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March 11, 2022

VIA ELECTRONIC MAIL [cityclerk@cityofpasadena.net]

Mayor Victor M. Gordo,
Vice-Mayor and Councilmember Andy Wilson [CD7],
Councilmembers Tyron Hampton [CD1], Felicia Williams [CD2],
John J. Kennedy [CD3], Gene Masuda [CD4], Jess Rivas [CD5],
Steve Madison [CD6]
City Council, City of Pasadena
100 North Garfield Avenue
Pasadena, California 91101

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

Appeal of Case No. ZENT2020-10016 // Hillside Dev. Permit #6838
City Council Agenda Item #17

Project Location: 1820 Linda Vista Avenue
Zoning: RS-4-HD
Hearing Date: March 14, 2022

Dear Mayor Gordo, Vice-Mayor Wilson, Councilmembers Hampton, Williams,
Kennedy, Masuda, Rivas, and Madison:

This office represents neighboring property owner and the Original Project Appellant Jin Ser Park ("Appellant" or "Mr. Park"), who resides at 1812 Linda Vista Avenue, in connection with the above-captioned appeal. Appellant challenged the Hearing Director's approval of the subject application and prevailed by a unanimous decision of the Board of Zoning Appeals (sometimes the "BZA") on April 22, 2021. In that hearing, the BZA agreed with Appellant that the project in question violated Appellant's view protections. In a bizarre twist, the developer changed the project to include an ADU prior to the City Council's review of that April 22 decision, the City Council remanded the matter back to the BZA, and the BZA reviewed the changed project that had the *same view obstruction issues*. However, *this time, the BZA unanimously approved the modified project by*

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03/14/2022
Item 17

ignoring its previous findings that the structures blocked Mr. Park's legally protected views. The BZA, in its "redo" decision completely failed to follow the law. It ignored obvious *and multiple* protected view obstructions that it had already used as the basis of its original decision.

We ask that the City Council follow the law and reject this project for all of the following reasons, any of which would independently justify rejection of the last BZA decision:

- (1) the project blatantly violates the applicable hillside View Protection Ordinance, passed by this body just a few years ago¹;
- (2) the project does not comply with excess neighborhood compatibility requirements concerning views or massing;
- (3) the project was improperly decided upon by the BZA after it had previously unanimously rejected the original project;
- (4) approval of the "project" in its current form constitutes a violation of due process of law because Applicant failed to seek preliminary approval by the Hearing Officer of a "new project";
- (5) the previous decision-makers improperly proceeded without required information to review the project, such as the weight and effect of the large pool on the hillside;
- (6) the decision-makers and Planning Department did not take undertake an impartial review of the project but instead they pursued a biased investigation and process that favored the Applicant at Mr. Park's expense; and
- (7) there should be an Environmental Impact Report ("EIR") based on the size and locations features of the Project.

[continued on next page]

¹ Ordinance No. 7310, introduced by Councilmember Hampton, enacted on September 25, 2017.

TABLE OF CONTENTS
[hyperlinked for convenience]

Section	Page
I. Project Overview and Procedural History	4
II. The New Project Still Substantially Infringes on Appellant's Protected Views	5
III. There is no Basis for Excluding the Square Footage of the New ADU from Calculation of the Excess Neighborhood Compatibility [<i>and the Project STILL requires such a determination regardless of ADU inclusion</i>]	8
IV. The Project is Not Exempt from CEQA Because of Its Location and Attendant Unusual Circumstances	9
V. The New Application Exacerbates the Denial of Equal Protection of the Law and Due Process by Improperly Favoring Applicant at the Expense of the Public	10
VI. Appellant Objects that the Approval of this Project Violates the Law Because the Developer Bypassed Review of the Hearing Officer Stage	12
VII. Conclusion	13

EXIBITS
[hyperlinked for convenience]

Description	Ex.
<p>[More Photographs Reflecting Obstruction of Protected Views by New Project]</p> <p>(1) View from Appellant's Dining Room [Protected View]</p> <p>(2) View from Appellant's Dining Room [Colorized to Show Ridgeline Obstruction]</p> <p>(3) View from Appellant's Dining Room with Different Angle and Showing Window [Partially Colorized to Show Ridgeline Obstruction]</p>	I

I. PROJECT OVERVIEW AND PROCEDURAL HISTORY

The Owner/Developer/Architect Applicant Matthew Feldhaus (“Applicant”) originally proposed a massive expansion of his hillside single family residence, which would have greatly changed the massing of the structures thereupon and blocked Mr. Park’s legally protected views. The original approval Applicant sought was for Hillside Development Permit #6838 to convert an existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and an attached 439 square-foot carport to the following: a 4,660 square-foot, two-story residence with an attached 754 square foot garage for a total gross area of 5,414 square feet (the “Original Project”).

