



## PLANNING &amp; COMMUNITY DEVELOPMENT DEPARTMENT

## STAFF REPORT

**DATE:** April 16, 2025

**TO:** Hearing Officer

**SUBJECT:** Hillside Development Permit #7134

**LOCATION:** 1530 Scenic Drive

**APPLICANT:** Peter Tolkin

**ZONING DESIGNATION:** RS-4-HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Development Overlay District)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Joseph Weaver

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Hillside Development Permit #7134 with the conditions in Attachment B.

**PROJECT PROPOSAL:**

- 1) Hillside Development Permit: To allow a new 4,280 square-foot, two-story single-family dwelling with an attached 2,685 square-foot six-car garage;
- 2) Variance: To allow paving across 37.5 percent of the front yard area, where a maximum of 30 percent is allowed; and
- 3) Tree Removal Permit: To allow removal of two protected trees: One 11.5" DBH Coast Live Oak tree and one 18.7" DBH Olive tree.

**ENVIRONMENTAL DETERMINATION:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts the construction and location of limited numbers of new, small facilities or structures,

which include, but are not limited to, one single-family residence in a residential zone. Therefore, the proposal is exempt from environmental review.

## **BACKGROUND:**

### **Site characteristics:**

The subject property is located on the northeast side of Scenic Drive, west of Vista Lane. The 29,891 square-foot parcel is an irregular pentagon-shaped lot which is currently vacant and undeveloped. The site is relatively flat near the street frontage, slopes down toward a natural swale at the center of the lot, and slopes up toward the rear property line. The average slope across the site is 25 percent (excluding areas sloping 50 percent or greater). According to survey information, 2,556 square feet of the site area slopes equal to or greater than 50 percent. Developed properties surrounding the site consist of single-family dwellings. Vehicular access onto the site is available from Scenic Drive.

### **Adjacent Uses:**

North – Single-Family Residential  
South – Single-Family Residential  
East – Single-Family Residential  
West – Single-Family Residential

### **Adjacent Zoning:**

North – RS-2-HD (Single-Family Residential, 0-2 units per acre of site area, Hillside Development Overlay District)  
South – RS-4-HD (Single-Family Residential, 0-4 units per acre of site area, Hillside Development Overlay District)  
East – RS-4-HD (Single-Family Residential, 0-4 units per acre of site area, Hillside Development Overlay District)  
West – RS-4-HD (Single-Family Residential, 0-4 units per acre of site area, Hillside Development Overlay District)

### **Previous Zoning Cases on this Property:**

HDP# 5107 – Hillside Development Permit to allow the construction of a new 4,113 square-foot two-level single-family house with a 533 square foot two-car attached garage and 1,057 square-foot basement and Tree Removal Permit to allow removal of one protected Coast Live Oak tree. Approved on October 7, 2009.

## **PROJECT DESCRIPTION:**

The applicant, Peter Tolkin, on behalf of the property owner, has submitted a Hillside Development Permit application to allow a new 4,280 square-foot, two-story single-family dwelling with an attached, below-grade 2,685 square-foot six-car garage. A Hillside Development Permit is required for a new dwelling within the Hillside Overlay District. A Variance is also requested to allow paving across 37.5 percent of the front yard area, where a maximum of 30 percent is allowed. Two private tree removal requests for the removal of one protected Coast Live Oak tree and one protected Olive tree are also included in the application.

The proposed two-story dwelling includes four bedrooms and four and a half bathrooms. The first floor would consist of a kitchen, dining room, living room, and half bathroom. The second floor would consist of four bedrooms and four bathrooms. A proposed driveway would provide

vehicle access into the below-grade garage. The below-grade garage would not be visible from the front elevation and would be approximately four feet above existing grade on the rear elevation. The project would provide a total of six on-site parking spaces for residents and guests. Other improvements include a 506 square-foot attached rear deck, a detached pool and spa, and landscaping.

## **ANALYSIS:**

### Hillside Development Permit: To allow the construction of a new single-family residence

The subject property is located in the RS-4-HD (Single-Family Residential, 0-4 units per acre of site area, Hillside Development Overlay District) zoning district. Properties located in the Hillside Development Overlay are required to comply with additional standards beyond those applicable to the base single-family residential zoning district (RS). 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 reviewing authority (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). The general purpose of the Hillside Development Permit is to ensure that the proposed project minimizes its visual and environmental impact. 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 proposal's compliance with development standards of the Hillside Development Overlay.

