

ATTACHMENT M
BOARD OF ZONING APPEALS STAFF REPORT
Dated April 22, 2021



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: APRIL 22, 2021

TO: BOARD OF ZONING APPEALS

FROM: LUIS ROCHA, ZONING ADMINISTRATOR

SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
HILLSIDE DEVELOPMENT PERMIT #6838
1820 LINDA VISTA AVENUE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination, that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. The proposed 2,208 square-foot, two-story addition of an existing single-story dwelling does not exceed the threshold. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project location is not environmentally sensitive.
2. Uphold the Hearing Officer's decision and approve Hillside Development Permit #6838.

EXECUTIVE SUMMARY:

On January 6, 2021, the Hearing Officer considered, at its regularly noticed hearing, Hillside Development Permit #6838. The Hillside Development Permit (HDP) application was requested to allow the construction of a 2,208 square-foot, two-story addition to the existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and attached 439 square-foot carport. The application 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. The property is zoned RS-4-HD (Single-Family Residential, 0-4 units/acre, Hillside Overlay District), and a Hillside

Development Permit is required for an addition exceeding 500 square feet within the Hillside Overlay District.

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

On January 19, 2021, Jin Ser Park, an abutting property owner of 1812 Linda Vista Avenue, filed an appeal with the Board of Zoning Appeals, of the Hearing Officer's decision. The hearing before the Board of Zoning Appeals is a *de novo* hearing where the Board has no obligation to honor the prior decision and has the authority to make a different decision than the Hearing Officer.

Based on the previous analysis and the recommended Conditions of Approval, Staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's January 6, 2021, decision and approve Hillside Development Permit #6838, based on the findings provided in Attachment A and conditions in Attachment B.

BACKGROUND:

Existing Site Characteristics:

The subject property is located on the east side of Linda Vista Avenue, north of La Vista Place. The property descends east down a hillside toward the Arroyo Seco. The 50,332 square-foot property is developed with an existing single-story single-family dwelling including an attached two-car garage and attached carport. The site topography is generally flat at the location of the existing improvements. The average slope across the site (areas less than 50 percent slope) is 29 percent. According to survey information, 6,232 square feet of the site slopes equal to or greater than 50 percent. The applicant provided a tree inventory, which identified 47 trees on private property (two of which are located on the property to the north), 23 of which have been identified as protected by the City's Tree Protection Ordinance.

Adjacent Uses:

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

Adjacent Zoning:

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

PROJECT DESCRIPTION:

The applicant, Michael Feldhaus, has submitted a Hillside Development Permit application to allow the construction of a 2,208 square-foot, two-story addition to the existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and an attached 439 square-foot carport. The application 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 project would result in a 4,660 square-foot residence with an attached 754 square-foot garage. The property is zoned RS-4-HD (Single-Family Residential, 0-4 units/acre, Hillside Overlay District), and a Hillside Development Permit is required for an addition exceeding 500 square feet within the Hillside Overlay District. No protected trees are proposed for removal as part of the project.

PUBLIC HEARING:

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

During the Hearing Officer hearing, the applicant provided a brief presentation of the project and spoke in favor of the project. There were three public comments in opposition of the project received prior to or at the Hearing Officer hearing, including two from the appellant's attorney. These comments have been provided to the Board of Zoning Appeals. The primary concerns raised in the public comments were about privacy impacts on abutting properties, potential impact on protected views, the proximity of the addition to the top edge of the slope, grading impacts, and incorrect application of a CEQA exemption.

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

ANALYSIS:

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

The Hearing Officer may approve a Hillside Development Permit only after making eight findings pursuant to Zoning Code Section 17.61.050 (Conditional Use Permits and Master Plans) and 17.29.080 (Hillside Development Permit). Findings are necessary for the purpose of evaluating compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses.

The following analysis discusses the project's compliance with development standards of the Hillside Overlay District, as applicable to additions to existing single-family residences.

RS-4 and Hillside Overlay District Development Standards

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

In addition to the following discussion, an outline of development standards is provided in Table A (Page 10) to show compliance with all of the applicable zoning and Hillside Overlay development standards.

Gross Floor Area

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

Gross floor area includes all covered parking (garage and carport areas), habitable attic space, accessory structures and basements with any exposed wall (or portion thereof) six feet or more above finished grade, measured from finished grade elevation to the floor above. The maximum allowable gross floor area for properties located in the RS-4-HD zoning district with a property size more than 10,000 square feet is 25 percent of the lot size plus 500 square feet. For lots 10,000 square feet or more in the Hillside Overlay District, any portion with a slope equal to or greater than 50 percent, or any access easement on the lot, must be deducted from the lot area when calculating the maximum allowable gross floor area.

Pursuant to Zoning Code Section 17.29.060.A.4 (Maximum floor area), the maximum allowed gross floor area for a lot with an average slope exceeding 15 percent shall be further reduced. Based on the slope analysis provided by the applicant, the lot area measures 50,332 square feet. Of this, 6,232 square feet slopes equal to or greater than 50 percent. There are no access easements on the lot. Furthermore, using the contour information taken from a topographic survey of the site, the applicant calculated an average slope of approximately 29 percent. Based on the calculation applicable to the RS-4-HD zoning district, the maximum allowed floor area is 10,714 square feet.

The project proposes a 4,660 square-foot residence with an attached 754 square-foot garage resulting in a total gross floor area of 5,414 square feet, therefore in compliance with the maximum allowable floor area.

Lot Coverage

The maximum allowed lot coverage for a property in the Hillside District Overlay is equal to 35 percent of the lot area. Lot coverage is the percentage of the site covered by roofs, soffits or overhangs extending more than three feet from a wall, and decks more than four feet in height; this measurement includes all covered structures, whether or not they are fully enclosed. This standard generally evaluates the percentage of land area covered by development.

In this case, 35 percent of the 50,332 square-foot lot is 17,616 square feet. The proposed lot coverage is approximately 15 percent, or 7,434 square feet, which complies. This calculation includes the building footprint, the proposed deck extension, and covered patio.

Setbacks

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

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

The required interior side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of ten feet. The lot width measures across the lot at the required front setback line, in this case, 25 feet from the front property line. According to the plans submitted, the lot width is 94'-9" feet, resulting in a minimum side setback of 9'-5". The proposed setback for the addition on the south is 10'-9" from the side property line, which complies with the minimum side setback requirement. The proposed setback for the addition and exterior staircase at the north side is 9'-9". As such, the proposed setbacks comply with the minimum side setback requirement.

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

Encroachment Plane

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

Height

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

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

Parking

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

The proposal includes converting the existing carport attached to the front of the residence into a two-car garage. The interior dimension of the garage would measure 24' wide by 29' deep, exceeding the minimum requirement of 19' wide by 18' deep. The new garage will continue to be accessible from Linda Vista Avenue via the existing driveway. The portion of Linda Vista Avenue fronting the property allows street parking, therefore two guest parking spaces are required for the project. The existing driveway will continue to provide the required two guest parking spaces. Therefore, the project complies with the parking requirement.

Neighborhood Compatibility

Projects subject to a Hillside Development Permit are to consider the character and scale of existing development in the neighborhood. The neighborhood is generally comprised of lots located within a 500-foot radius of the site. The Zoning Code specifies that the allowable floor area of a proposed dwelling (excluding garages, accessory structures, basements, etc.) may not exceed the median floor area of existing dwellings within the 500-foot radius by more than 35 percent. Floor area for this calculation relies on data from the Los Angeles County Assessor.

Within a 500-foot radius, there are 31 parcels within the City of Pasadena jurisdiction. Four of these are vacant. Of the remaining 27 developed parcels, the median floor area is 2,827 square feet. Thirty-five percent above the median is 3,816 square feet. The proposal includes a dwelling with 4,660 square feet of floor area (excluding the garage) and exceeds the Neighborhood Compatibility threshold by 844 square feet.

However, pursuant to Section 17.29.080 (Neighborhood Compatibility findings to grant additional floor area) 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. On a case-by-case basis, staff and the decision making bodies may use the following guidelines for exceeding Neighborhood Compatibility floor area. Specifically, the maximum allowable house size as calculated by the Neighborhood Compatibility guideline may be approved to be exceeded if the addition complies with all of the following criteria:

- 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.

As noted above, staff is not required to recommend approval of the excess floor area if the criteria are met, but may do so on a case-by-case basis. In this case, the project complies with the criteria listed above.

Staff analyzed the floor area ratio (FAR) of the project and properties within the standard 500-foot radius. Using the Assessor's data, the FAR of the project is 9.3 percent, which is below the average FAR of the properties within the standard neighborhood (12.3 percent). It is to be noted, that the project is in compliance with the View Protection provision (17.29.060.E) and Ridgeline Protection provision (17.29.050.C) of the Hillside District Ordinance, since this site is not located within and will not disturb any prominent ridgelines. The proposed project has been designed to avoid blocking culturally significant structures, downslope views of the valley floor, prominent ridgelines, and/or the horizon line from neighboring properties.

As such, staff is of the opinion that the maximum allowable house size as calculated by the Neighborhood Compatibility guidelines may be approved to be exceeded in this particular case. Based on the analyses, staff finds that the project is in scale with the context and character of the development in the neighborhood and in is in conformance with the development standards for projects in the Hillside Overlay District; as a result, the project complies with the Neighborhood Compatibility requirement.

Architecture and Setting

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

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

The proposed property's scale and massing is within the scale and setting of the surrounding neighborhood. From the street, the project will appear to be only a single-story residence, with the lower-floor addition terracing down the slope of the rear yard, unable to be seen from the public street.

The existing residence is one level with four bedrooms and three bathrooms. The proposed project would alter the configuration of the existing floor's interior by an additional 1,401 square feet, converting the existing garage into livable area to create an additional bedroom at the south, a master bedroom expansion at the north, and converting the existing carport into a new garage. The project would add a new 807 square-foot lower floor at the north side of the property beneath the master bedroom and second-story deck expansion. The lower level would feature a game room, lounge, changing room, laundry room, bathroom, and pool equipment. The lower level

addition would be both accessible internally from the main level and externally from the second story deck.