The BZA took evidence and reviewed pictures at the April 2021 hearing. It unanimously rejected the Original Project, finding “The proposed project **blocks a neighboring property’s (1820 Linda Vista Avenue) protected view of a prominent ridgeline, on the north elevation**, and does not comply with the view protection requirements of the Zoning Code.” (BZA Letter of Determination for HSD #6838, dated April 22, 2021. Emphasis Added.)

After the BZA unanimously rejected the Original Project in April, Applicant appealed to the City Council. Without notice to Appellant or to the public, he private changed the features of the Original Project to incorporate what amounts to a separate residence in the form of a lower Accessory Dwelling Units and a project which has the same or larger footprint as the Original Project (this changed project will be referred to as the “New Project”). With the story poles in their exact same position, the New Project clearly has the same view obstructions of the San Gabriel Mountains. This project currently on review may be referred to as the “New Project.”² Rather than submit the matter for public hearing, the Planning Department claimed that the alterations to the Original Project constituted “new evidence” and that the BZA should review it. The City Council remanded the New Project to the BZA for a decision.

Despite the same obstructions, at its October 2022 Meeting the BZA unanimously approved the New Project, with conditions reducing the garage height by 18 inches. This portion of the development is at the west side of Mr. Park’s property, whereas the protected views are on the east side of Mr. Park’s property.

The story poles still in place from the Original Project show that the very same view obstruction remains. Worse, the exemption from environmental review is now for an even more unwieldy construction project on a steep hillside next to liquefaction zones, a golf course, and a historic resource.

² The New Project proposes a 3,853 square-foot residence with an attached 754 square foot garage, and 158 square feet of enclosed pool equipment in tandem with a deck expansion, infinity pool, and an 807 square-foot lower floor Accessory Dwelling Units (“ADU”) for a total gross area of **5,572 square feet** (the “New Project”).

Furthermore, the “Public Notice” of the New Project is non-existent. Mr. Park learned of the New Project by virtue of receiving the October 2021 staff report, which was only released only days before the original October 18 City Council Meeting for this matter. It follows that the homes within the notice radius did not receive the traditional mailing notification. The expanded project footprint and additional residential use, the bypassing of public input at the Hearing Officer stage and consideration by the BZA, and the change of project in the goal of reaching a final decision by the City Council violate the Brown Act, due process, equal protection, and the Pasadena Zoning Code. This lack of due notice deprives the public of the opportunity to review and comment upon the project before a Hearing Officer, who would then make decisions in a public forum about the Hillside Ordinance and the project’s impact on the environment.

Based on the foregoing, Mr. Park respectfully requests the City Council reverse the latest decision of the Board of Zoning Appeals and reject Hillside Development Permit #6838.

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

Certain view corridors are a legally protected benefit that belongs to those who reside in the Hillside Development Overlay District (the “District”). The City of Pasadena Municipal Code [“PMC”] requires that applicants for hillside development permits avoid blocking certain views:

New structures and tall landscaping shall not be centered directly in the view of any room of a primary structure on a neighboring parcel. Views shall be considered from windows of *any room in the primary structure*. ***New structures shall avoid blocking the following from any room of a main dwelling*** on a neighboring property:

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

(PMC § 17.29.060-G, emphasis added.)

The Planning Staff report before the April 22 BZA Appeals Hearing concluded (with no meaningful analysis) that since the Original Project would “maintain the general height of the existing residence, ... the existing view conditions [of Appellant’s Property] would not be impacted.” (Staff Rep., p. 8.) However, the expansion of square footage for the

Project will leave new structures and obstacles directly within the line of sight from Mr. Park's rooms to the Ridgeline. (See Exhibit I.) The October 18, 2021 Staff Report before the prior City Council meeting *acknowledged the unlawful ridgeline view obstruction*. (Oct 18 Staff Rep., p. 14 ["Although it appears that a portion of the ridgeline would be blocked from a first-story window by the new roof-design of the single-story additions and remodel, the proposed structure is designed to avoid blocking views from surrounding properties to the maximum extent feasible." Emphasis added.].)³ Of course, this completely understates the point since there are several first-floor windows and multiple rooms that would be affected by the view obstruction.⁴ Furthermore, if Applicant wanted an exemption from compliance with the view ordinance or other relief from these provisions based on hardship, he could have asked for that in his application. He did not.