#### *Floor Area*

In the RS-4-HD zoning district, the maximum allowable gross floor area is equal to 25 percent of the lot area plus 500 square feet. Gross floor area generally includes all covered parking (garage and carport areas), habitable attic space, and accessory structures, among other enclosed space. For lots 10,000 square feet or more in the Hillside Overlay District, any portion equal to or greater than 50 percent slope must be deducted from the lot area when calculating the maximum allowable gross floor area. In cases, where the average slope across the lot exceeds 15 percent, the maximum allowable gross floor area is further reduced using a formula specified in Zoning Code Section 17.29.060.A.4 (Building Design Standards – Maximum Floor Area).

Based on the slope analysis provided by the applicant, the lot area measures 29,891 square feet. Of this, 2,556 square feet slopes equal to or are greater than 50 percent. The average slope is 25.3 percent (excluding areas sloping equal to or greater than 50 percent). Using the calculation applicable to the RS-4-HD zone, reduced per lot slope, the maximum allowed floor area is 6,966 square feet. The applicant's proposal consists of 6,965 square feet, which complies. This figure accounts for both floors of the dwelling and below-grade garage.

#### *Lot Coverage*

The maximum allowed lot coverage 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 by decks more than four feet in height. This standard generally evaluates the percentage of land area covered by development. In this case, 35 percent of the 29,891 square-foot lot is 10,461 square feet. The proposed lot coverage is approximately 13.4 percent, or 4,003 square feet, which complies. This figure accounts for the footprint of the dwelling and rear deck areas.

#### *Setbacks*

The minimum front setback in the Hillside Development Overlay is 25 feet. This setback is measured from the front property line, which is located along Scenic Drive. The proposed dwelling is setback 25 feet from the front property line and complies.

The minimum interior side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of 10 feet. Lot width is measured across the lot at the required front setback line, in this case, 25 feet back from the front property line. Additionally, where a building site abuts a lot with an elevation that is three feet or more above or below that of the site, the required side setback shall be measured from the nearest toe or top of slope to the structure, whichever is closer. Properties adjacent to the side property lines similarly slope down toward the northeast. Therefore, there is no top or toe of slope at the side property lines and the side setback is measured from property line. According to the plan, the lot measures 87'-5" wide. This results in a minimum interior side setback of 8'-9". The applicant has set back the proposed dwelling a minimum of 11 feet from the west property line and 17'-7" from the east property line, which complies. The pool is setback 27'-7" from the east side property line, which complies.

The minimum rear setback is 25 feet. The proposed development would be located 102'-5" from the rear property line, which complies.

#### *Encroachment Plane*

Main structures may not be located within an encroachment plane that slopes upward and inward at a 30-degree angle. The plane commences 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 project complies.

#### *Height*

Structures in the Hillside Development Overlay 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 from existing grade. In addition, structure height may not exceed 35 feet, measured from the lowest elevation on the site where the structure touches the grade, to the highest point of the roof (ridge or parapet). As proposed, the residence is approximately 28 feet from adjacent existing grade at its tallest point at the rear of the residence. The lowest elevation of the site (1061.25') where the structure touches the grade is at the northeast corner of the dwelling. The highest parapet of the dwelling (1092.46) is 31'-3" above the lowest elevation. Other portions of the dwelling are at lower heights when measured from existing grade. Therefore, the project complies.

### *Parking*

Single-family dwellings are required to provide two covered parking spaces. In addition, a minimum of two guest parking spaces shall be provided on a site fronting a street where on-street parking is allowed. On-street parking is allowed on Scenic Drive. As part of the project, the applicant has provided six parking spaces on-site within a garage, therefore, parking complies.

### *Neighborhood Compatibility*

Proposals subject to a Hillside Development Permit are to consider the character and scale of existing development in the neighborhood. The neighborhood is 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, other accessory structures, and basements) 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 72 parcels within the City of Pasadena. Three parcels are vacant. Of the remaining 69 developed parcels, the median floor area is 2,045 square feet. Thirty-five percent above the median is 2,761 square feet. Data obtained for the median calculation is included in Attachment C.

