  
**Sent:** Wednesday, August 5, 2020 5:14 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Cc:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: HDP#6838 - Departmental Comments

Hi, Matthew,  
Just wanted to respond back to let you know that I got your email. I need to look at my calendar and will also connect with Katherine to go over your project details. I'll follow-up with you tomorrow on my availability.

Thanks,

**Arlene Granadosin-Jones, AICP**  
Planner I Community Planning Section  
Planning & Community Development Department  
City of Pasadena



---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, August 05, 2020 11:46 AM  
**To:** Granadosin-Jones, Arlene <[AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net)> >  
**Cc:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** FW: HDP#6838 - Departmental Comments

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Hi Arlene,

I was pointed in your direction from my City Planner, Katherine to discuss our proposed SFR addition project in the Hillside District and the potential to include an ADU in our initial planning submittal. Do you have some time this week to discuss the case? I look forward to speaking with you soon.

Regards,

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
Principal  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Monday, July 27, 2020 3:09 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: HDP#6838 - Departmental Comments

Hi Matt,

I apologize for the delay, I thought I could get it done by the end of last week. Yes I am working on your corrections sheet as we speak. I spoke to my supervisor regarding ADUs in the hillside and he was confident that the City is not required to allow production of new ADUs in the hillside district, but can allow the conversion of a legally permitted structure. You may contact Arlene Granadosin-Jones at [AGranadosin-Jones@cityofpasadena.net](mailto:AGranadosin-Jones@cityofpasadena.net) for more information on this topic. As soon as I complete your corrections we can schedule a phone call to discuss.

Thank you,  
**Katherine Moran**  
ASSISTANT PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

Matthew Feldhaus matthew@rwbid.com  
RE: Appeal Application for HDP #6838  
February 03, 2021 at 4:10 PM PST  
To: Moran, Katherine kmoran@cityofpasadena.net

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Reading the planning guidelines, it appears that I can *propose an ADU up to 50% of the main dwelling size*.

Let me know if this logic makes sense:

- Existing dwelling: 2,452 SF
- Proposed conversion of existing garage into living space: 366 SF
- Proposed addition: 499 SF (no HDP required)
- Total main dwelling: 3,317 SF
- Allowable ADU size (50% of main dwelling): 1,658 SF
- Total allowable project size: 4,975 SF

I will work on some sketches but the two story issue would need to be resolved.

---

**MATTHEW FELDHAUS**, ARCHITECT, CCM, LEED AP  
Principal  
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Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <kmoran@cityofpasadena.net> >  
**Sent:** Wednesday, February 3, 2021 3:45 PM  
**To:** Matthew Feldhaus <matthew@rwbid.com> >  
**Subject:** RE: Appeal Application for HDP #6838

Hi Matt,

Unfortunately we do not have any new literature as we don't have a new ADU ordinance yet. We just have a website highlighting major requirements. We still defer to State Law and require our Community Planning Division to interpret. Our Zoning Administrator told us just this week that will no longer be prohibiting ADUs in the hillside. An issue that I do potentially have concern for is adding the lower story ADU on the same permit as the 500SF master bedroom addition, the master bedroom addition may be considered as a second story addition which could potentially trigger the HDP. If there was a way to separate the ADU out for a subsequent permit, that may potentially be a better path. This is something I would run by a supervisor with your rough sketches to get clear direction.

<https://www.cityofpasadena.net/planning/planning-division/community-planning/accessory-dwelling-units/>

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, February 03, 2021 3:34 PM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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Katherine,

Is there any updated literature for the City's approval of new construction ADUs in a hillside district?

---

**MATTHEW FELDHAUS**, ARCHITECT, CCM, LEED AP  
Principal  
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Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, February 3, 2021 2:33 PM

To: Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)>  
Subject: RE: Appeal Application for HDP #6838

Hi Matthew,

Sorry about that. I just tried calling again. Here is the code section on what requires a Hillside Development Permit. Please take note of **Major renovations, as defined in 17.29.060.E**. So as long as you can keep the total height at or below the existing top of ridge height of the highest roof, you can raise the top plate to create your flat roof within that limitation by right.