A picture is worth a thousand words. Here's a photograph showing the view from the eastern window in Mr. Park's living room:



Figure 1-A: Original Photograph from East Window in Living Room Showing Story Poles, Photograph Taken July 26, 2021 by the Author

³ In the March 14 Staff report changed its own characterization to "partial blockage" of the protected view, which still violates the View Protection Ordinance, PMC § 17.29.060-G. (March 14 Staff Report, p. 10.)

⁴ Appellant is concurrently submitting to the City Council a file containing and video and photographs that give context to the layout and locations of the north-facing kitchen and dining room windows at 1812 Linda Vista Avenue.

The story poles reflect the silhouette of the would-be building. In this, and countless other pictures, one can see that a big chunk of the historic, prominent ridgeline of the San Gabriel Mountains.

A colorized version is included below for ease of viewing. The blue colorized portion reflects the ridgeline and the sky above the ridgeline that becomes blocked:



Figure 1-B: Colorized Blue to Show Obstruction of Prominent Ridgeline from East Window in Living Room, Photograph Taken July

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

Of note, the most recent Staff Report dated March 14, 2022 does not address the statute.

Mr. Park offered the City Staff an opportunity to visit the interior of the site, but asked that Staff be recorded *only* while taking its photographs (to verify that Staff was taking photographs in good faith) and to request for copies of pictures taken before the hearing. These were basic requests to ensure basic fairness from a Planning Department that has

bent over backwards to provide the Applicant/Developer with assistance at Mr. Park's expense. About two weeks later, staff refused these reasonable terms.

Again, the BZA correctly identified the very clear view obstruction in its decision at the April 2021 Hearing. It simply ignored these findings at the October 2021 Hearing for no apparent reason. The City Council can recognize what can be plainly seen, that the **ridgeline view is obstructed**.

III. THERE IS NO BASIS FOR EXCLUDING THE SQUARE FOOTAGE OF THE NEW ADU FROM CALCULATION OF THE EXCESS NEIGHBORHOOD COMPATIBILITY [AND THE PROJECT STILL REQUIRES A DETERMINATION REGARDLESS OF ADU INCLUSION]

Notably, the View Protections apply regardless of whether an Excess Neighborhood Compatibility finding is required. However, there is no lawful basis to exclude an ADU that is packaged as part of a project from excess neighborhood compatibility. Furthermore, Staff acknowledges that the Excess Neighborhood Compatibility is triggered as the Project is still 37 feet over that threshold (even excluding the ADU). While conspicuously absent from the most recent report, even the October 18 Staff Report acknowledged that the New Project, excluding the ADU, *still would "exceed the base Neighborhood Compatibility by 37 square feet."* (October 18 Staff Report, p. 10.)

City Staff would omit 807 square feet of the New Project from counting towards compatibility because the Applicant now seeks an ADU in lieu of a mere addition to his residence. While ADU's may be entitled to ministerial review, there is no sensible reason to exclude their square footage from review of the discretionary project when they are part of the larger project. The ADU adds mass to the structure and is part of the concurrent design. There is an analogy with CEQA, where even ministerial components of a project are considered with respect to the need for preparing an environmental impact report.

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

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

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

(PMC § 17.29.080-G.)

However, the Planning Department Staff cursorily concludes that the project does not violate either of these provisions. **In fact, the New Project violates both provisions.** The April 2021 decision of the BZA recognized the view impacts, but its subsequent decision inexplicably disregards its own finding.

In any event, additional view impacts *do* in fact result from the additional scale, *i.e.* the near doubling in size and additional story to the building. The pictures demonstrate the blockage of a prominent ridgeline (See prior section). The New Project and the Original Project both can should be rejected as they do not comply with Neighborhood Compatibility requirements for the location.

IV. THE PROJECT IS NOT EXEMPT FROM CEQA BECAUSE THE LOCATION OF THE SITE AND UNUSUAL CIRCUMSTANCES SHOW THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

The same concerns about the environmental review of the project remain.⁵ Though the Planning Staff seemingly ignores these concerns, there are particular and unusual circumstances that show the project may have a significant effect on the environment. Thus, the failure to prepare and Environmental Impact Report is a clear violation the California Environmental Quality Act ("CEQA") in this case. I will summarize the particular circumstances of the site and the proposed development that require the preparation of an EIR and the study of alternative projects:

- (a) The property is located directly adjacent to a large liquefaction zone, which includes a historic watershed, the Arroyo Seco;
- (b) The property to the north of the subject property, 1840 Linda Vista Avenue, is itself directly within a liquefaction zone, according to the California Earthquake Hazards Map maintained by the California State Department of Conservation;
- (c) The Project seeks to double the footprint of the existing structures --- this is a massive expansion from structures previously in place, from structures that has been in place *since 1948*, alterations to façade and certain elements notwithstanding. The effect on the hillside, which likely has had substantial soil movement in the past **73 years** is something that must be reviewed in light of the load created by the new structures including the pool;
- (d) Portions of the property contain a steep slope (over 50%), and the average slope for the remaining portions of the parcel is 29%;
- (e) The subject property is located in a high fire severity zone;

⁵ Appellant incorporates by reference the entirety of its arguments advanced at the BZA Hearing on April 22, 2021, the October BZA hearing, as well as its own letters and supporting materials submitted in advance of that hearing. The New Project does not fundamentally address the issues raised before the City Council.