According to the plan, the proposed dwelling is 4,280 square feet and exceeds neighborhood compatibility. Pursuant to Zoning Code Section 17.29.060.F (Building Design Standards, Neighborhood Compatibility) for lots larger than 20,000 square feet in size, the review authority may approve additional floor area if it does not exceed the average floor area ratio (FAR) of the neighborhood after first making the findings in Section 17.29.080.G (Neighborhood Compatibility findings to grant additional floor area) following a review of site conditions and compliance with the remainder of the Hillside District standards. The Hearing Officer may approve additional floor area above neighborhood compatibility with consideration of the following:

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

FAR is a ratio of floor area to land area and is method for comparing the amount of development on a given lot. Using data from the Los Angeles County Assessor, staff determined that the average floor area ratio (FAR) of the neighborhood, is 0.18. In other words, on average, lots within the 500-foot radius are currently developed with floor area (excluding garages, accessory structures, basements, etc.) equal to 18.4 percent of a site's area. The applicant's proposal results in an FAR of 0.14, which does not exceed the average of the neighborhood. The project is designed to comply with applicable development standards of the Hillside District in that the project does not exceed the maximums for gross floor area, lot coverage, height, and complies with parking and setback requirements.

The project is also designed so no view impact would occur. The Zoning Code requires that new improvements not be centered directly in the view of any room of a primary structure on a neighboring parcel. 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 residence would be sited at the front setback and recessed down into existing grade. The height of the residence ranges from 15 feet above existing grade at the front of the

residence, to 28 feet above existing grade at the rear of the residence. Neighboring properties generally have views of existing off-site structures, foliage, trees, and the open sky when looking toward the subject property. The proposed dwelling may be in view to these properties if constructed. However, the surrounding properties do not have views protected by the City that would be affected by the project. Further, because the proposed residence would be recessed down into existing grade, its height and massing are much lower than if it were situated entirely above existing grade. Specifically, a large portion of the first floor would be situated below existing grade, and the overall height of the structure would be reduced. The project complies with development standards which regulate visual impacts to neighboring properties such as setbacks, encroachment plane, and height limitations. As such, no additional view impacts would occur to neighboring properties as a result of granting additional square footage. Analysis relating to view protection is included in detail in a subsequent section of this report.

The project is also designed to be compatible with the massing, scale and articulation of the residences found in the neighborhood as viewed from the street. The residence would have a two-story appearance at the front elevation, however, would be recessed down into existing grade, having a height of 15'-1" above existing grade as viewed from the street. This height is consistent with that of neighboring properties. In addition, the front building line of the proposed residence is at an acute angle from street property line which would minimize the massing and perceived height of the building from the street. The front elevation includes building articulation such as overhangs, windows, and a recessed front entry which helps to articulate the building massing. Other two-story residences exist within the neighborhood and on Scenic Drive, therefore the proposed project as viewed from the street is compatible. As such, the proposed massing, scale, and building articulation of the proposed residence would be compatible with the neighborhood as viewed from the street, and staff recommends that the Hearing Officer approve the additional floor above Neighborhood Compatibility.

**Table 1: RS-4 and Hillside Overlay Development Standards**

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Analysis</b>
<b>Maximum Floor Area</b>	6,966 square feet	6,965 square feet	Complies
<b>Maximum Lot Coverage</b>	35% of lot size (10,461 square feet)	13.4% (4,003 square feet)	Complies
<b>Setbacks</b>			
Front (south)	25'	25'	Complies
Side (east and west)	8'-9"	17'-7" east; 11' west	Complies
Rear (North)	25'	102'-5"	Complies
<b>Encroachment Plane</b>	30 degrees at 6' high	30 degrees at 6' high	Complies
<b>Maximum Allowable Height</b>	28' and 35'	28' and 31'-3"	Complies
<b>Minimum Parking</b>	2 covered spaces	2 on-site	Complies
Guest Parking	2 on-site	4 on-site	Complies
<b>Neighborhood Compatibility</b>	2,761 square feet	4,280 square feet	Requested
Average FAR	18 percent	14.3 percent	Complies

#### *Ridgeline Protection*

The Zoning Code requires that structures shall not appear silhouetted against the sky above the nearest ridge when viewed from a public street or park and that the topmost point of a proposed structure and all site grading shall be at least 30 feet below the top of the nearest ridge or knoll. Ridgelines shall be defined as the high meeting point of a crest of two slopes that form a hill.

There are no identified ridgelines on or in the immediate vicinity of the project site. Slopes vary within the vicinity between properties, with general upward slopes toward the northwest up Scenic Drive. Therefore, the proposed residence complies with the ridgeline protection standards of the Zoning Code.