The existing second-story deck would be expanded and include a new patio cover, infinity pool, and spa (accessible from each bedroom and living area at the east elevation) at the eastern side of the dwelling. The additions are extensions of the existing living area, deck area, and filling in the space below the deck with additional floor area. The lower level addition terraces down the slope of the property and captures space that would otherwise be an empty volume under the proposed pool deck. Both the upper floor and lower floor additions are placed to the rear of the property and are set in such an area and designed in a manner that visibility from off the property would be limited and that any protected view corridors are maintained for adjacent properties.

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

View Protection, Story Poles, Notice of Application Requirements

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

In this case, the applicant has proposed the addition in an area that would not reasonably affect views protected by the Zoning Code. The abutting properties to the north and south are single-family residences located at 1840 Linda Vista Avenue and 1812 Linda Vista Avenue. 1812 Linda Vista Avenue is the property adjacent to the south with a two-story single-family residence generally in a string-line with the project site's existing single-story dwelling. Therefore, views from within the interior of the adjacent two-story structure at 1812 Linda Vista Avenue are limited to portions of the neighboring project site's existing roof's ridgeline and the sky above. Since the proposed project will continue to maintain the general height of the existing residence, these existing view conditions would not be impacted. Moreover, the majority of addition is predominantly sited at the northern side of the property, directly south of the adjacent property at 1840 Linda Vista Avenue, which would not impact any protected views from the adjacent property's single-family residence. Therefore, none would be centered directly in any protected view.

The addition of the lower story will be located directly under the main story's footprint, within the space below the second-story deck and will therefore not impact any potential views from the

north, south or east. The property to the east of the project site is zoned open space and includes the Arroyo Seco and Brookside Golf Course. The proposed improvements are more than 250 feet away from the rear property line.

In December 2020, a temporary silhouette (story poles) was installed on the subject property. Staff followed with a visual inspection, photographing the project site in relation to abutting properties. A notice of application providing a minimum 14 day notification period was also mailed in accordance with the requirements of the Zoning Code. Based on the site visit, it is the staff's position that the proposed improvements would not reasonably impact any protected views from adjacent properties. Although portions of the silhouette are visible from various vantage points, there is no protected view obstruction. In addition, portions that are visible, are not reasonably centered directly in the view of the abutting properties, consistent with the intent of the Zoning Code. Therefore, staff has determined the project minimizes view impacts and is consistent with the view protection standards of the Zoning Code.

Ridgeline Protection

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

Arroyo Seco Slope Bank

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

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

Preliminary Geotechnical Report

Irvine Geotechnical, Inc. conducted a geotechnical investigation of the site and prepared a report. The report includes a description of site conditions, results of field exploration, and laboratory testing. The geotechnical investigation is required for projects subject to a Hillside Development Permit. The purpose of the report is to evaluate the subsurface conditions that may affect site stability or structural integrity. Irvine Geotechnical, Inc. explored the subsurface conditions around the location of the proposed addition by excavating seven test pits to a depth of seven feet below the surface. Based on the investigation, Irvine Geotechnical, Inc. concluded that the grading and proposed structure will be safe against hazard from landslide, settlement, or slippage and the proposed construction will have no adverse effect on the geologic stability of the adjacent properties provided recommendations are followed.

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

Table A: RS-4 and Hillside Overlay Development Standards

Development Feature	Required	Proposed	Analysis
RS-4 – Single Family Residential and Hillside Overlay Development Standards			
Setbacks			
Front (West): Garage Residence	25 feet	52'-2" 59'-9"	Complies
Interior Side (North & South)	10 feet or (10% of lot width, minimum of 5 feet – maximum of 10 feet)	6'-10" (North - Existing) 10'-9" (South)	Nonconforming Complies
Rear (East)	25 feet	253'-2"	Complies
Maximum Site Coverage	17,616 square feet or 35 percent	7,434 square feet or 15 percent	Complies
Floor Area Ratio	10,714 square feet	5,414 square feet	Complies
Minimum Parking	2 covered spaces	2 car garage	Complies
Maximum Allowable Height- Primary Structure	28 feet at any point from existing grade; and 35 feet from lowest point where the building touches finished grade to highest point of the building	32'-3"	Complies
Guest Parking	2 on-site guest spaces	2 guest spaces	Complies
Neighborhood Compatibility within a 500-foot radius	Median – 2,827 square feet Median + 35 percent – 3,816 square feet Average-12.3 percent	4,660 square feet 9.3 percent	Complies

The proposed addition to the existing residence would not be injurious to adjacent properties or uses, or would the development be detrimental to environmental quality, quality of life, or health, safety, and welfare of the public. Furthermore, the proposed addition is consistent with the objectives and policies of the Hillside Overlay District and the Design Principles of the General Plan. These design standards are specific to development of residential properties located within the Hillside Overlay District, which include architectural features, exterior wall features, privacy, support structures, and colors and materials. The proposed project has incorporated the building design standards with the use of earth tone colors, location of structures to reduce impacts to protected views, and variation of architectural elements that are consistent with surrounding uses, and most importantly the protection of the existing trees.

APPEAL:

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

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

A response to each of the appellant's concerns is provided in the section below.

Responses to the Appeal:

1. *Out of scale development.*

In the appeal application, the appellant states that the project would result in a home completely out of scale with the developments in the vicinity and that its size and design directly impacts views from the surrounding properties, counter to the objectives of the Hillside District, the General Plan, and the requirements of this permit. The applicant states that the following inconsistencies occurred in the staff report:

- a) No lot that is 51,000 square feet or less has a building more than 3,270 square feet;

This statement made by the appellant does not relate to how staff analyzes neighborhood character as a part of the required neighborhood compatibility analysis. As stated in the staff report, projects subject to a Hillside Development Permit are to consider the character and scale of existing development in the neighborhood of the lots located within a 500-foot radius of the site. The Zoning Code specifies that the allowable floor area of a proposed dwelling (excluding garages, accessory structures, basements, etc.) may not exceed the median floor area of existing dwellings within the 500-foot radius by more than 35 percent. The analysis of the median home size allows for a broad range of lot sizes and home sizes. Furthermore, pursuant to Section 17.29.080 (Neighborhood Compatibility findings to grant additional floor area) 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. Staff was able to make the findings that the proposed project is in compliance with the neighborhood compatibility analysis.

- b) Excluding vacant lots (leaving 28 lots), the average building size is 2,765.5 square feet.

The Zoning Code specifies that the allowable floor area of a proposed dwelling (excluding garages, accessory structures, basements, etc.) may not exceed the median floor area of existing dwellings within the 500-foot radius by more than 35 percent, unless additional floor area is approved per Section 17.29.080. According to staff's analysis, the most recent Los Angeles County Assessor's data determined that within a 500-foot radius, there are 31 parcels within the City of Pasadena jurisdiction. Four of these are vacant. Of the remaining 27

developed parcels, the median floor area is 2,827 square feet. Therefore, the appellant's statement does not relate to neighborhood compatibility since staff analyzes the median building size; average building size is not a part of the analysis.

- c) The Median building size is 2,827 square feet, which is over 1,800 square feet smaller than the proposed residence.

The staff report analyzes how staff was able to make the findings to recommend approval of the additional floor area above the maximum allowable house size as calculated by the Neighborhood Compatibility guidelines. Based on the analysis, it may be approved to be exceeded in this particular case. Based on the analyses, staff finds that the project is in scale with the context and character of the development in the neighborhood and in is in conformance with the development standards for projects in the Hillside Overlay District; as a result, the project complies with the Neighborhood Compatibility requirement.

The appellant claims that the vast majority of the lot is unbuildable and that the FAR is an inappropriate measure to determine the neighborhood compatibility. The Zoning Code requires that all sloped areas over 50 percent be removed from the maximum FAR calculation. This calculation was addressed in the Maximum FAR section of the staff report. After utilizing the slope reduction formulas, the project complies with the maximum FAR allowances for the property.

In the appeal application, the appellant states that the Hearing Officer erred in determining that the project is consistent with the General Plan. However, no substantial evidence was provided in support of this claim. In the 'General Plan Consistency' section below, and in staff's recommendation report and presentation to the Hearing Officer, an analysis of the project's consistency with Land Use Element goals and policies was provided and it was determined that the project is consistent with the City's General Plan.

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

General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed two-story addition to the existing single-story residence complies with all the development standards set forth in the City's Zoning Code. The proposed living area of 4,660 square feet contributes to a floor area ratio for the property that is compatible with the average floor area ratio of properties containing single-family residences within the immediate neighborhood. The residence proposes a blend of modern and ranch architectural styles utilizing earth tone colors and materials, an architectural style and color scheme that is compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the proposed two-story addition is consistent with the

scale and setting of the surrounding residences. Vehicle access to the site will continue to occur from Linda Vista Avenue via the existing driveway approach.

General Plan Land Use Policy 6.4 – (View Sheds) requires residences to recognize and protect significant views of the San Gabriel Mountains, the Arroyo Seco, open spaces along with views of significant structures such as the City Hall cupola, Central Library, and the Civic Auditorium.” The proposed project is designed to minimize massing by adding additional square footage both at the existing main level of the single-story residence and a lower story below the main level’s addition. The design of the addition will keep the appearance of residence as one story at the street level and limit potential impacts to views of these significant structures from surrounding properties.

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

In the appeal application, the appellant claims that the purposes and provisions of the Hillside Ordinance were incorrectly interpreted and applied in relation to the proposed project’s scale, character, compatible architecture and preservation of privacy and impact on their subject property. However, the appellant’s claim is unsubstantiated, as there are no facts nor evidence in the record to support the claim. In addition, as discussed in the staff recommendation report and presentation to the Hearing Officer, and in the analysis section below, the purposes and provisions of the Hillside Ordinance were carefully analyzed and were applied in a comprehensive manner.

In addition, in response to concerns brought up by the general public prior to the Hearing Officer Public Hearing, in staff’s presentation to the Hearing Officer, staff discussed the purpose and application of the Hillside Overlay and which projects require discretionary review under a Hillside Development Permit.

As a result, the purposes and intent of the City’s Hillside Overlay were correctly applied.