- (f) The subject property is located next to other properties at the top of the hillside which all sit next to the largest liquefaction zone in the City;
- (g) The subject property itself sits within a landslide zone, according to the California Earthquake Hazards Map maintained by the California State Department of Conservation;
- (h) The adjacent golf course with the watershed could be damaged in the event the soil on the subject property shifts due to earthquakes, landslides, or other soil movement and this could affect the watershed, a natural resource;
- (i) The proposed swimming pool appears to put major strain on the further edge of the Project, which is closest to the steepest portions of the slope; and
- (j) There is **still no identification or analysis of how many gallons the pool will hold and the resulting strain that would put on the hillside**. Landslide danger is evident, and the public has a right to evaluate this. This renders the application, even for the New Project, incomplete.

Furthermore, the scale of the Project is a massive change in the structural footprint on the 1820 Linda Vista Hillside Lot. If the New Project is approved, the structures on the property will go from ...

BEFORE

AFTER

2,425 square foot residence attached 366 square foot garage attached 439 square foot carport	<u>to</u>	4,660 square foot residential area (3,853 square foot residence + 807 square foot ADU) attached 754 square foot garage a 158 square feet enclosure with a <i>large</i> infinity pool -and- a spa
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The massive change a new weight on the sensitive hillside (the infinity pool has never even been discussed in terms of its weight and how many gallons it will hold, which is a major concern) alone constitutes an unusual circumstance warranting preparation of an EIR.

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

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

The State of California recognizes a “much more inclusive” due process standard and “protects a broader range of interests than under the federal Constitution.” (*Ryan v. California Interscholastic Federation-San Diego* (2001) 94 Cal. App. 4th 1048, 1069

[internal quotations and citations omitted]; (See also Cal. Gov. Code § 54950 et seq. [the Brown Act, which provides for open meetings and fair comment]; Cal. Gov. Code § 11340 et seq. [California Administrative Procedures Act.]])

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

Appellant has fundamental rights at stake conferred by statute/code: (1) the right to proper environmental review of nearby properties; and (2) the rights and protections afforded to them as property owners in the District. (*Desmond v. County of Contra Costa* (1993) 21 Cal. App. 4th 330, 338-39 [observing that Contra Costa County Code required consideration of adjoining landowners with respect to discretionary approvals.]) Case law also requires adequate public notice where a Notice of Exemption from environmental review is proposed for a new project. (*Los Angeles Department of Water and Power v. County of Inyo* (2021) 67 Cal.App.5th 1018, 1033 [“Consistent with basic principles of due process, the notice given before a public hearing has a role in defining the opportunity provided to the public.”] citing *Mathews v. Eldridge* (1976) 424 U.S. 319, 333 for the proposition that “the essence of due process is notice and the opportunity to be heard at a meaningful time and in a meaningful manner.”]) The hearing notice for this appeal does not incorporate the New Project, it is procedurally defective, and the City Council should reject the New Project for that reason alone.

Further, the October 18 Staff Report referenced the “geotechnical report” on page 2 that would presumably include the ADU as part of the project plans, but that is not available to the public. There is no way for the public to review and provide input into that process at the Hearing Officer stage, and this denies due process to the Appellant and the public.

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

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

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

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

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

The Hillside Ordinance and the General Plan are designed for the protection of the people of Pasadena. Applicant's want for a larger project do not outweigh clear statutory protections afforded to his neighbors.

VI. APPELLANT OBJECTS THAT THE APPROVAL OF THIS PROJECT VIOLATES THE LAW BECAUSE THE DEVELOPER BYPASSED REVIEW OF THE HEARING OFFICER STAGE

Appellant maintains that this New Project is a "new project" as defined by the Code because it contains a new dwelling unit (and identifies more massing in the form of 158 feet enclosure for pool equipment). Enhancing the residential density of a single family is a process that is allowed, but it cannot be piggybacked onto an application that is already in the appeal pathway. The adding of an entire residential space and expanded use, particularly on a hillside area, is not insignificant. The New Project should have been submitted at the entry level for plans, with proper public notice. The relevant code section reads:

If the applicant submits new plans and materials that differ substantially, as determined by the Zoning Administrator, from the materials submitted for the original decision, the hearing shall be terminated and the applicant shall file a new application.