#### *Architecture and Setting*

The neighborhood generally consists of properties along Scenic Drive, Vista Lane, Arroyo View Drive, Lancashire Place, and Lida Street. These properties are one- and two-stories in height. Architectural styles and elements vary within the neighborhood. The neighborhood consists of an eclectic mix of architectural styles including California Ranch, Mid-century Modern, and Modern Contemporary. Many dwellings in the neighborhood feature elements such as two-story facades, flat or slightly sloping roofs, clean lines, and expansive windows. Examples on the street include properties at 1502 and 1554, and 1475 Scenic Drive. Other examples of modern architecture are located 1530, 1535, and 1506 Lancashire Place, 1439 Lida Street, and 1500 Vista Lane.

According to the applicant, the architecture of the proposed residence is a contemporary interpretation of the Mid-Century and late Modern styles. The two-story residence features expansive windows, building overhangs, low sloping roofs, and textured cement siding. The applicant has sought to minimize the massing of the proposed residence by recessing it down into existing grade. The siting of the building down into existing grade reduces the overall height and appearance of the residence as visible from off the site. In addition, the building is positioned at an acute angle from the street property line which minimizes the massing and perceived height of the building from the street and adjacent properties. The project further attempts to modulate mass and wall surfaces by including building overhangs, expansive windows, and varying exterior colors and materials. The below-grade garage would not be visible from the street and visibility of the garage would be limited from adjacent properties as it is primarily below grade and would be screened by landscaping.

According to the applicant, privacy of the surrounding lots would be protected by placing windows on facades that are set back or screened from adjacent property lines and maintaining trees along property lines. Specifically, consideration was taken by limiting the number of windows on the west elevation of the residence. The project includes one outdoor deck and pool area at the rear of the residence which are oriented toward on-site yard areas to the north, which protects the privacy of adjacent properties.

The applicant proposes a color and material palette that is appropriate for the architectural style and compatible with the hillside environment. Exterior materials consist of a dark colored textured concrete for the second floor, a warm sandy tone colored concrete for the first floor, and matte bronze trim details. As such, the proposed size, design, materials, and color palette are consistent with the applicable design criteria (architectural features) of the Hillside Development Overlay and properties within the neighborhood.

#### *View Protection and Visual Analysis*

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 presently vacant site slopes down towards the northeast away from Scenic Drive. The proposed residence would be recessed down into existing grade with a height ranging from 15 feet above existing grade at the front of the residence, to 28 feet above existing grade at the rear of the residence.

Residences at 1508 Scenic Drive, 1529 Vista Lane, and 1549 Vista Lane are located toward the east of the subject property and are sited at lower elevations. From these surrounding properties, foliage, trees, and the open sky are in view when looking west towards the project site. The proposed dwelling may be visible to these easterly properties if constructed. However, the surrounding easterly properties do not have views protected by the City that would be affected by the project.

The abutting residence at 1550 Scenic Drive is located west of the subject property and is sited near the same elevation as the existing property. From this neighboring residence, existing off-site structures, foliage and trees, are in view when looking east towards the project site. The proposed dwelling would also be visible to the westerly property if constructed. However, the surrounding westerly property does not have views protected by the City that would be affected by the project.

The abutting residence to the north at 1555 Vista Lane is located north of the subject property and is sited at a higher elevation. From this neighboring residence, existing foliage, trees, and on-site yard areas are in view when looking south towards the project site. Additionally, the existing residence on this property is located approximately 200 feet from the proposed residence, therefore visibility would be limited and obscured by existing vegetation. The surrounding northerly property does not have views protected by the City that would be affected by the project.

Properties across the street from the subject property similarly have views of existing off-site structures, foliage, and trees when looking towards the project site. Although the proposed residence may be visible from these properties, there are no protected views that would be affected by the project.

As such, any views from surrounding properties would reasonably be limited to existing foliage, existing structures, and the open sky. The City does not protect these views. In February 2025, story poles were installed on the subject property and a certification was provided verifying compliance with the standards of the Zoning Code. The story poles provide a visual representation of the project and additional means to verify any potential view impacts. Staff conducted a visual inspection on February 26, 2025, photographing the project site in relation to the adjacent properties and the public right-of-way. Staff has determined that while the silhouette was visible from the abutting properties, the project would not affect any views that are protected by the City's Zoning Code.

After installation, and in early March, the City mailed a Notice of Application to all properties within 500 feet of the subject site informing them of the application and the availability of materials to review and comment.

#### *Arroyo Seco Slope Bank*

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 not located within the boundary identified on the Map.