In the Hearing Officer’s Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

“The appellant’s home is immediately adjacent to, and directly southerly of, the subject property. The existing home owned by the appellant (1812 Linda Vista Boulevard) is 5,055 square feet. The proposed home, after expansion, on the subject property at 1820 Linda Vista Avenue, will be 4,660 square feet. There is no merit to the argument that a smaller home being proposed on an immediately adjacent lot is “out of scale.”

2. Failure to consider view rights.

In the appeal application, the appellant states that the City gave insufficient consideration to the impacts on views and privacy of the Appellant’s property and other surrounding properties, in violation of the Municipal Code and the policies and directives of the General Plan. The appellant states that he himself will have direct, scenic views from his living room and other portions of his property compromised.

As stated in the staff report, the Zoning Code requires applicants to design and locate improvements so that they avoid blocking views from neighboring properties to the maximum extent feasible. Specifically, new improvements shall not be centered directly in the view of

any room of a primary structure on a neighboring parcel. The standard specifies that improvements are to *avoid blocking culturally significant structures* such as the Rose Bowl, Colorado Street Bridge, City Hall, downslope views of the valley floor, prominent ridgelines, and/or the horizon line. *Views of the open sky, existing foliage, private yards, and existing structures on surrounding properties* shall not be taken into consideration by the review authority.

The proposed project primarily consists of an addition extending out from the rear of the existing single-story residence at the same elevation as the existing residence. The surrounding properties are at approximately the same elevation as the subject property as there is little topography change in the nearby vicinity. The proposed location of the addition would not block views from neighboring properties that the City would otherwise protect.

The abutting properties to the north and south are single-family residences located at 1840 Linda Vista Avenue and the appellant's property at 1812 Linda Vista Avenue. 1812 Linda Vista Avenue is the property adjacent to the south with a two-story single-family residence generally in a string-line with the project site's existing single-story dwelling. Therefore, views from within the interior of the adjacent two-story structure at 1812 Linda Vista Avenue are limited to portions of the neighboring project site's existing roof's ridgeline and the sky above. The proposed addition's height is not proposed to exceed the existing top of ridge height. Therefore, the proposed project will continue to maintain the general height of the existing residence, these existing view conditions, such as any protected views from the appellant's residence of prominent ridgelines of the San Gabriel Mountains (northeast) would not be impacted. The Rose Bowl, Colorado Street Bridge, and City Hall are located south of the property located at 1812 Linda Vista. Therefore, any potential views of these protected structures would not be impacted by the project site's proposed addition to the north. Furthermore, the appellant's view of the valley floor (east) would also not be affected by the proposed project. Moreover, the majority of addition is predominantly sited at the northern side of the property, directly south of the adjacent property at 1840 Linda Vista Avenue, which would not impact any protected views from the adjacent property's single-family residence. Therefore, no portion of the project would be centered directly in any protected view. Any views across the subject site would reasonably be limited to existing foliage, the private yard, the existing structure, and the open sky. The City does not protect these views. As mentioned before, views of the open sky, existing foliage, private yards, and existing structures on surrounding properties shall not be taken into consideration by the review authority.

The project was feasibly designed to be the least impactful to the surrounding residences. As proposed, the addition of the lower story will be located directly under the main story's footprint, within the space below the second-story deck and will therefore not impact any potential views from the north, south or east. The property to the east of the project site is zoned open space and includes the Arroyo Seco and Brookside Golf Course. The proposed improvements are more than 250 feet away from the rear property line.

The Zoning Code protects against impacting protected views from the surrounding properties. The appellant states that the Hearing Officer and staff report fail to consider the "feasibility of modifying the massing of the proposed structure such that views from the surrounding properties (such as the Appellant's) would not be impacted". The appellant states that the "*proposed addition will have direct views into the appellant's living room, backyard, and the pagoda, which also serves to reduce privacy and thus quality of life*". The Zoning Code only protects views that meet certain criteria. Only protected views from neighboring parcels shall be considered, if the proposed structure or addition is centered directly in front of said

protected view. Thus, views from the exterior portion of a neighboring structure, such as a yard, pagoda, deck, etc. shall not be considered. Therefore, the proposed addition would not impede protected views from any of the adjacent properties nor be centered directly in the view of any room of a primary structure on a neighboring parcel.

In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"The staff report provided a comprehensive analysis of the potential viewshed impacts, including: compliance with encroachment plane provision in the code (Page 5, first paragraph); compliance with the View Protection provision of the Hillside District Ordinance (Page 6, third full paragraph); compliance with the Ridgeline Protection provision of the Hillside District Ordinance (Page 6, third full paragraph); a discussion of the scale and massing of the additions to the existing home; (Page 7, second full paragraph); a thorough discussion of viewshed impacts upon neighboring properties, including the appellant's property (Page 8, first two full paragraphs)."

3. Unusual Circumstances.

In the appeal application, the appellant states that the project has unusual circumstances that would require the preparation of an EIR including the following:

- 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, it itself, directly within a liquefaction zone, according to the California Earthquake Hazards Map maintained by the California State Department of Conservation.
- c) The project seeks to nearly double the footprint of the existing structures ~ this is a 90% expansion to the home itself, from a property that has been in place since 1948. This effect on the hillside, which likely has had substantial soil movement in the past 72 years is something that must be reviewed
- 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.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. The proposed 1,401 square-foot addition to the second-story

and an 807 square-foot addition to the first story of an existing single-story dwelling with attached two-car garage does not exceed the threshold. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project location is not environmentally sensitive. Therefore, the proposal is exempt from environmental review.

The project involves a 1,401 square-foot addition to the second-story and an 807 square-foot addition to the first story of an existing single-story dwelling, and involves a negligible expansion of the existing single-family residential use. The project does not include features that would preclude the project from qualifying for a categorical exemption under CEQA. As stated by staff during the Hearing Officer meeting, the full scope of the work done at the subject property was considered and was determined to meet the standards and exceptions to the Class 1 Categorical Exemption. In addition, it was determined that the modification to the existing residence would meet the standards and exceptions to the Class 1 Categorical Exemption.

The applicant provided a preliminary geotechnical report conducted by Irvine Geotechnical. The report includes a description of site conditions, results of field exploration, and laboratory testing. The purpose of the report is to evaluate the subsurface conditions that may affect site stability or structural integrity. Irvine Geotechnical, Inc. explored the subsurface conditions around the location of the proposed addition by excavating seven test pits to a depth of seven feet below the surface. Based on the investigation, Irvine Geotechnical, Inc. concluded that the grading and proposed structure will be safe against hazard from landslide, settlement, or slippage and the proposed construction will have no adverse effect on the geologic stability of the adjacent properties provided recommendations are followed. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Public Works Department, Building and Safety Division, and Pasadena Fire Department.

In the Hearing Officer's Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

"Two of the "unusual circumstances" cited by the applicant—one, the steepness of the lot; and two, that the subject property is adjacent to Open Space in a large liquefaction zone, which includes a historic watershed—apply to many of the properties on the East side of Linda Vista Avenue, including both the subject property (1820 Linda Vista Avenue) and the appellant's property (1812 Linda Vista Avenue).

The appeal identifies a liquefaction zone to the north of the subject property as an "unusual circumstance." This liquefaction zone is adjacent to the subject property, as well as several other properties to the north of the subject property, as shown in the photograph provided (Page 9 of the appeal). The appeal provides no evidence to document how the existence of the liquefaction zone is, in any way, unique or unusual.

The appeal suggests that the house currently on the property has existed since 1948 in its present form is an "unusual circumstance," but provides no documentation to support the claim.

The appellant identifies eight (8) "unusual circumstances" (subsections "a" through "h" on Pages 6-7 of the Appeal) which exist, to varying degrees, for many of the existing

properties/homes on the east side of Linda Vista Avenue. None of the unusual circumstances is unusual, unique, or specific to the subject property at 1820 Linda Vista Avenue. Most, if not all of these “unusual circumstances” apply, as well, to the appellant’s existing home at 1812 Linda Vista Avenue.”

4. *Cumulative impacts on the hillside.*

In the appeal application, the appellant states that the cumulative impacts of the hillside properties built out adjacent to the Arroyo Seco Boundary and the liquefaction zone require the preparation of an EIR. Residential additions are common within the Hillside Overlay District and staff finds no evidence of unusual circumstances for this particular property. The provided preliminary geotechnical report did not find any significant concerns regarding this project and includes recommendations for continued slope stability. As listed in the Conditions of Approval (Attachment B) the Building and Safety Division, Fire Department, and Public Works Department provided conditions of approval and will require a compliance through the building permit plan check review.

In the Hearing Officer’s Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

“The appeal claims that “developing properties on the east side of Linda Vista Avenue” will create “soil displacement” and “put stress on the hillside and the surrounding liquefaction zones” as a cumulative impact. While the merits of the claim are questionable, it is indisputable that several homes have been safely built, and safely expanded, on the east side of Linda Vista Avenue, going back several decades. Further, the City enforces several municipal codes that ensure the safety of new development; as verified through the City’s grading permit, demolition permit, and building permit plan-check review process; and through a series of on-site inspections by city staff during site grading, demolition, and construction.”

5. *Threat to historic/natural resource.*

The applicant claims that the project may cause a substantial adverse change to a historic resource and thus requires preparation of an EIR. The staff of the Design & Historic Preservation Section of the Planning Division reviewed the information submitted with the application, including photographs of the building, and researching information about the building, its builder and its former occupants, staff has determined that the property was substantially altered with the addition of enclosed floor area, an open courtyard and a carport to the front of the house in 1965. Staff determined that 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 (Attachment F).

Therefore, the project qualifies for the specified CEQA categorical exemptions and does not meet the eligibility requirements for the exception clause as the project would not cause a substantial adverse change in the significance of a historic resource.