(PMC § 17.72.070 B-2(b).)

Even if not, the matter was improperly re-decided by the BZA based on alleged new evidence. The Code provides that the proper procedure where actual new evidence is submitted in this is not for a remand/review by the Board of Zoning Appeals, but rather for consideration by the Hearing Officer:

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

(City of Pasadena Municipal Code ["PMC"] § 17.72.070 B-3, emphasis added.)

Page 13

March 11, 2022

Letter to City Council re Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

The BZA already rendered a decision on this line of appeal. There was no legal basis to remand the matter, despite the request of the Planning Department.

The March 14 Staff report cites 17.72.070 as the basis for the City Council's authority to remand the matter to the BZA, but it cannot point out any language in that section to support its point – *there's no authority or fair reason for a BZA decision to be immediately reddecided by the same BZA!* Besides, the Planning Department specifically cited "new evidence" as the reason justifying the remand.

VII. CONCLUSION

The New Project (a) *admittedly still* violates the View Ordinance; (b) violates CEQA, which would require an Environmental Impact Report under these circumstances; and (c) violates due process, equal protection, and the building code because Applicant effectively is trying to obtain a final City Council decision on a different, though equally if not more troubling project. These problems render the New Project even more unlawful than the Old Project, which was previously denied.

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

Mr. Park respectfully requests that the City Council uphold the decision of the Board of Zoning Appeals to deny the instant permit application.

Sincerely,



Stephen Weaver, Esq.

cc: Lilia Novelo, City Clerk's Office, via email [lnovelo@cityofpasadena.net]
Ruben Martinez, City Clerk's Office, via email [rumartinez@cityofpasadena.net]

Page 14

March 11, 2022

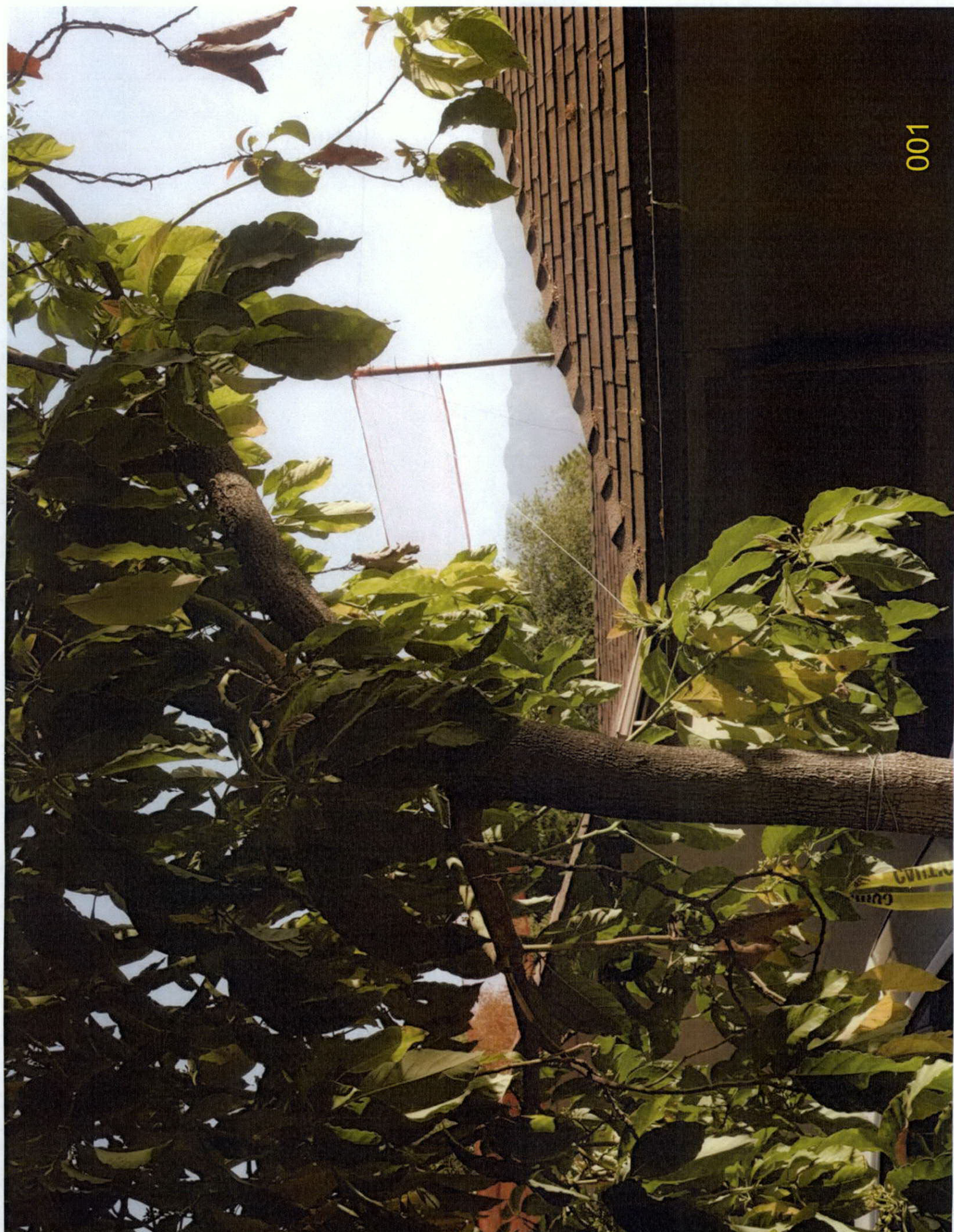
Letter to City Council re Case No. ZENT2020-10016 // Hillside Dev. Permit #6838