#### 17.29.030 - Permit Requirements

- A. **HD and HD-SR overlay.** Approval of a Hillside Development Permit, in compliance with [Section 17.29.080](#) (Hillside Development Permit) shall require the following:
1. Proposed subdivision;
  2. New dwelling or structure;
  3. Any structure located within 20 feet of the top edge of the Arroyo Seco Slope Bank, pursuant to Section 17.29.050.D;
  4. An addition of 500 square feet or greater to the first floor of an existing structure;
  5. Projects that propose to match an existing structure height that exceeds the general height limit if the existing structure was constructed before adoption of the Hillside Development Ordinance;
  6. Any new square footage above the first story;
  7. Major renovations, as defined in 17.29.060.E.

A Hillside Development Permit is not required for the following types of development:

1. An addition to the first floor of an existing dwelling that increases the gross floor area by less than 500 square feet.
2. One single-story detached accessory structure that constitutes no more than 20 percent of the existing gross floor area of the primary structure.

The exemptions listed above apply in the aggregate with all other additions and all prior additions in the previous three years to the same lot. The exemptions do not override the requirements of the base zoning district. No credit shall be given for demolition or partial demolition of a structure.

- B. **HD-1 overlay.** See [Section 17.29.090](#) (HD-1-Upper Hastings Ranch Area-Standards).

c. The color palette may be modified for designated historic properties with a Certificate of Appropriateness approved by the Planning & Community Development Department.

E. **Major Renovations.** Major renovations to an existing dwelling shall require approval of a Hillside Development Permit. A major renovation is defined as:

- a. The alteration of more than 50 percent of existing wall facades by exposing the framing. This does not include the removal and replacement of siding.
- b. Any alteration of the roofline resulting in an increase in height above the highest point of the existing roof.

Figure 2-4 – Height Measurement on Hillside

2. **General height limit.** No structure shall exceed a height of 28 feet at any point on the site, measured in compliance with Subsection B.1, and shall not exceed a height of 28 feet at any point on the site where the structure touches the grade, to the highest point of the roof. There shall be no maximum height for the top plate of a dwelling unit if the general height limit is exceeded for projects that propose to match an existing structure height that exceeds the general height limit if the existing structure was constructed before adoption of the Hillside Development Ordinance.
3. **Height of lowest floor level.** The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet.
4. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architectural design of the primary building mass (see Figure 2-5).



Figure 2-5 – Height Limit for Lowest Floor and Decks

Thanks,

Katherine Moran

ASSOCIATE PLANNER - City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)

(626) 744 - 6740

From: Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)>  
Sent: Tuesday, February 02, 2021 1:01 PM

To: Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
Subject: RE: Appeal Application for HDP #6838

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Can you give me a call today to discuss this project?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Tuesday, February 2, 2021 12:36 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

The project can potentially get appealed up to City Council and/or called for review by City Council.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Tuesday, February 02, 2021 11:54 AM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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What is the neighbor's process to continue appeals if their appeal is denied by the zoning appeals Board in April?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Tuesday, February 2, 2021 11:51 AM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

Hi Matthew,

I requested to add the item to the April agenda. I will let you know if anything changes.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Tuesday, February 02, 2021 11:07 AM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

---

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Katherine,

Please sign me up for the first available appeals hearing. I had a mediation meeting with the neighbor and their lawyer today and there is no resolution to their concerns. Thank you.

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, January 27, 2021 12:04 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

Hi Matthew,

We had a staff meeting yesterday. Unfortunately, several appeals have been received for items on the past few hearing officer meetings. With the influx of appeals, the Board of Zoning Appeals agendas are full through March. The earliest your item would be able to get onto an agenda would potentially be the April meeting. I apologize for the inconvenience. Please let me know if you have any questions.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Monday, January 25, 2021 5:06 PM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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Hi Katherine,

Were we able to get on the February appeals meeting agenda? Am I also able to contact the lawyer representing the appellate?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP

Principal  
Company: 626.888.9411  
Direct: 562.477.7609  
[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, January 20, 2021 7:29 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** RE: Appeal Application for HDP #6838

Oh shoot, I sent you the copy before our admin removed the scan of the check. Can you please delete that last email and save this one instead? Staff was able to base your recommendation on compliance with the Zoning Code and visited the site to analyze view impacts in addition to the visual analysis you provided. The meetings are typically once a month and require a few weeks of lead time for the notice, staff report etc. The meetings are typically held the third Wednesday of each month. However, if there is also a full hearing officer meeting that night, they will move to another night. There's one tomorrow if you want to tune in and see how the meeting runs.