#### *Preliminary Geotechnical Report*

Subsurface Designs, Inc. conducted a geotechnical investigation of the site and prepared a soils report. The report includes a description and an evaluation of the earth materials and provides soils and geologic recommendations for construction of the proposed improvements. A geotechnical investigation is required for projects subject to a Hillside Development Permit. The purpose of the report is to identify any soils or geological problems that may affect site stability or structural integrity.

According to the report, the project site is underlain by earth fill, natural soil and bedrock. Six test pits to a depth of 11 feet were excavated within the area of proposed construction. No groundwater was observed on the site in exploratory borings. In addition, the site is not located within an Earthquake Fault Zone. The report states that the site possesses underlying bedrock which is considered to be favorable regarding slope stability. The report also states that the site is not within a special studies zone for seismic induced liquefaction and the potential for liquefaction to occur is remote due to the underlain bedrock.

Based on the findings of the investigation, the site is considered suitable from a soils engineering standpoint for construction of the proposed structures, provided the recommendations included are followed and integrated into the building and/or grading plans. As part of the Building Permit plan check process, the Building and Safety Division would review the final soils report and verify the project complies with applicable requirements.

#### *Hydrology Report*

Forma Engineering Inc. prepared a hydrology study as required by the Zoning Code. The purpose of the report is to analyze the effects of water runoff, drainage, sustained landscape irrigation, and increased groundwater on slope stability and any potential effects (flooding, mudslides, higher water table, etc.) of added groundwater on properties down slope.

The report states that the requirements of Low Impact Development (LID) would be satisfied through infiltration. The project proposes a 24-inch pipe at the westerly end of the existing swale to contain flow from the developed property to the west. Additionally, the project proposes an onsite detention facility to detain the excess runoff generated by the proposed residence to prevent impacting property downstream.

Forma Engineering Inc. concluded that the project would increase the storm flow exiting the site. However, with the proposed measures, the increase in runoff would not pose an adverse impact to adjacent properties. During building permit plan check, the Building and Safety Division would review final hydrology for compliance with LID requirements.

#### *Constraints Analysis*

Bargas Environmental Consulting prepared a biological resources report evaluating potential for sensitive environmental resources including endangered plants or animals, trees protected by the City's Tree Protection Ordinance, riparian areas, or a wildlife corridor.

Results of the site survey found that the site contains non-native grassland habitats with several mature native and introduced trees and plants. No special status biological resources were observed on or in the vicinity of the property and none have more than a low potential to occur on or in the vicinity of the site. The report states that the proposed project is in an established residential neighborhood, and that the project is unlikely to have an effect on wildlife movement and is not located near preserved areas or significant ecological areas. There are no aquatic resources or riparian vegetation on the property. As such, there are no biological constraints to implementation of the proposed project. A condition of approval is included in Attachment B to ensure the project is consistent with regulations protecting biological resources.

#### *Tree Protection Ordinance and Landscaping*

Certified Arborist Scott McAllaster (#WE-7011A) of Carlberg Associates prepared an arborist report that identified 65 on-site trees, one off-site tree, and one right-of-way tree in front of the property. Existing tree species include Elm, Jujube, Lemon Bottlebrush, Oak, Lacebark, Shamel Ash, Mexican Fan Palm, Olive, Eucalyptus, Fern Pine, Brisbane Box, and Persimmon trees.

The Zoning Code establishes that native and specimen trees meeting the corresponding protection size, and that are located in the front yard, required side yard, or required rear yard of the single-family property shall be protected. Of the 65 on-site trees, 13 are protected by the City. To accommodate the project, the applicant proposes the removal of two protected trees including one 11.5" DBH Coast Live Oak tree (Tree #8) and one 18.7" DBH Olive tree (Tree #17). The other 11 protected on-site trees are proposed to remain. Analysis relating to the removal of the protected trees is included in detail in a subsequent section of this report

Of the 65 on-site trees, 52 are not protected. However, pursuant to Zoning Code Section 17.44.070.F.1(b), for each native tree larger than four-inch caliper that is removed, a 15-gallon replacement tree shall be planted on the site. The applicant proposes to remove four native trees with a caliper between four and eight inches. Therefore, the required replacement is four, 15-gallon native trees. To satisfy this tree replacement, the proposed landscape plan includes one 36-inch box Coast Live Oak tree and three 48-inch box Coast Live Oak trees for a total of four trees which meets the requirement. Additionally, for native trees in excess of eight-inch caliper that is removed, the replacement tree shall be 24-inch box or larger. The applicant proposes to remove 14 native trees with a caliper exceeding eight inches. Therefore, the required replacement is 14, 24-inch box native trees. To satisfy this tree replacement, the proposed landscape plan includes five, 24-inch box Coast Live Oak trees, and nine, 48-inch box Coast Live Oak trees for a total of 14 replacement trees which meets the requirement. The planting of all required replacement trees is included as a condition of approval in Attachment B.