Exhibit I

[More Photographs Reflecting Obstruction of Protected Views]

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

NOTE: On the pictures, orange-colored portions are disputed obstructions, where the Applicant/Developer denies any view obstruction. Blue-colored portions are *undisputed* obstructions.







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VISUALS TO ACCOMPANY APPELLANT'S PRESENTATION

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City Counsel of the City of Pasadena

March 14, 2022 Meeting

Agenda Item
// Case No.

17 // ZENT2020-10016 // HSD #6838 // CEQA Exemption

Project Address

1820 Linda Vista Avenue

Old Project Description

Hillside Development Permit #6838 to add a 2,208 square-foot, two-story addition to the existing 2,452 square-foot, single-story single-family residence, with an attached 366 square-foot garage, and an attached 439 square-foot carport, and other accessory structures (infinity pool, spa, etc.).

New Project Description

Hillside Development Permit to construct 1,401 square foot living area addition to existing home as well as a 315 square-foot garage addition, an attached 439 square-foot carport, a 158 square-foot pool equipment and storage area, a new swimming pool, and a lower story 807 square-foot ADU.

CONTENTS

Description	Ex.
Photographs to Show Scope of Project, Obstruction of Appellant's Protected Views, and Privacy Issues	I
(1) View from Appellant's Deck #1	(2) View from Appellant's Deck #2 [reflecting silhouette of proposed structures]
(3) View from Appellant's Kitchen Window [original]	(4) View from Appellant's Kitchen Window [colorized to show mountain view obstruction]
(5) View from Dining Room [original]	(6) View from Dining Room [colorized to show mountain view obstruction]
(7) Original Photograph from Living Room Window on Cloudy Day	(8) Original Photograph from East Facing Window of Living Room
(9) View from East Facing Window of Living Room [colorized to show mountain view obstruction]	
Emails Between Applicant and City Planning Showing Intentional Concealment of Current Development Plans and Advice on Project Segmentation	II
(1) July 27, 2020	(2) July 27 – August 7, 2020
	(3) January 20 – February 3, 2021
Google Map with Annotations Showing Liquefaction Zones	III
Project Renderings Showing Infinity Pool -and- Rear View of Project	IV
July 26, 2021 Walkthrough Video of Park Property	V
Email Chain Showing City Rejection of Opportunity for Interior Site Visit With Conditions	VI

1820 Linda Vista Avenue
City Council Agenda Item #17
Appellant's Visuals to Accompany Visual Presentation

Exhibit I

Photographs to Show Scope of Project, Obstruction of Appellant's Protected Views, and Privacy Issues

- | | |
|---|--|
| (1) View from Appellant's Deck #1 | (2) View from Appellant's Deck #2 [reflecting silhouette of proposed structures] |
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| (9) View from East Facing Window of Living Room [colorized to show mountain view obstruction] | |



