In the Hearing Officer’s Addendum (Attachment E), the Hearing Officer provides the following responses to this assertion:

“The decision letter for Hillside Development Permit #6838 includes forty-five (45) conditions of approval. There are several conditions which address the safety concerns raised by the appellant, including, but not limited to:

- Condition 4 (Page 15) requires compliance with the “applicable code requirements of all City Departments and the Pasadena Municipal Code.”*
- Condition 9 (Page 15) prevents the issuance of grading permit and/or a demolition permit “until the building permit for the project is ready to be issued.”*
- Condition 20 (Page 17) requires compliance with the “California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes.”*
- Condition 21 (Page 17) requires that “Grading/Drainage Plans shall be prepared by a registered engineer.”*
- Condition 23 (Page 17) imposes a setback requirement relative to existing slopes that are 3:1 or steeper.*

The appellant’s narrative also includes a request to exclude the two largest homes (one of which is immediately adjacent to the subject property), and to exclude vacant lots, from the Neighborhood Compatibility provisions in the Code (Page 4 of the Appeal). The city’s codes, policies, and procedures do not allow individuals to be selective about which lots are included in Neighborhood Compatibility calculations.

The request to invalidate the Categorical Exemption, and to require the preparation of an Environmental Impact Report (Appeal, Pages 6-7), is not supported by the facts in evidence found in the appeal.

Given the foregoing, the appellant has not provided a sufficient basis upon which to overturn my approval of Hillside Development Permit #6838, nor to reject my adoption of a Categorical Exemption and require an Environmental Impact Report. The appeal should, therefore, be denied.”

TREE PROTECTION AND LANDSCAPING:

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

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation

of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontages, architectural design and landscaped setbacks. The proposed project would be a two-story addition to the rear of an existing single-story single-family residence. The residence is setback far from the street and is contextually appropriate with the character of the neighborhood, particularly in regards to building form, massing, and architectural design. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained.

General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed two-story addition to the existing single-story residence complies with all the development standards set forth in the City's Zoning Code. The proposed living area of 4,660 square feet contributes to a floor area ratio for the property that is compatible with the average floor area ratio of properties containing single-family residences within the immediate neighborhood. The residence proposes a blend of modern and ranch architectural styles utilizing earth tone colors and materials, an architectural style and color scheme that is compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the proposed two-story addition is consistent with the scale and setting of the surrounding residences. Vehicle access to the site will continue to occur from Linda Vista Avenue via the existing driveway approach.

General Plan Land Use Policy 6.4 – (View Sheds) requires residences to recognize and protect significant views of the San Gabriel Mountains, the Arroyo Seco, open spaces along with views of significant structures such as the City Hall cupola, Central Library, and the Civic Auditorium.” The proposed project is designed to minimize massing by adding additional square footage both at the existing main level of the single-story residence and a lower story below the main level's addition. The design of the addition will keep the appearance of residence as one story at the street level and limit potential impacts to views of these significant structures from surrounding properties.

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

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. The proposed 1,401 square-foot addition to the second-story and an 807 square-foot addition to the first story of an existing single-story dwelling with attached two-car garage does not exceed the threshold. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project location is not environmentally sensitive. Therefore, the proposal is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The Fire, Public Works, Transportation Departments, Building and Safety Division, and Design and Historic Preservation Section reviewed the proposal. The Department of Transportation, and Design and Historic Preservation Section had no comments. The Building and Safety Division, Fire Department, and Public Works Department provided comments that are included as recommended conditions of approval in Attachment B. There were no other comments from the other departments.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the 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, resulting in a 4,660 square-foot residence with an attached 754 square-foot garage can be made (Attachment A). The proposed project meets all applicable development standards required by the Zoning Code for the RS-4-HD zoning district and the additional development standards required within the Hillside Overlay District including the Neighborhood Compatibility guidelines of the Hillside Ordinance. The architecture incorporates features present in the neighborhood and the location of the improvements are set a significant distance from the right-of-way and abutting properties. Moreover, the proposed size, design, materials, and color palette are consistent with the applicable design criteria (architectural features) for the Hillside Development Overlay and properties within the neighborhood. Existing views and privacy would be maintained after the project. It is anticipated that the proposed location would not be detrimental or injurious to surrounding properties or improvements. Therefore, based on staff's analysis, as conditioned, would be compatible with the adjacent land uses and would not result in any adverse impacts to the surrounding area with the recommended conditions of approval.


Staff finds that the findings necessary for approving Hillside Development Permit #6838 can be made. Therefore, staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's January 6, 2021 decision, and approve Hillside Development Permit #6838 subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Respectfully Submitted,

Prepared By:



Luis Rocha
Zoning Administrator



Katherine Moran
Associate Planner

Attachments:

- Attachment A – Hillside Development Permit Findings
- Attachment B – Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (dated January 11, 2021)
- Attachment D – Appeal Application (dated January 19, 2021)
- Attachment E – Hearing Officer Addendum (dated March 20, 2021)
- Attachment F – Design and Historic Preservation Historical Designation Review (dated July 21, 2020)

ATTACHMENT A
SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6838

Hillside Development Permit: To allow the construction of detached accessory structures.

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* A single-family residential use is a permitted use within the RS-4-HD (Residential Single-Family, Hillside Overlay District) Zoning District. The proposed two-story addition to an existing single-story dwelling will be in compliance with all applicable development standards, including maximum allowable floor area, lot coverage, setbacks, building height, and off-street parking requirements of the RS-4-HD Zoning District.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject property is zoned RS-4-HD, which is designated primarily for single-family residential purposes. The subject site and the surrounding properties within the neighborhood are developed with single-family residences. The proposed project will be consistent with existing development within the vicinity. As analyzed, the project will meet all applicable development standards for the RS-4-HD zoning district and Hillside Overlay such as setbacks, lot coverage and floor area, height and neighborhood compatibility.
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.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontages, architectural design and landscaped setbacks. The proposed project would be a two-story addition to the rear of an existing single-story single-family residence. The residence is setback far from the street and is contextually appropriate with the character of the neighborhood, particularly in regards to building form, massing, and architectural design. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained.

General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed two-story addition to the existing single-story residence complies with all the development standards set forth in the City's Zoning Code. The proposed living area of 4,660 square feet contributes to a floor area ratio for the property that is compatible with the average floor area ratio of properties containing single-family residences within the immediate neighborhood. The residence proposes a blend of modern and ranch architectural styles utilizing earth tone colors and materials, an architectural style and color scheme that is compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the proposed two-story addition is consistent with the scale and setting of the surrounding residences. Vehicle access to the site will continue to occur from Linda Vista Avenue via the existing driveway approach.

General Plan Land Use Policy 6.4 – (View Sheds) requires residences to recognize and protect significant views of the San Gabriel Mountains, the Arroyo Seco, open spaces along

with views of significant structures such as the City Hall cupola, Central Library, and the Civic Auditorium.” The proposed project is designed to minimize massing by adding additional square footage both at the existing main level of the single-story residence and a lower story below the main level’s addition. The design of the addition will keep the appearance of residence as one story at the street level and limit potential impacts to views of these significant structures from surrounding properties.

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

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.* The proposed addition will be constructed in such a manner as to minimize impacts to surrounding property owners. The proposed project meets all adopted Code requirements and will be subject to all current Code provisions. As proposed, the height of the proposed two-story addition will be below the maximum allowable height, and the floor area and lot coverage will be within the maximum floor area and lot coverage permitted for the site. Therefore no variances are needed. Furthermore, the project is required to all applicable conditions of approval. Therefore, the proposed project will not be detrimental to the public health, safety, or welfare of persons or properties within the surrounding neighborhood.
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed two-story addition to the existing single-family residence will be constructed in compliance with the current Building Code and Zoning standards. Furthermore, the City’s plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Public Works Department, Building and Safety Division, and Pasadena Fire Department. In addition, a Tree Protection Plan has been submitted to ensure that the project will comply with the City’s Tree Ordinance. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed addition.
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.* The use of the site will remain as a single-family residential use. The project complies with all the development standards of the Zoning Code. The project is not located on the top of any prominent ridgelines and will not block protected views from neighboring properties. The proposed project will meet the guidelines related to exceeding the Neighborhood Compatibility requirements. The project has been designed with the use of natural materials, which are design elements that can be found in the neighborhood. Additionally, the proposed single-family residence’s scale and massing is within the scale and setting of the surrounding residences. Thus, the project would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
7. *The design, location, and size of the 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 of this ordinance and in terms of aesthetics, character, scale, and view protection.* The Neighborhood Compatibility guidelines are established to ensure that a project is compatible with the character and scale of existing

development in the vicinity. The size of the proposed project (not including the proposed garage) is 4,660 square feet, which exceeds the maximum allowable Neighborhood Compatibility floor area of 3,816 square feet by 844 square feet. However, the additions are designed to not impact views, be in compliance with the ridgeline protection standard, and have a floor area ratio consistent with the properties within a 500 foot radius. The project has been designed with the use of natural materials, which are materials compatible with the surrounding environment. Additionally, the proposed scale and massing is keeping with the scale and setting of the surrounding residences. Furthermore, as designed, the placement of the proposed additions would not impede the protected view of an adjoining property. Thus, the project is in scale with the context and character of existing and future development in the neighborhood in terms of aesthetics, character, scale, and view protection.

8. *The placement of the proposed additions avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.* The proposed two-story addition to the existing single-story dwelling will be located towards the interior of the lot away from the public rights-of-way and the most steeply sloping portions of the site. As a result, the project requires minimal changes to grading, drainage, and landscaping. All protected trees will be retained further limiting impacts to the existing hillside topography. Any grading that will occur will comply with the City's Grading and Building Codes. The project shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements of the Building Division and is required to submit a Tree Protection Plan as part of the building permit plan review process.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6838

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, January 6, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. This approval allows for a 2,208 square-foot, two-story addition of an existing single-story dwelling resulting in a 4,660 square-foot, two-story residence with an attached 754 square-foot garage.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments and the Pasadena Municipal Code.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2020-10016** is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Katherine Moran, Current Planning Section, at (626) 744-6740 or kmoran@cityofpasadena.net to schedule an inspection appointment time.

Planning Division

7. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts) and 17.29 (Hillside Overlay District) that relate to residential development in the Hillside Development Overlay District.
8. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
9. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
10. The applicant or successor in interest shall use darker tones, including earth tones, for the exterior walls and roofs on the house that blend with the natural terrain. Color and material samples shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.

11. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
12. As part of its analysis, the tree protection and retention plan shall take into account the trees on adjoining properties along the north property line, adjacent to the proposed project that might be impacted by the proposed construction. The plan shall provide mitigation measures, if necessary, and analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.
13. A certified arborist and the civil engineer of record shall monitor all related construction activities including, but not limited to: demolition, digging, grading, excavating, or trenching, and as recommended in the supplemental reports. The monitoring of construction activities shall ensure the project implements all of recommendations and conditions provided in the arborist and geotechnical reports in order to protect the existing trees during construction.
14. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.
15. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
16. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
17. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
18. All construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the

Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.

19. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Building and Safety Division

20. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review. The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
21. Grading: Grading/Drainage Plans shall be prepared by a registered engineer. Refer to Chapter 14.05 of the City's Municipal Codes for more information.
22. Stormwater Management: Single family hillside homes shall comply with the special provisions per the State Water Board. Refer to item #12 of the attached Form PC.
23. Slope Setback: For 3:1 or steeper slopes contiguous to a site, the construction must be designed to comply with the slope setback requirements per the CA Residential Code.
24. Fire Zone: The project is located in a Very High Fire Hazard Severity Zone, so the new construction must conform to the requirements per Section R337 of the CA Residential Code.
25. Permit(s): Separate permits are fire sprinkler, mechanical, electrical, and plumbing, grading, pool & spa, solar (photovoltaic) system, and any site retaining walls, block walls, or fences & gates.

Fire Department

26. Fire Flow Test: Provide a Fire Flow Analysis (contact Pasadena Water Department 626-744-4495). The minimum fire flow shall be 1,500gpm @ 20psi per CFC 2019 Table B105.1(2) requirements.
27. Automatic Fire Sprinkler: A complete automatic fire sprinkler system designed and installed in compliance with NFPA 13D is required throughout all buildings per PMC requirements. Plans shall be submitted to the Permit Center for Fire Department's review within 30 working days of the issuance of the Building Permit.
28. Smoke Alarms: Provide an approved hardwired smoke alarm(s), with battery backup, in each sleeping room or area(s) serving a sleeping area and at the top of stairways at each floor level. All smoke alarms are to be photoelectric or a smoke alarm that is listed a photoelectric/ionization. All smoke alarms (new & existing) locations are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal (CSFM) Listed. All smoke alarms (new & existing) are to be manufactured by the same company and compatible with each other. Smoke alarms shall not be installed within 3-feet of air registers or bathroom openings. [CBC 907]

29. Roof and Sidings: All roofing materials shall be 1-hour fire-resistive or non-combustible.
30. Spark Arrestors: Provide an approved spark arrestor on all chimney(s).
31. Eaves and Projections: All eaves and other projections are required to be boxed with one-hour fire resistive or noncombustible material.
32. Wall Finishes: The exterior side of the wall finish is required to be of a one-hour fire resistive or noncombustible material.
33. Fascias: Fascias are required to be one-hour fire resistive material or 2" nominal dimension lumber.
34. Projections: Appendages and projections, i.e. decks, etc., are required to be a minimum of one-hour fire resistive construction, heavy timber or noncombustible material.
35. Exterior Glazing: All exterior windows, skylights etc. are required to be tempered glass and multilayered, dual or triple, glazing.
36. Exterior Doors: All exterior doors are required to be 1 3/8" solid core.
37. Attics and Elevated Foundations: Attic and foundation ventilation in vertical exterior walls and vent through roofs shall comply with CBC, 7A; CSFM Standard 12-7A. The vents shall be covered with noncombustible corrosion resistant mesh openings a minimum of 1/8-inch not to exceed 1/4-inch openings. Attic ventilation openings shall NOT be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as possible. Alternate Method of Protection is acceptable provided it complies with CSFM – SFM 12-7A-1, 7A-3 Listed Opening Protection.
38. Fuel Modification Plans: Provide a landscape plan that clearly indicates:
 - a. All planting adjacent to the structure(s) and on all slopes is to be a low fuel volume species. This includes trees, shrubs and ground cover.
 - b. A complete irrigation system for the maintenance of these plants. This plan shall be approved by the Fire & Environmental Control Departments prior to or concurrent with the approval of the plans for a building permit.
 - c. Specify on a landscape plan the extent of clearing existing brush for the new construction and/or future landscaping. This plan shall be approved by the Fire & Environmental Control Departments prior to or concurrent with the approval of the plans for the building permit.

Public Works Department

39. A backwater trap and valve shall be installed in the proposed basement per Section 13.24.300 of Pasadena Municipal Code, if applicable: In every case where a plumbing outlet or

plumbing fixture is installed or located below the elevation of the curb or property line, an approved type of backwater trap or an approved type of backwater sewer valve shall be installed between the outlet and the public sewer in such a manner as to prevent sewage from flowing back or backing up into any such outlet or plumbing fixture. Every such trap or valve shall be installed in the basement, or in a box or manhole of concrete, or cast iron, or other material approved by the superintendent so that it will be readily accessible at all times. The trap or valve shall be placed only in the drain line serving the fixtures that are located below the elevation of the above-mentioned curb or property line and no drainage from fixtures located above this elevation shall pass through such trap or valve.

40. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
41. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
42. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

43. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.
44. In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>.

45. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

a) Sewer Facility Charge - Chapter 4.53 of the PMC

The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.

b) Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://www.cityofpasadena.net/public-works/recycling-resources/construction-demolition-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.

b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

If you have questions regarding the above conditions and requirements of the ordinances, please contact me at (626) 744-3762 or email YWu-Bowman@cityofpasadena.net.

ATTACHMENT C
HEARING OFFICER DECISION LETTER
Dated January 11, 2021



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

January 11, 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 **Hearing Officer** on **January 6, 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.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter. Based upon these findings, it was decided by the Hearing Officer that the **Hillside Development Permit** be **approved** with the conditions in Attachment B and in accordance with submitted plans stamped **January 6, 2021**.

In accordance with Section 17.64.040 (Time Limits and Extensions) of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years of the effective date of the approval. The Planning Director can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued to completion prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72 (Appeals), any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (January 19, 2021)**. The effective date of this case will be **January 20, 2021**. Prior to such effective date, a member of the City Council or Planning Commission may request that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$1,681.48. The Appeal fee for non-profit community-based organizations is \$840.74.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval) shall be incorporated into the plans submitted for building permits.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, (Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet when the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive. The proposed 2,208 square-foot, two-story addition of an existing single-story dwelling does not exceed the threshold. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project location is not environmentally sensitive. Therefore, the proposal is exempt from environmental review.

For more information regarding this case please contact **Katherine Moran** at **(626) 744-6740** or **kmoran@cityofpasadena.net**.

Please be advised that during this COVID-19 health emergency, all individuals performing work on the site are required to adhere to the City's policies related to social distancing (see attached guidelines).

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C (Site Plan)

xc: City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Fire Department, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6838

Hillside Development Permit

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* A single-family residential use is a permitted use within the RS-4-HD (Residential Single-Family, Hillside Overlay District) Zoning District. The proposed two-story addition to an existing single-story dwelling will be in compliance with all applicable development standards, including maximum allowable floor area, lot coverage, setbacks, building height, and off-street parking requirements of the RS-4-HD Zoning District.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject property is zoned RS-4-HD, which is designated primarily for single-family residential purposes. The subject site and the surrounding properties within the neighborhood are developed with single-family residences. The proposed project will be consistent with existing development within the vicinity. As analyzed, the project will meet all applicable development standards for the RS-4-HD zoning district and Hillside Overlay such as setbacks, lot coverage and floor area, height and neighborhood compatibility.
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.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontages, architectural design and landscaped setbacks. The proposed project would be a two-story addition to the rear of an existing single-story single-family residence. The residence is setback far from the street and is contextually appropriate with the character of the neighborhood, particularly in regards to building form, massing, and architectural design. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained.

General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed two-story addition to the existing single-story residence complies with all the development standards set forth in the City's Zoning Code. The proposed living area of 4,660 square feet contributes to a floor area ratio for the property that is compatible with the average floor area ratio of properties containing single-family residences within the immediate neighborhood. The residence proposes a blend of modern and ranch architectural styles utilizing earth tone colors and materials, an architectural style and color scheme that is compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the proposed two-story addition is consistent with the scale and setting of the surrounding residences. Vehicle access to the site will continue to occur from Linda Vista Avenue via the existing driveway approach. Therefore, staff finds that the project would be consistent with General Plan objectives and policies.

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.* The proposed addition will be constructed in such a manner as to minimize impacts to surrounding property owners. The proposed project meets all adopted Code requirements and will be subject to all current Code provisions. As proposed, the height of the proposed two-story addition will be below the maximum allowable height, and the floor area and lot coverage will be within the maximum floor area and lot coverage permitted for the site. Therefore no variances are needed. Furthermore, the project is required to all applicable conditions of approval. Therefore, the proposed project will not be detrimental to the public health, safety, or welfare of persons or properties within the surrounding neighborhood.
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed two-story addition to the existing single-family residence will be constructed in compliance with the current Building Code and Zoning standards. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Public Works Department, Building and Safety Division, and Pasadena Fire Department. In addition, a Tree Protection Plan has been submitted to ensure that the project will comply with the City's Tree Ordinance. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed addition.
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.* The use of the site will remain as a single-family residential use. The project complies with all the development standards of the Zoning Code. The project is not located on the top of any prominent ridgelines and will not block protected views from neighboring properties. The proposed project will meet the guidelines related to exceeding the Neighborhood Compatibility requirements. The project has been designed with the use of natural materials, which are design elements that can be found in the neighborhood. Additionally, the proposed single-family residence's scale and massing is within the scale and setting of the surrounding residences. Thus, the project would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
7. *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.* The Neighborhood Compatibility guidelines are established to ensure that a project is compatible with the character and scale of existing development in the vicinity. The size of the proposed project (not including the proposed garage) is 4,660 square feet, which exceeds the maximum allowable Neighborhood Compatibility floor area of 3,816 square feet by 844 square feet. However, the additions are designed to not impact views, be in compliance with the ridgeline protection standard, and have a floor area ratio consistent with the properties within a 500 foot radius. The project has been designed with the use of natural materials, which are materials compatible with the surrounding environment. Additionally, the proposed scale and massing is keeping with the scale and setting of the surrounding residences. Furthermore, as designed, the placement of the proposed additions would not impede the protected view of an adjoining property. Thus, the project is in scale with the

context and character of existing and future development in the neighborhood in terms of aesthetics, character, scale, and view protection.