<https://www.cityofpasadena.net/commissions/board-of-zoning-appeals/>

I will check tomorrow to see if the February meeting is an option.

Thanks,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena

[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

---

**From:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Sent:** Wednesday, January 20, 2021 6:15 PM  
**To:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Subject:** RE: Appeal Application for HDP #6838

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Interesting argument on the neighborhood compatibility since this appeal is coming from a homeowner with a 5,055 sqft house.

The CEQA argument is nonsense, as is the discussion on view protection and privacy.

Do I need to provide a written response to these items? When is the next available appeal meeting?

---

**MATTHEW FELDHAUS** , ARCHITECT, CCM, LEED AP  
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[www.rwbid.com](http://www.rwbid.com)

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**From:** Moran, Katherine <[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)> >  
**Sent:** Wednesday, January 20, 2021 5:47 PM  
**To:** Matthew Feldhaus <[matthew@rwbid.com](mailto:matthew@rwbid.com)> >  
**Subject:** Appeal Application for HDP #6838

Hi Matthew,

Please see attached appeal packet. Yes, you will need to keep the story poles installed until the decision is effective.

Thank you,  
**Katherine Moran**  
ASSOCIATE PLANNER . City of Pasadena  
[kmoran@cityofpasadena.net](mailto:kmoran@cityofpasadena.net)  
(626) 744 - 6740

November 17, 2021

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit III

[Google Map with Annotations Showing Liquefaction Zones]





November 17, 2021

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit IV

[Project Rendering re Project Rear]











November 17, 2021

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit V

[Geotechnical Report in Response to Applicant's Geotechnical Report]





Date: April 19, 2021

To: Weaver Land Law  
Attn: Stephen J Weaver, Esq.  
12100 Wilshire Boulevard, 8<sup>th</sup> Fl.  
Los Angeles, CA 90025  
p: 310.806.9212  
e: stephen@designgroupca.com

Re: Hillside Development Permit #6838

References:

1. Geologic and Soils Engineering Exploration Proposed Remodel, Addition, Attached Accessory Structures, and Pool/Spa APN 5704-001-049, 1820 Linda Vista Avenue, Pasadena, California, prepared by Irvine Geotechnical Inc Report, dated June 2, 2020
2. 2021-01-06 Hearing Officer C. HDP #6838 Staff Report
3. 2021-01-06 Hearing Officer C. HDP #6838 Plans
4. Park – Pasadena – Request for Appeal re: Hillside Development Permits #6838

We have prepared this letter as a summary of our opinions based upon our review of the geotechnical aspects with regard to the above referenced reports and documents.

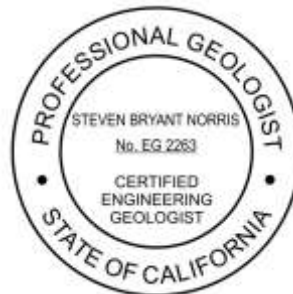
In general, our geotechnical opinions are as follows:

- 1) As part of the geotechnical slope stability study the values utilized for the soil profiles reflect the most conservative values derived from the laboratory testing. Of the three direct shear tests run, one from four different test pits, the values ranged between 31.5 to 38 degrees. The slope stability study utilized the most conservative value of 38 degrees. It is our opinion the slope stability study should be run with values more reflective of the range of values obtained from testing.
- 2) The Arroyo Seco that runs along the bottom of the property is identified by California Department of Conservation as liquefaction zone. It is our opinion the slope stability study should model the toe portion of the slice to more reflect the attributes of a liquefaction zone and large drainage.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,  
ENGINEERING DESIGN GROUP