1820 Linda Vista Avenue
City Council Agenda Item #17
Appellant's Visuals to Accompany Visual Presentation

Exhibit II

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

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

Moran, Katherine

RE: HDP#6838 - Departmental Comments

To: MatthewFeldhaus

Hi Matt,

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

Thank you,

Katherine Moran

ASSISTANT PLANNER . City of Pasadena

kmoran@cityofpasadena.net

(626) 744 - 6740

From: Matthew Feldhaus <

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

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

Subject: RE: HDP#6838 - Departmental Comments

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

Hi Katherine,

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

MATTHEW FELDHAUS , ARCHITECT, CCM, LEED AP

Principal

Company

Direct:

www.rwbid.com

RWBID DESIGN + CONSTRUCTION

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

From: Moran, Katherine <kmoran@cityofpasadena.net> >

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

To: Matthew Feldhaus <

Subject: HDP#6838 - Departmental Comments

Hi Matt,

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

Design & Historic Preservation Division:

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

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

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

Thank you,

Katherine Moran

ASSISTANT PLANNER . City of Pasadena

kmoran@cityofpasadena.net

(626) 744 - 6740

Matthew Feldhaus matthew@rwbid.com

RE: HDP#6838 - Departmental Comments

August 07, 2020 at 3:21 PM PDT

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

Cc: Moran, Katherine

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

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

MATTHEW FELDHAUS , ARCHITECT, CCM, LEED AP

Principal

Company: 626.888.9411

Direct: 562.477.7609

www.rwbid.com

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

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

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

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

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

Subject: RE: HDP#6838 - Departmental Comments

Matthew,

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

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

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

Regards,

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

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

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Thank you.

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
Principal
Company: 626.888.9411
Direct: 562.477.7609
www.rwbid.com

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

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

Thanks,

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

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

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Hi Arlene,

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

Regards,

MATTHEW FELDHAUS , ARCHITECT, CCM, LEED AP
Principal
Direct: 562.477.7609
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From: Moran, Katherine <kmoran@cityofpasadena.net> >
Sent: Monday, July 27, 2020 3:09 PM
To: Matthew Feldhaus <matthew@rwbid.com> >
Subject: RE: HDP#6838 - Departmental Comments

Hi Matt,

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

Thank you,
Katherine Moran
ASSISTANT PLANNER . City of Pasadena
kmoran@cityofpasadena.net

(626) 744 - 6740

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

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

Let me know if this logic makes sense:

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

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

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
Principal
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Direct: 562.477.7609
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From: Moran, Katherine <kmoran@cityofpasadena.net>
Sent: Wednesday, February 3, 2021 3:45 PM
To: Matthew Feldhaus <matthew@rwbid.com>
Subject: RE: Appeal Application for HDP #6838

Hi Matt,

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

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

Thank you,

Katherine Moran

ASSOCIATE PLANNER, City of Pasadena
kmoran@cityofpasadena.net
(626) 744 - 6740

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

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Katherine,

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

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
Principal
Company: 626.888.9411
Direct: 562.477.7609
www.rwbid.com

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From: Moran, Katherine <kmoran@cityofpasadena.net>
Sent: Wednesday, February 3, 2021 2:33 PM

To: Matthew Feldhaus <matthew@rwbid.com>>
Subject: RE: Appeal Application for HDP #6838

Hi Matthew,

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

17.29.030 - Permit Requirements

A. HD and HD-SR overlay. Approval of a Hillside Development Permit, in compliance with Section 17.29.080 (Hillside Development Permit) shall

1. Proposed subdivision;
2. New dwelling or structure;
3. Any structure located within 20 feet of the top edge of the Arroyo Seco Slope Bank, pursuant to Section 17.29.050.D;
4. An addition of 500 square feet or greater to the first floor of an existing structure;
5. Projects that propose to match an existing structure height that exceeds the general height limit if the existing structure was constructed before adoption of the current standards;
6. Any new square footage above the first story;
7. Major renovations, as defined in 17.29.060.E.

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

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

The exemptions listed above apply in the aggregate with all other additions and all prior additions in the previous three years to the same lot. The requirements of the base zoning district. No credit shall be given for demolition or partial demolition of a structure.

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

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

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

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

Figure 2-4 – Height Measurement on Hillside

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



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

Thanks,
Katherine Moran
ASSOCIATE PLANNER, City of Pasadena
kmoran@cityofpasadena.net
(626) 744 - 6740

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

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

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

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
Principal
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Direct: 562.477.7609
www.rwbid.com

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

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

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

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

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

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
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Company: 626.888.9411
Direct: 562.477.7609
www.rwbid.com

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

Hi Matthew,

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

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

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

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Katherine,

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

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
Principal
Company: 626.888.9411
Direct: 562.477.7609
www.rwbid.com

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

Hi Matthew,

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

Thank you,

Katherine Moran
ASSOCIATE PLANNER . City of Pasadena
kmoran@cityofpasadena.net
(626) 744 - 6740