8. *The placement of proposed structures avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.* The proposed two-story addition to the existing single-story dwelling will be located towards the interior of the lot away from the public rights-of-way and the most steeply sloping portions of the site. As a result, the project requires minimal changes to grading, drainage, and landscaping. All protected trees will be retained further limiting impacts to the existing hillside topography. Any grading that will occur will comply with the City's Grading and Building Codes. The project shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements of the Building Division and is required to submit a Tree Protection Plan as part of the building permit plan review process.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6838

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, January 6, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. This approval allows for a 2,208 square-foot, two-story addition of an existing single-story dwelling resulting in a 4,660 square-foot, two-story residence with an attached 754 square-foot garage.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments and the Pasadena Municipal Code.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2020-10016** is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Katherine Moran, Current Planning Section, at (626) 744-6740 or kmoran@cityofpasadena.net to schedule an inspection appointment time.

Planning Division

7. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts) and 17.29 (Hillside Overlay District) that relate to residential development in the Hillside Development Overlay District.
8. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
9. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
10. The applicant or successor in interest shall use darker tones, including earth tones, for the exterior walls and roofs on the house that blend with the natural terrain. Color and material samples shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.

11. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
12. As part of its analysis, the tree protection and retention plan shall take into account the trees on adjoining properties along the north property line, adjacent to the proposed project that might be impacted by the proposed construction. The plan shall provide mitigation measures, if necessary, and analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.
13. A certified arborist and the civil engineer of record shall monitor all related construction activities including, but not limited to: demolition, digging, grading, excavating, or trenching, and as recommended in the supplemental reports. The monitoring of construction activities shall ensure the project implements all of recommendations and conditions provided in the arborist and geotechnical reports in order to protect the existing trees during construction.
14. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.
15. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
16. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
17. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
18. All construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the

Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.

19. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

Building and Safety Division

20. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review. The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
21. Grading: Grading/Drainage Plans shall be prepared by a registered engineer. Refer to Chapter 14.05 of the City's Municipal Codes for more information.
22. Stormwater Management: Single family hillside homes shall comply with the special provisions per the State Water Board. Refer to item #12 of the attached Form PC.
23. Slope Setback: For 3:1 or steeper slopes contiguous to a site, the construction must be designed to comply with the slope setback requirements per the CA Residential Code.
24. Fire Zone: The project is located in a Very High Fire Hazard Severity Zone, so the new construction must conform to the requirements per Section R337 of the CA Residential Code.
25. Permit(s): Separate permits are fire sprinkler, mechanical, electrical, and plumbing, grading, pool & spa, solar (photovoltaic) system, and any site retaining walls, block walls, or fences & gates.

Fire Department

26. Fire Flow Test: Provide a Fire Flow Analysis (contact Pasadena Water Department 626-744-4495). The minimum fire flow shall be 1,500gpm @ 20psi per CFC 2019 Table B105.1(2) requirements.
27. Automatic Fire Sprinkler: A complete automatic fire sprinkler system designed and installed in compliance with NFPA 13D is required throughout all buildings per PMC requirements. Plans shall be submitted to the Permit Center for Fire Department's review within 30 working days of the issuance of the Building Permit.
28. Smoke Alarms: Provide an approved hardwired smoke alarm(s), with battery backup, in each sleeping room or area(s) serving a sleeping area and at the top of stairways at each floor level. All smoke alarms are to be photoelectric or a smoke alarm that is listed a photoelectric/ionization. All smoke alarms (new & existing) locations are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal (CSFM) Listed. All smoke alarms (new & existing) are to be manufactured by the same company and compatible with each other. Smoke alarms shall not be installed within 3-feet of air registers or bathroom openings. [CBC 907]

29. Roof and Sidings: All roofing materials shall be 1-hour fire-resistive or non-combustible.
30. Spark Arrestors: Provide an approved spark arrestor on all chimney(s).
31. Eaves and Projections: All eaves and other projections are required to be boxed with one-hour fire resistive or noncombustible material.
32. Wall Finishes: The exterior side of the wall finish is required to be of a one-hour fire resistive or noncombustible material.
33. Fascias: Fascias are required to be one-hour fire resistive material or 2" nominal dimension lumber.
34. Projections: Appendages and projections, i.e. decks, etc., are required to be a minimum of one-hour fire resistive construction, heavy timber or noncombustible material.
35. Exterior Glazing: All exterior windows, skylights etc. are required to be tempered glass and multilayered, dual or triple, glazing.
36. Exterior Doors: All exterior doors are required to be 1 3/8" solid core.
37. Attics and Elevated Foundations: Attic and foundation ventilation in vertical exterior walls and vent through roofs shall comply with CBC, 7A; CSFM Standard 12-7A. The vents shall be covered with noncombustible corrosion resistant mesh openings a minimum of 1/8-inch not to exceed 1/4-inch openings. Attic ventilation openings shall NOT be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as possible. Alternate Method of Protection is acceptable provided it complies with CSFM – SFM 12-7A-1, 7A-3 Listed Opening Protection.
38. Fuel Modification Plans: Provide a landscape plan that clearly indicates:
 - a. All planting adjacent to the structure(s) and on all slopes is to be a low fuel volume species. This includes trees, shrubs and ground cover.
 - b. A complete irrigation system for the maintenance of these plants. This plan shall be approved by the Fire & Environmental Control Departments prior to or concurrent with the approval of the plans for a building permit.
 - c. Specify on a landscape plan the extent of clearing existing brush for the new construction and/or future landscaping. This plan shall be approved by the Fire & Environmental Control Departments prior to or concurrent with the approval of the plans for the building permit.

Public Works Department

39. A backwater trap and valve shall be installed in the proposed basement per Section 13.24.300 of Pasadena Municipal Code, if applicable: In every case where a plumbing outlet or plumbing fixture is installed or located below the elevation of the curb or property line, an

approved type of backwater trap or an approved type of backwater sewer valve shall be installed between the outlet and the public sewer in such a manner as to prevent sewage from flowing back or backing up into any such outlet or plumbing fixture. Every such trap or valve shall be installed in the basement, or in a box or manhole of concrete, or cast iron, or other material approved by the superintendent so that it will be readily accessible at all times. The trap or valve shall be placed only in the drain line serving the fixtures that are located below the elevation of the above-mentioned curb or property line and no drainage from fixtures located above this elevation shall pass through such trap or valve.

40. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
41. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
42. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and

approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

43. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.
44. In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>.

45. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sewer Facility Charge - Chapter 4.53 of the PMC
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://www.cityofpasadena.net/public-works/recycling-resources/construction-demolition-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

If you have questions regarding the above conditions and requirements of the ordinances, please contact me at (626) 744-3762 or email YWu-Bowman@cityofpasadena.net.



COVID-19 SAFETY GUIDANCE FOR CONSTRUCTION SITES

APRIL 1, 2020

The following guidelines are based on Interim CDC's Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications.

Construction industry employers shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing; symptom checking; hygiene; decontamination procedures, and training. An exposure control plan and the following practices must be followed to prevent any onsite worker from contracting COVID-19, as many people with COVID-19 are asymptomatic and can potentially spread disease. Failure to comply with this guidance shall be deemed as creating unsafe conditions and may result in withheld inspections or shutting down the construction site until corrected.

City staff will verify compliance with these guidelines during regular scheduled inspections for projects under construction as well as during investigations associated with complaints that may be submitted to the Pasadena Citizens Service Center at 626-744-7311 or at <http://ww5.cityofpasadena.net/citizen-service-center/>.

1. Practice social distancing by maintaining a minimum 6-foot distance from others. No gatherings of 10+ people. Workers on break or lunch break should not gather in groups and should maintain 6-foot distance.
2. Preclude gatherings of any size, and any time two or more people must meet, ensure minimum 6-foot separation. Meetings should be conducted online or via conference call when possible.
3. Provide personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed. Do not share personal protective equipment.
4. The owner/contractor shall designate a site specific COVID-19 Supervisor to enforce this guidance. A designated COVID-19 Supervisor shall be present on the construction site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.
5. Identify "choke points" and "high-risk areas" where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so social distancing is maintained.
6. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
7. Stagger the trades as necessary to reduce density and maintain minimum 6-foot separation social distancing. Limit the number of people to the minimum possible. Restrict non-essential visitors.
8. Discourage workers from using other worker's phones, desks, offices, work tools and equipment. If necessary, clean and disinfect them before and after use, and hand shaking.
9. Post, in areas visible to all workers, required hygienic practices including not touching face with unwashed hands or gloves; washing hands often with soap and water for at least 20 seconds; use of hand sanitizer with at least 60% alcohol, cleaning AND disinfecting frequently touched objects and surfaces, such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the CDC.
10. Place wash stations or hand sanitizers in multiple locations to encourage hand hygiene, identify location of trash receptacles for proper disposal.
11. Require anyone on the project to stay home if they are sick, except to get medical care.
12. Have employees inform their supervisor if they have a sick family member at home with COVID-19.
13. Maintain a daily attendance log of all workers and visitors.