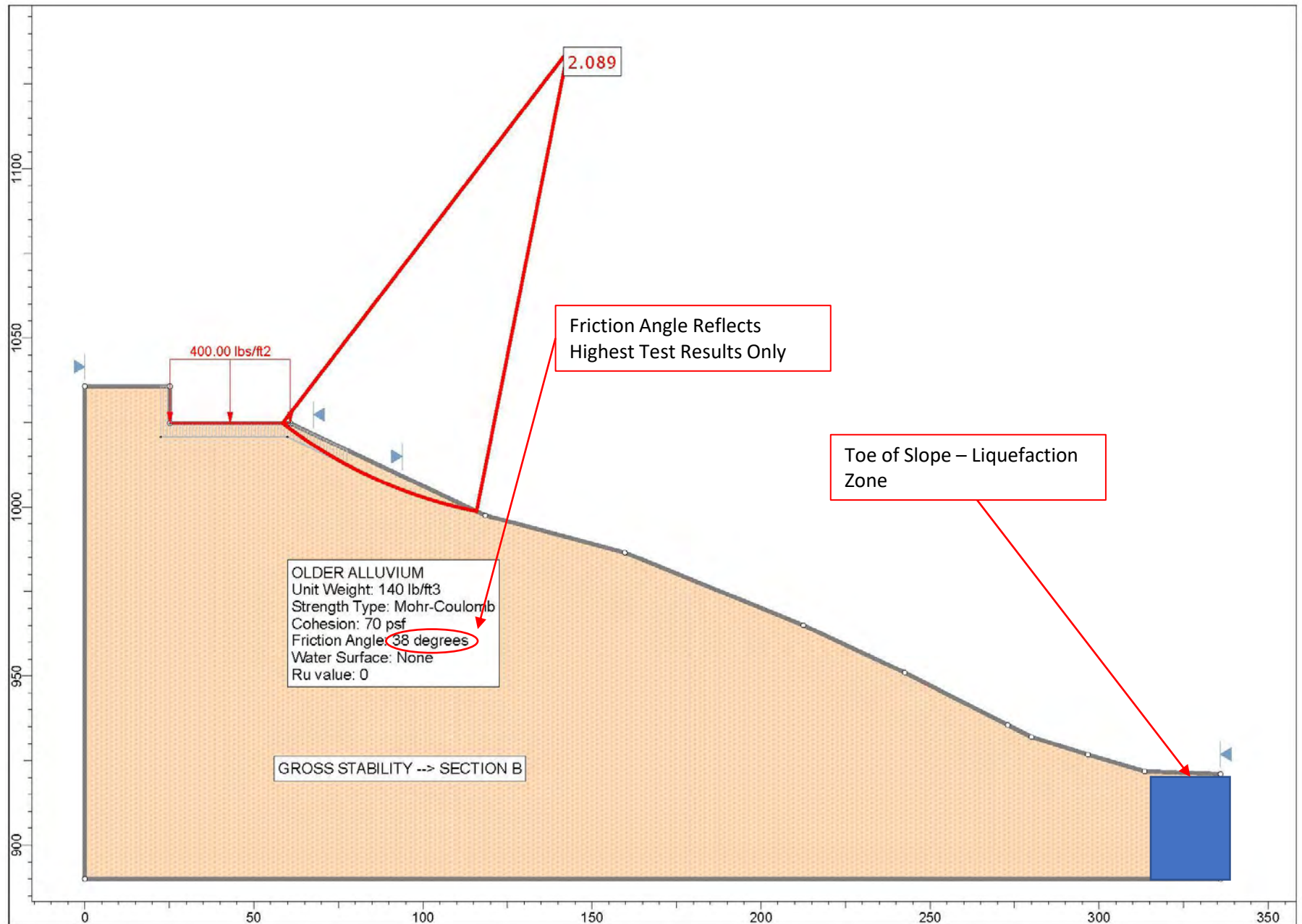
Steven Norris  
GE 2590, CEG 2263

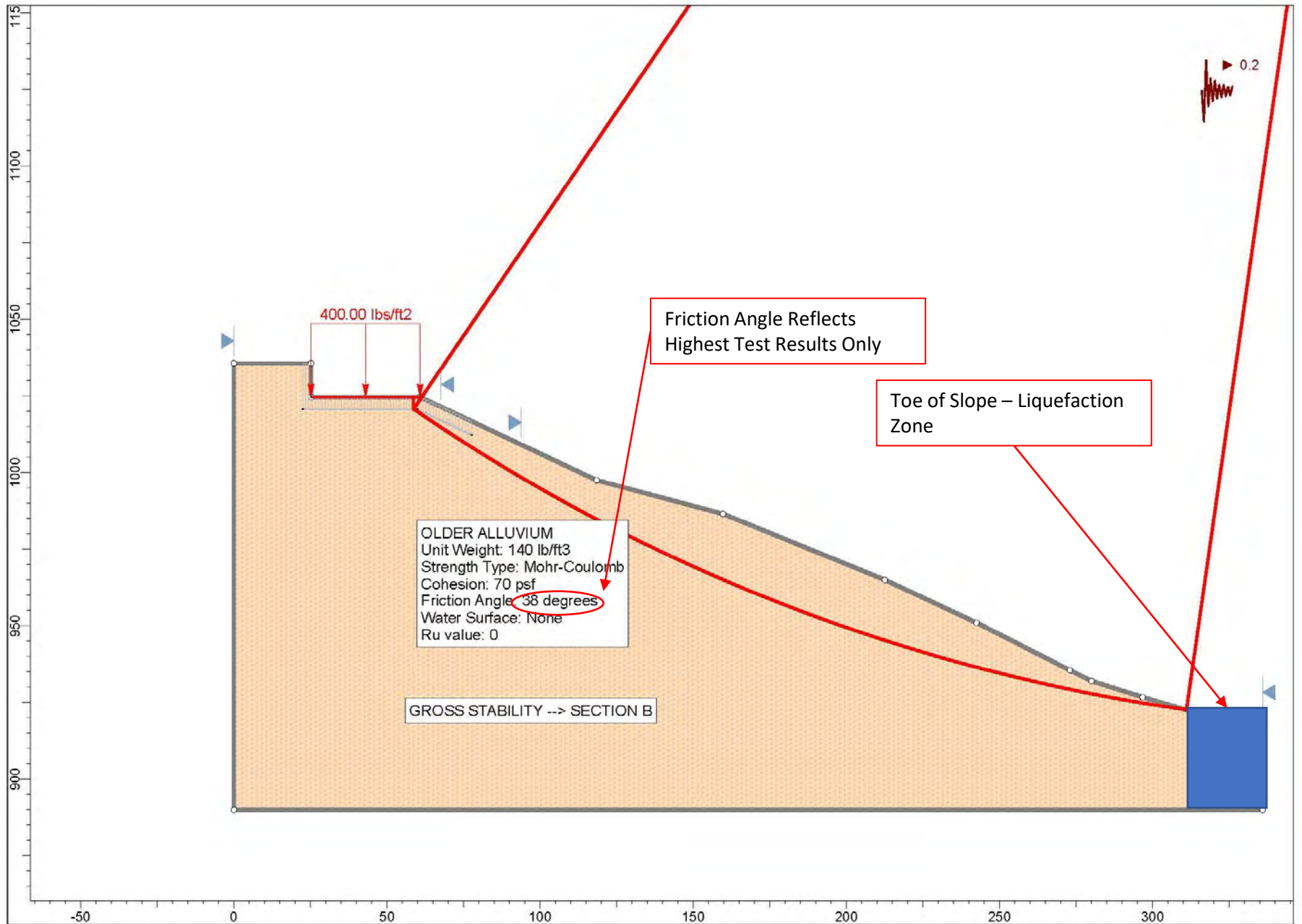


Attachments: Figures

# Slope Stability Sections

from Irvine Geotechnical Inc., dated June 2, 2020





# Direct Shear Results

from Irvine Geotechnical Inc., dated June 2, 2020





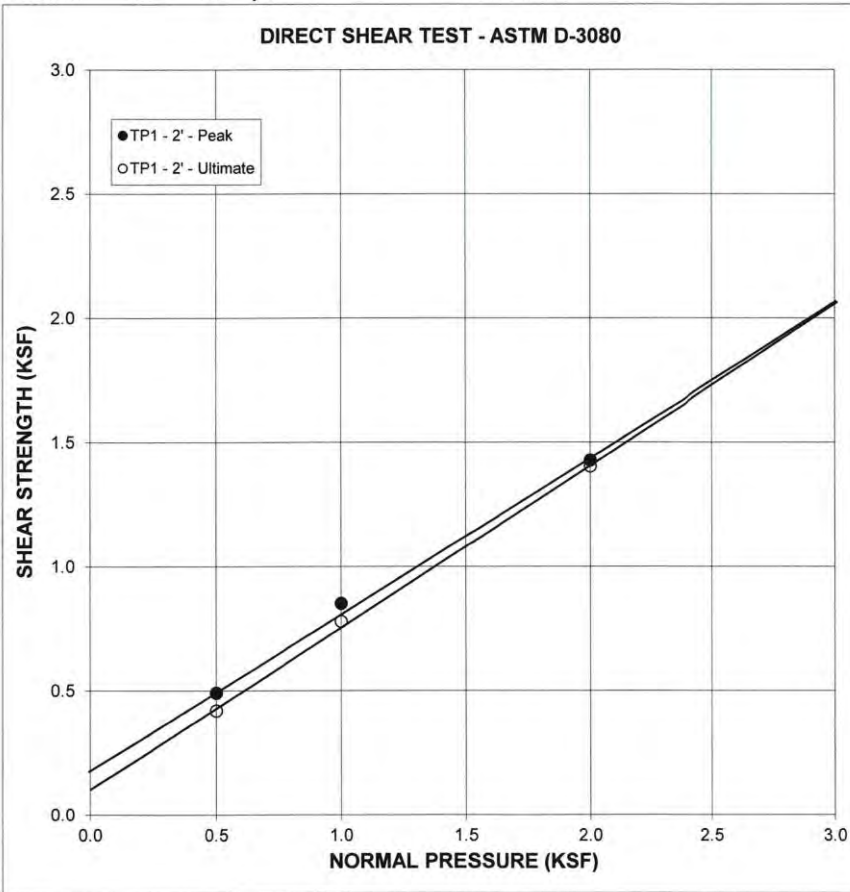
## SHEAR DIAGRAM B-1

JN: SL20.3337 CONSULTANT JAI  
CLIENT: Irvine/Feldhaus-1820 Linda Vista Ave

EARTH MATERIAL: ALLUVIAL TERRACE