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

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Hi Katherine,

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

MATTHEW FELDHAUS, ARCHITECT, CCM, LEED AP
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Direct: 562.477.7609
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From: Moran, Katherine <kmoran@cityofpasadena.net> >
Sent: Wednesday, January 20, 2021 7:29 PM
To: Matthew Feldhaus <matthew@rwbid.com> >
Subject: RE: Appeal Application for HDP #6838

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

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

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

Thanks,

Katherine Moran
ASSOCIATE PLANNER . City of Pasadena

kmoran@cityofpasadena.net
(626) 744 - 6740

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

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

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

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

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

Hi Matthew,

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

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

1820 Linda Vista Avenue
City Council Agenda Item #17
Appellant's Visuals to Accompany Visual Presentation

Exhibit III

Google Map with Annotations Showing Liquefaction Zones



1820 Linda Vista Avenue
City Council Agenda Item #17
Appellant's Visuals to Accompany Visual Presentation

Exhibit IV

Project Renderings Showing Infinity Pool -and- Rear View of Project



1820 LINDA VISTA AVENUE | VISUAL ANALYSIS REAR YARD ELEVATION



1820 Linda Vista Avenue
City Council Agenda Item #17
Appellant's Visuals to Accompany Visual Presentation

Exhibit V

Link to July 26, 2021 Walkthrough Video of Park Property

<https://vimeo.com/635556634>

1820 Linda Vista Avenue
City Council Agenda Item #17
Appellant's Visuals to Accompany Visual Presentation

Exhibit VI

Email Chain Showing City Rejection of Opportunity for Interior Site Visit With Conditions

From: Rocha, Luis <lrocha@cityofpasadena.net>
Subject: RE: HSD #6838 - 1820 Linda Vista // Re: Upcoming Appeal - Interior Photos
Date: March 8, 2022 at 7:22 PM
To: Stephen Weaver <stephen@weaverlandlaw.com>
Cc: James Ahn <james@weaverlandlaw.com>

LR

Hello Mr. Weaver,

Thanks for your response. Unfortunately, staff does not accept the conditions. In a separate email I'll provide a link to access the staff report and agenda and request speaker information from you for the ZOOM call.

Thank you,
Luis

From: Stephen Weaver <stephen@weaverlandlaw.com>
Sent: Wednesday, February 16, 2022 11:33 AM
To: Rocha, Luis <lrocha@cityofpasadena.net>
Cc: James Ahn <james@weaverlandlaw.com>
Subject: HSD #6838 - 1820 Linda Vista // Re: Upcoming Appeal - Interior Photos

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Dear Mr. Rocha,

My Clients are willing to allow the Planning and Community Development Department and / or Zoning Administration to take interior photos from their home's first-story windows if you agree to the following two conditions:

- (1) the Planning Department or Zoning Administration representative who takes the interior photos allows me to videotape him/her while he/she takes the interior photos; and
- (2) the City agrees to turn over to me all photos that it takes at the site visit, not just the ones that it intends to present at the hearing, no later than 5 days before the hearing or 3 days after the site visit, whichever date comes sooner. I will provide a dropbox link after the site visit for ease of transmission of digital photos.

If these conditions are acceptable, then my Clients will provide dates for the City to make the site visit and take the interior photos. Please let me know.

Thank you.

Stephen J. Weaver, Esq.
WEAVER LAND LAW
12100 Wilshire Boulevard, 8th Fl
Los Angeles, CA 90025
P. 310.806.9212
F. 310.943.2216
www.weaverlandlaw.com





On Feb 8, 2022, at 9:24 AM, Rocha, Luis <lrocha@cityofpasadena.net> wrote:

Thank you.

From: Stephen Weaver <stephen@weaverlandlaw.com>
Sent: Tuesday, February 08, 2022 9:22 AM
To: Rocha, Luis <lrocha@cityofpasadena.net>
Subject: Re: Upcoming Appeal

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Dear Mr. Rocha,

Thank you. I will confer with my Clients and let you know soon.

Stephen Weaver

On Tue, Feb 8, 2022 at 9:09 AM Rocha, Luis <lrocha@cityofpasadena.net> wrote:

Good morning Mr. Weaver,

I am following-up on the inquiry below.

Thanks,
Luis

From: Rocha, Luis
Sent: Tuesday, February 01, 2022 8:39 AM
To: stephen@weaverlandlaw.com
Subject: Upcoming Appeal

Good morning Mr. Weaver,

As we prepare for the March 14th appeal hearing, I wanted to check to see if there is an opportunity to visit your client's residence and take interior pictures of the windows.

Thank you,
Luis Rocha
Planning Manager