**ATTACHMENT D
APPEAL APPLICATION
Dated January 19, 2021**



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

RECEIVED

2021 JAN 19 PM 12:42

REQUEST FOR APPEAL

CITY CLERK
CITY OF PASADENA

APPLICATION INFORMATION

Project Address: 1820 Linda Vista Ave [APN: #5704001049]
Case Type (MCUP, TTM, etc.) and Number: Hillside Development Permit #6838 , ZENT2020-10016
Hearing Date: January 6, 2021 Appeal Deadline: January 19, 2021

APPELLANT INFORMATION

[NOTE: PLANNING STAFF AND/OR INTERESTED
PARTIES SHOULD CONTACT APPELLANT'S
COUNSEL AT INFORMATION PROVIDED BELOW]

APPELLANT: Jin Ser Park Telephone: [310] 806-9212
Address: 1812 Linda Vista Avenue Fax: [310] 943-2216
City: Pasadena State: CA Zip: 91103 Email: stephen@weaverlandlaw.com
APPLICANT (IF DIFFERENT): Matthew Feldhaus

I hereby appeal the decision of the:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Hearing Officer | <input type="checkbox"/> Zoning Administrator |
| <input type="checkbox"/> Design Commission | <input type="checkbox"/> Director of Planning and Development |
| <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> Film Liaison |

REASON FOR APPEAL

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

See attached "Justification for Appeal"

Stephen J. Weaver

Signature of Appellant

Stephen J. Weaver, Esq., attorney for Appellant
WEAVER LAND LAW // 12100 Wilshire Boulevard, 8th Fl // Los Angeles, CA 90025
Phone: 310.806.9212 // Fax: 310.943.2216

1/19/2021
Date

* OFFICE USE ONLY

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

JUSTIFICATION FOR APPEAL

(I) SUMMARY

This approved Project concerns a hillside parcel where the Project Applicant (“Applicant”) seeks to **nearly double the square footage of his house and to construct structures that serve to adversely affect his neighbors’ views and privacy, *despite widespread objections in the Community.*** Specifically, the Applicant sought a Hillside Development Permit 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. If built, the resulting structures will include a 4,660 square-foot residence with an attached 754 square-foot garage. The Plans submitted in support of the Project also showed accessory structures, such as an infinity pool and a spa.

After a hearing, the Hearing Officer granted a Hillside Development Permit (the “Permit”) for the aforementioned expansion, which is the subject of this appeal. Appellant owns the adjacent lot to the south of subject property.

The Hearing Officer erred in approving the Permit for several reasons:

1. Out of Scale Development. The Project would result in a home completely out of scale with developments in the vicinity, as evidenced by the City’s own Staff Report, and **its size and design does directly impact views from surrounding properties**. This runs counter to the objectives of the Hillside District, the General Plan, and the requirements of the Permit.
2. Failure to Consider View Rights. The City also gave insufficient consideration to the impacts on views and privacy of Appellant’s property and other surrounding properties, in violation of the Municipal Code and the policies and directives of City’s General Plan. Appellant himself will have direct, scenic views from his living room and other portions of his property compromised if the Permit is allowed to stand.
3. Unusual Circumstances. The Hearing Officer wrongly granted an environmental clearance because the Project falls within numerous exceptions to the CEQA Exemption it received, including usual circumstances. The Hearing Officer improperly determined that the Project was exempt from CEQA by failing to account for the location and scale of the Project, which is located on a steep hillside in a very high fire hazard zone, which also sits adjacent to Open Space in a large liquefaction¹ zone, which

¹ Liquefaction occurs “when loose, water-saturated sediments lose strength and fail during strong ground shaking. Liquefaction is defined as the transformation of granular material from a solid state into a liquefied state as a consequence of increased pore-water pressure.” (California Department of Conservation, <https://www.conservation.ca.gov/cgs/shma>, last accessed on January 14, 2020.) It happens in “soft, saturated sediments – when the ground shakes, the water that fills the pores increases in pressure, causing the soil to lose

includes a historic watershed (the Arroyo Seco), the subject property sits adjacent to a liquefaction zone properties to its north, and the house currently on the property has remained in its present form since 1948; collectively, these items constitute unusual circumstances; thus the finding of Exemption is inappropriate.

4. Cumulative Impacts. The Hearing Officer wrongly granted an environmental clearance because he failed to take into account the cumulative effect of developing properties on the east side of Linda Vista Avenue, which can contribute to soil displacement and put stress on the hillside and the surrounding liquefaction zones.
5. Threat to Historic/Natural Resource. The City should have required the preparation of an Environmental Impact Report (sometimes "EIR") with respect to the stability of the new structure and potential landslides that could result, given the large liquefaction zone that contains a watershed. The risks to the historic and natural resource of the Arroyo Seco cannot be understated. Appellant's plans include a 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.

Furthermore, Applicant *could have* simply sought an expansion of the existing single story of the property and avoided the impact on Appellant's views [and privacy intrusion]. The pool and the spa may that he desired to put on the property may have impacted his willingness to avoid obstruction of Appellant's rightful view corridor. He did not offer alternative designs to Appellant to avoid obstructing views, and the City did not enter into any meaningful analysis of view corridors from Appellant's or other surrounding properties. In addition to the environmental concerns articulated above, the City should also have considered the impacts of the necessary excavation and construction arising from the pool and other structures on the adjacent liquefaction zones to the east and north of the subject property.

Therefore Appellant requests that the Board of Zoning Appeals reverse of the approval of the Permit.

**(II) THE PERMIT VIOLATES THE MUNICIPAL CODE, THE GENERAL PLAN,
~~AND~~ IT DOES NOT COMPLY WITH CEQA**

- (1) THE PROJECT IS AN OUT OF SCALE DEVELOPMENT THAT VIOLATES THE SUBJECT ORDINANCE AND RUNS CONTRARY TO THE GENERAL PLAN**

Consistent with the objectives of the General Plan, the Pasadena Municipal Code requires neighborhood compatibility:

strength and behave as a liquid." (General Plan, Safety Element, p. 4.) Liquefaction zones are prone to the effect of landslides.

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.

(City of Pasadena Municipal Code [“PMC”] § 17.29.060-F.)

Consistent with the General Plan, 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 also incorporates findings required by conditional use permits:

1. The proposed use is allowed with a ... Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code;
2. The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;
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;
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;
5. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
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.

(PMC § 17.61.050-H.)

At 4,600 square feet, the proposed residence on its own (not counting 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. While the lot size appears substantial, the vast majority of the lot is *unbuildable* because of the steep slope. Thus the FAR is an inappropriate measure to determine the neighborhood consistency.

Even reviewing larger lots from Attachment C to the Staff Report (Neighborhood Compatibility): the following inconsistencies result:

- (a) No lot that is 51,000 square feet or less has a building that is more than 3,270 square feet;
- (b) Excluding vacant lots (leaving 28 lots), the average building size is 2,765.5 square feet.
- (c) The *Median* building size is 2,827, *which is over 1,800 square feet smaller* than the proposed residence.

The above shows how out of scale the house is with those in its 500-foot vicinity. The General Plan requires balance in choosing the size and location of new development. It requires residences to maintain appropriate scale and massing. (See General Plan Land Use Policy 21.9 (Hillside Housing).) The Hearing Officer's complete reliance upon the statutorily defined Floor Area Ratio as the sole and final measure of compatibility in this case does not adequately take into account the relative sizes of homes in the vicinity, particularly given the limited building area and the required avoidance of the Arroyo Seco Slope. The failure to maintain scale not only diminishes the quality of the life of the surrounding inhabitants, it leads to the elimination of view corridors and vistas.

Thus, the overscale house *does actually harm the neighborhood*. (PMC § 17.61.050-H(5).) It blocks views, as discussed in the following Section III(2), which diminishes the quality of life and property values for nearby landowners. 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.

(2) THE VIEW ANALYSIS WITH RESPECT TO APPLICANTS' PROPERTY AND SURROUNDING PROPERTIES IS ENTIRELY INSUFFICIENT

Views are an important benefit and privilege that comes with living in the Hillside District. Naturally, a critical requirement for Hillside Development Permits is that the applicants must endeavor to protect the views of their neighbors:

View protection. A proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority, and including, but not limited to, consideration of the following:

1. The feasibility of relocating the proposed structure to another part of the site;
2. The feasibility of modifying the massing of the proposed structure such that views from surrounding properties would not be impacted; and
3. The feasibility of minimizing architectural features that may intrude upon views from surrounding properties.

(PMC § 17.29.060-G.)

The Staff report concluded that since the proposed project would “maintain the general height of the existing residence, ... the existing view conditions [of Appellant’s Property] would not be impacted.” (Staff Report, 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 living room. Applicant’s proposed footprint blocks significant vistas, including the overlooks upon which Appellant’s property sits, a beautiful ridgeline and downslope views of the valley floor. (See PMC §§ 17.29.010; 17.29.060-G [new structures shall avoid blocking downslope views of the valley floor, prominent ridgelines, and the horizon line.])

The parcel could have “minimized view impacts,” as required by the ordinance, by (1) allocating square footage to the upper level, (2) simply not adding on to the portion of the residence that sits in direct view of Applicant’s home, or (3) removing or minimizing luxury elements/structures that would not inhibit views, such as a swimming pool, spa, etc. Occupying space that serves as Appellant’s vantage points, without evaluation of appropriate conditions, is simply not in line with the requirements of the Municipal Code and patently unnecessary.

The Hearing Officer and Staff report completely fails to consider the “feasibility of modifying the massing of the proposed structure such that views from the surrounding properties [such as Appellant’s] would not be impacted.” (PMC § 17.29.060-G.) Unfortunately, the proposed addition will have direct views into Appellant’s living room, backyard, and the pagoda, which also serves to reduce privacy and thus quality of life. Appellant’s living room currently benefits from the views that will be blocked. The reviewing authority also failed to take any consideration of “views of open sky, existing foliage, private yards, and existing structures on surrounding properties,” as he was required to do. (PMC § 17.29.060-G.) There is no consideration for the views of the Appellant’s property. The reviewing authority did not make the necessary findings before impacting Appellant’s views, such as deeming such obstruction necessary. (PMC § 17.29.080-G.)

Furthermore, the Code provides additional standards for view protection of surrounding properties, such as Appellant’s. “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.” (PMC § 17.29.060-G [emphasis added.]) The Project will obstruct the Appellant’s own views, reduce his family’s

privacy, and diminishes the value of his property. Applicant's proposed structures disregard this completely, and the analysis upon which the Hearing Officer relies does not evaluate these impacts.

(3) THE PROJECT HAS UNUSUAL CIRCUMSTANCES THAT REQUIRE THE PREPARATION OF AN EIR

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.)