|           | PEAK | ULTIMATE |         |
|-----------|------|----------|---------|
| Phi Angle | 31.5 | 32.5     | degrees |
| Cohesion  | 180  | 100      | psf     |

|                           |        |
|---------------------------|--------|
| Average Moisture Content  | 16.9%  |
| Average Dry Density (pcf) | 115.8  |
| Percent Saturation        | 100.0% |





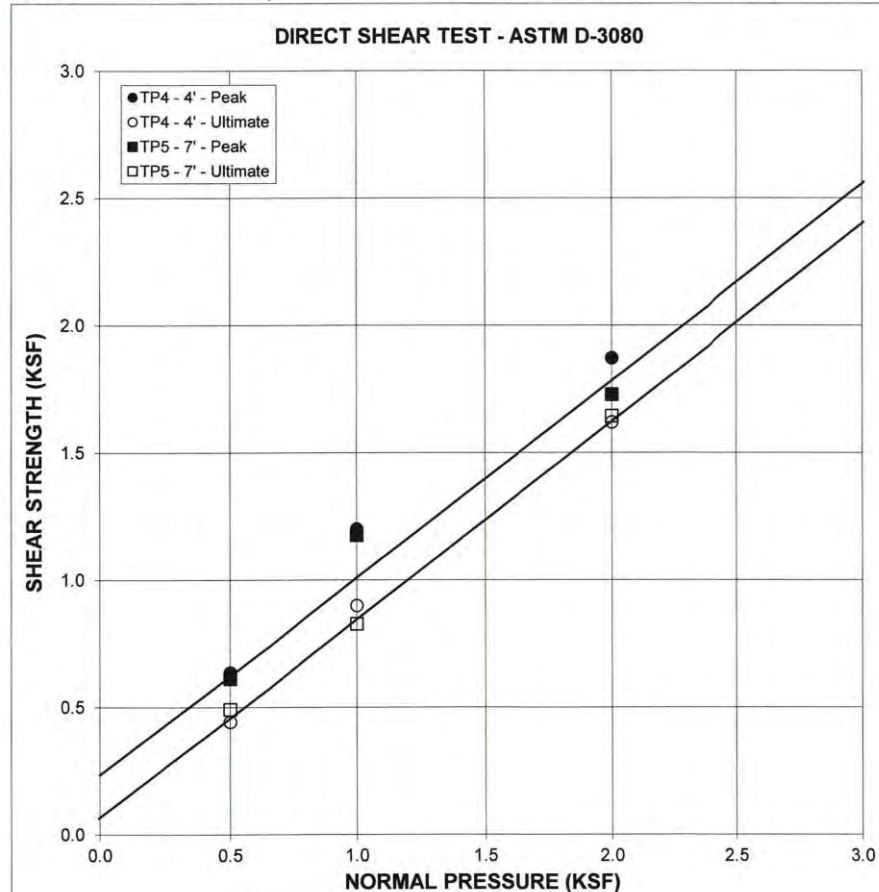
## SHEAR DIAGRAM B-2

JN: SL20.3337 CONSULTANT JAI  
CLIENT: Irvine/Feldhaus-1820 Linda Vista Ave

EARTH MATERIAL: ALLUVIAL TERRACE

|           | PEAK | ULTIMATE |         |
|-----------|------|----------|---------|
| Phi Angle | 37.5 | 38       | degrees |
| Cohesion  | 235  | 70       | psf     |

|                           |        |
|---------------------------|--------|
| Average Moisture Content  | 18.9%  |
| Average Dry Density (pcf) | 121.8  |
| Percent Saturation        | 100.0% |