14 CCR § 15300.2(c) includes, among the exceptions to Class 1 projects (Existing Structures), that "an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." An activity has a significant effect if it "has the potential to degrade the quality of the environment." (Pub. Res. Code § 21083.)

The Hearing Officer found the Project to be exempt from environmental review under the Existing Facilities Exemption (Class 1). The decision letter incorrectly states that "there are no features that distinguish this project from others in the exempt class." However, there are a host of features that require special consideration, in this case, or in other words "**unusual circumstances.**" Here are some of the circumstances that render the Project unique and in need of further review:

- (a) The property is located directly adjacent to a large liquefaction zone, which includes a historic watershed, the Arroyo Seco (see General Plan Land Use Policy 10.9 (Natural Open Space) [mandating protection of watersheds and hillsides]);
- (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;
- (c) The Project seeks to nearly double the footprint of the existing structures -- This is a 90% expansion to the home itself, from a property that has been in place *since 1948*. The effect on the hillside, which likely has had substantial soil movement in the past **72 years** is something that must be reviewed (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."]);
- (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 (See General 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."])
- (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. (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..."])

Taken together, foregoing factors represent the potential for environmental damage that must be reviewed in a thorough Environmental Impact Report. A preliminary geotechnical report is an insufficient substitute for an EIR, particularly where the property is a risk to surrounding public resources, is situated at the top of a hillside, lies next to a great quantity of earth that is unstable, and would require the doubling in size of structures not moved in over 70 years. The presence of a favorable geotechnical report that mainly itself with the subject property does remove the existence of the "unusual circumstances" that trigger exceptions to CEQA exemptions.

As stated above, the subject property sits adjacent to a large liquefaction zone that happens to include a significant natural and historical resource, the Arroyo Seco watershed. The existing house has been in place for 72 years, and the expansion requires substantial excavation and will place a very different strain on the hillside. While one can theorize about the effect of such a massive change to the existing structures, it is undeniable that there is a **reasonable possibility** that the new development could affect the adjacent property, which is already subject to the effects of soil movement.

Thus, environmental review is necessary.

[continued on next page]

- (4) THE CUMULATIVE IMPACTS OF HILLSIDE PROPERTIES BUILT OUT ADJACENT TO THE ARROYO SECO BOUNDARY² AND THE LIQUEFACTION ZONE REQUIRE THE PREPARATION OF AN EIR

14 CCR § 15300.2(b) provides, “ All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Numerous properties that all abut the Arroyo Seco Boundary have been built up over the years on the same side of the street as Applicant’s property. Undoubtedly, over time the effects of these properties are significant, especially when the abut a liquefaction zone and historic natural resources. As stated above, an EIR is required.

- (5) THE PROJECT MAY 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. (15 CCR § 15300.2.) As stated, the property seeks a massive expansion of its structural footprint, and 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 unchanged for 72 years, presents a great risk to the community. This risk must be evaluated through a complete environmental review.

(III) CONCLUSION

The Hearing failed to acknowledge and evaluate how the development would affect protected views, neighborhood compatibility, or the circumstances that should have required environmental review. The development, as proposed, does not advance the goals of the Hillside District nor does it protect the natural and scenic resources that provide value.

Applicant requests reversal of the decision of the Hearing Officer and denial of the Permit.

² Here the “Arroyo Seco Boundary” is used to refer to the edge of the properties adjacent to and overlooking Brookside Golf Course, which is a large liquefaction zone that is zoned Open Space. 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.

Exhibit A
[Google Map Showing Subject Property With Annotations]



CITY OF PASADENA

GENERAL RECEIPT

RECEIVED FROM Stephen Weaver DATE 1/19/21
ADDRESS _____ CITY _____ PHONE # (310) 806-9212

☐ MUNICIPAL SERVICES - ACCOUNT # _____
☐ LICENSE _____
☐ PARAMEDIC - INV. # _____ INV. AMT. \$ _____
PAID THIS DATE \$ _____
BALANCE DUE \$ _____
☐ PARKING CITATIONS \$ _____
☒ OTHER Appeal of Permit 6838 INV. AMT. \$ 1,681.48
PAID THIS DATE \$ _____
BALANCE DUE \$ 0

AMT. PAID \$1,681.48

CODE: _____

☐ CASH
☒ CHECK # 1236
☐ MONEY ORDER # _____

RECEIVED BY 

NOTE: NOT A VALID RECEIPT UNLESS ENDORSED ABOVE BY REGISTER OR SIGNATURE

CTCK0012 (4/99)

CASHIER—WHITE

CUSTOMER COPY—CANARY

OFFICE COPY—PINK

CITY OF PASADENA

GENERAL RECEIPT


RECEIVED FROM Stephen Weaver DATE 1/19/21
ADDRESS _____ CITY _____ PHONE # (310) 806-9212

☐ MUNICIPAL SERVICES - ACCOUNT # _____
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ATTACHMENT E
HEARING OFFICER ADDENDUM
Dated March 20, 2021

**ZHO Addendum for
Hillside Development Permit #6838
1820 Linda Vista Avenue**

March 20, 2021

On January 11, 2021, I issued a written determination approving Hillside Development Permit #6838 (1820 Linda Vista Boulevard).

I have reviewed the appeal, filed on January 19, 2021, by the Jin Ser Park, the owner of the property located 1812 Linda Vista Avenue, immediately EASTWESTSOUTH of the subject property.

The appeal (Pages 1-2) raises five primary issues, and my response, are:

1. Out of Scale Development:

Response:

The appellant's home is immediately adjacent to, and directly southerly of, the subject property. The existing home owned by the appellant (1912 Linda Vista Boulevard) is 5,055 square feet. The proposed home, after expansion, on the subject property at 1820 Linda Vista Avenue, will be 4,660 square feet. There is no merit to the argument that a smaller home being proposed on an immediately adjacent lot is "out of scale."

2. Failure to Consider View Rights

Response:

The staff report provided a comprehensive analysis of the potential viewshed impacts, including: compliance with encroachment plane provision in the code (Page 5, first paragraph); compliance with the View Protection provision of the Hillside District Ordinance (Page 6, third full paragraph); compliance with the Ridgeline Protection provision of the Hillside District Ordinance (Page 6, third full paragraph); a discussion of the scale and massing of the additions to the existing home; (Page 7, second full paragraph); a thorough discussion of viewshed impacts upon neighboring properties, including the appellant's property (Page 8, first two full paragraphs).

3. Unusual Circumstances:

Response:

Two of the "unusual circumstances" cited by the applicant—one, the steepness of the lot; and two, that the subject property is adjacent to Open Space in a large liquefaction zone, which includes a historic watershed—apply to many of the properties on the East side of Linda Vista Avenue, including both the subject property (1820 Linda Vista Avenue) and the appellant's property (1812 Linda Vista Avenue).

The appeal identifies a liquefaction zone to the north of the subject property as an “unusual circumstance.” This liquefaction zone is adjacent to the subject property, as well as several other properties to the north of the subject property, as shown in the photograph provided (Page 9 of the appeal). The appeal provides no evidence to document how the existence of the liquefaction zone is, in any way, unique or unusual.

The appeal suggests that the house currently on the property has existed since 1948 in its present form is an “unusual circumstance,” but provides no documentation to support the claim.

The appellant identifies eight (8) “unusual circumstances” (subsections “a” through “h” on Pages 6-7 of the Appeal) which exist, to varying degrees, for many of the existing properties/homes on the east side of Linda Vista Avenue. None of the unusual circumstances is unusual, unique, or specific to the subject property at 1820 Linda Vista Avenue. Most, if not all of these “unusual circumstances” apply, as well, to the appellant’s existing home at 1812 Linda Vista Avenue.

4. Cumulative Impacts:

Response:

The appeal claims that “developing properties on the east side of Linda Vista Avenue” will create “soil displacement” and “put stress on the hillside and the surrounding liquefaction zones” as a cumulative impact. While the merits of the claim are questionable, it is indisputable that several homes have been safely built, and safely expanded, on the east side of Linda Vista Avenue, going back several decades. Further, the City enforces several municipal codes that ensure the safety of new development; as verified through the City’s grading permit, demolition permit, and building permit plan-check review process; and through a series of on-site inspections by city staff during site grading, demolition, and construction.

5. Threat to Historic/Natural Resource:

Response:

The decision letter for Hillside Development Permit #6838 includes forty-five (45) conditions of approval. There are several conditions which address the safety concerns raised by the appellant, including, but not limited to:

- Condition 4 (Page 15) requires compliance with the “applicable code requirements of all City Departments and the Pasadena Municipal Code.”
- Condition 9 (Page 15) prevents the issuance of grading permit and/or a demolition permit “until the building permit for the project is ready to be issued.”

- Condition 20 (Page 17) requires compliance with the “California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes.”
- Condition 21 (Page 17) requires that “Grading/Drainage Plans shall be prepared by a registered engineer.”
- Condition 23 (Page 17) imposes a setback requirement relative to existing slopes that are 3:1 or steeper.

The appellant’s narrative also includes a request to exclude the two largest homes (one of which is immediately adjacent to the subject property), and to exclude vacant lots, from the Neighborhood Compatibility provisions in the Code (Page 4 of the Appeal). The city’s codes, policies, and procedures do not allow individuals to be selective about which lots are included in Neighborhood Compatibility calculations.

The request to invalidate the Categorical Exemption, and to require the preparation of an Environmental Impact Report (Appeal, Pages 6-7), is not supported by the facts in evidence found in the appeal.

Given the foregoing, the appellant has not provided a sufficient basis upon which to overturn my approval of Hillside Development Permit #6838, nor to reject my adoption of a Categorical Exemption and require an Environmental Impact Report. The appeal should, therefore, be denied.

ATTACHMENT F
DESIGN AND HISTORIC PRESERVATION HISTORICAL DESIGNATION REVIEW
Dated July 21, 2020



MEMORANDUM

To: Katherine Moran, Assistant Planner
From: Kevin Johnson, Senior Planner
Date: July 21, 2020
Re: HDP#6838 – Design & Historic Preservation Comments

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.