## SHEAR DIAGRAM B-3

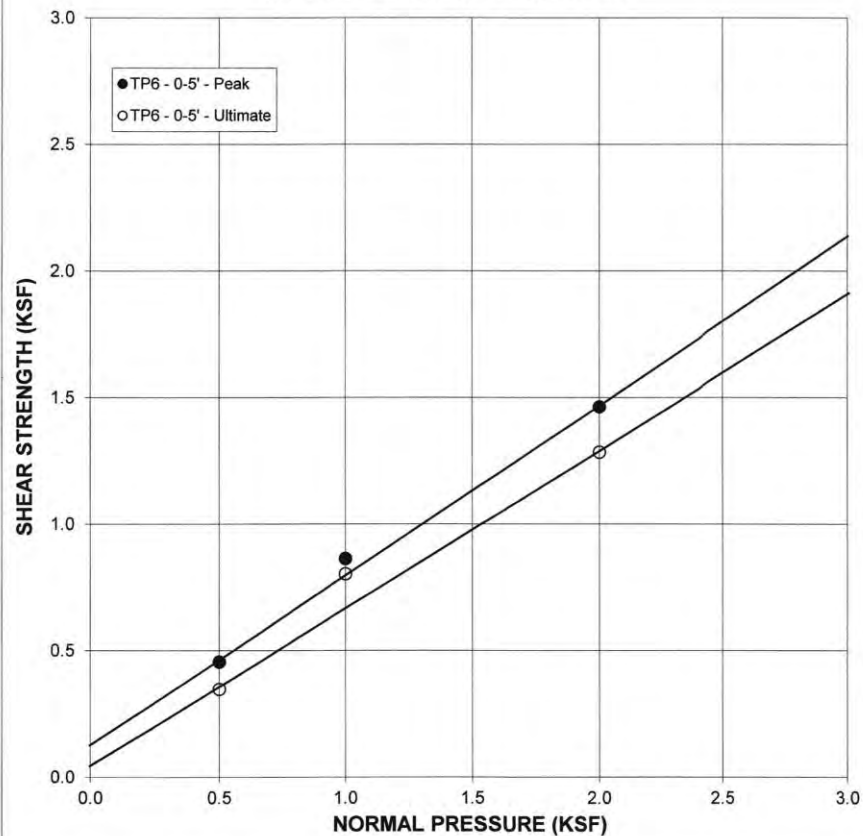
JN: SL20.3337 CONSULTANT JAI  
CLIENT: Irvine/Feldhaus-1820 Linda Vista Ave

EARTH MATERIAL: ALLUVIAL TERRACE

Sample remolded to 90 % of the laboratory maximum density

|                           | PEAK   | ULTIMATE |         |
|---------------------------|--------|----------|---------|
| Phi Angle                 | 33.5   | 31.5     | degrees |
| Cohesion                  | 125    | 45       | psf     |
| Average Moisture Content  | 16.1%  |          |         |
| Average Dry Density (pcf) | 116.3  |          |         |
| Percent Saturation        | 100.0% |          |         |

### DIRECT SHEAR TEST - ASTM D-3080



# Department of Conservation Mapping



# Earthquake Zones of Required Investigation

CGS Homepage

1820 Linda Vista Ave, Pasadena X

Show search results for 1820 Linda Vi...

Site

Address: 1001 ROSE BOWL DR

APN 5702001901  
City PASADENA  
Street 1001 ROSE BOWL DR  
Address  
Fault Zone This parcel is NOT WITHIN an Earthquake Fault Zone.

Liquefaction Zone All or a portion of this parcel LIES WITHIN a Liquefaction Zone.  
Landslide Zone All or a portion of this parcel LIES WITHIN a Landslide Zone.

Zoom to



November 17, 2021

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit VII

[Link to July 26 Walkthrough]

<https://vimeo.com/635556634>