Of the 52 nonprotected on-site trees, 18 native trees are proposed for removal per Section 17.44.070.F.1(b) as discussed above, 14 nonnative trees are proposed for removal, and 20 native and nonnative trees are proposed to remain.

In total, of the 65 onsite trees, 34 trees (2 protected, 18 nonprotected native trees, and 14 nonprotected nonnative trees) are proposed for removal and 31 trees are proposed to remain. One protected off-site tree along the rear property line and one street tree are proposed to remain. Maximum effort has been exercised to retain existing trees in place. Only trees which exist within the proposed building, driveway, or pool footprint or that would be impacted by grading are proposed to be removed. Existing trees beyond these areas, particularly near the center, rear and side portions of the lot are remaining. To ensure the protection of existing trees to remain during construction, a condition of approval is recommended requiring submittal of a tree protection plan prior to permit issuance.

The applicant provided a preliminary landscape plan that identifies a variety of new trees, shrubs, and groundcover that are proposed throughout the project site. Species proposed include trees and plants that are native and drought tolerant. A total of 32 trees are proposed to be planted across the site in addition to existing trees to remain. One street tree would also be planted. As such, the project would result in a total 63 on-site trees and two right-of-way trees, consisting of existing and proposed trees. Proposed trees would be planted within the front, side, and rear setback areas which would aid in screening the proposed residence and pool from the street and adjacent properties. In addition, proposed shrubs and ground cover would be planted throughout the site and within setback areas. Through review of the plans for a Building Permit, the applicant is required to provide a final landscape and irrigation plan demonstrating compliance with applicable requirements and tree replacement. A recommended condition of approval is included to address this requirement.

Tree Removal Permit: To allow removal of two protected trees

The Zoning Code provides protection for specific native and specimen trees located in the front yard, side yard, or rear yard of all property located in a single-family residential zone. Of the 65 on-site trees, 13 are protected by the City. The applicant proposes the removal of two protected trees including one 11.5" DBH Coast Live Oak tree (Tree #8) and one 18.7" DBH Olive tree (Tree #17). As such, a tree removal permit is requested for each tree. Each application is utilizing Finding #6 for tree removal, which requires that the project includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix prepared by the city manager and included in the associated administrative guidelines.

*Tree #8 - 11.5" DBH Coast Live Oak (*Quercus Agrifolia*) tree*

The subject Coast Live Oak tree is located within the front setback of the property and is proposed for removal due to proposed grading associated with the project. For the removal of the subject 11.5" DBH Coast Live Oak, the City's Tree Replacement Matrix requires a minimum of six 15-gallon or three 24-inch box trees. Additionally, replacement trees shall be native trees. The proposed landscape plan includes the planting of three 72-inch box Coast Live Oak trees (identified as Replacement Tree 8.1, 8.2, and 8.3) which would be planted within the front yard of the proposed residence.

*Tree #17 - 18.7" DBH Olive (*Olea Europaea*) tree*

The subject Olive tree is located within the east side setback of the property and is proposed for removal as it conflicts with the location of the proposed driveway. For the removal of the subject 18.7" DBH Olive tree, the City's Tree Replacement Matrix requires a minimum of eight 24-inch box or four 36-inch box trees. The proposed landscape plan includes the planting of four 36-inch box Olive trees (identified as Replacement Tree 17.1, 17.2, 17.3, and 17.4) which would be planted between the proposed residence and pool near the east side setback.

Including the replacement trees for Tree #8 and Tree #17, a total of 32 on-site trees and one right-of-way tree would be planted as part of the project, in addition to the existing trees to remain. Therefore, the project includes a landscape plan which emphasizes a tree canopy and satisfies the replacement requirements for Finding #6 to allow for the removal of the protected trees.

Variance: To exceed the maximum front yard paving permitted

The Zoning Code requires that not more than 30 percent of the front setback area, between the street property line and building line, shall be paved. The project proposes a 15-foot-wide driveway which leads to a below-grade garage and a six-foot-wide walkway which connects the sidewalk to the front door of the residence. The proposed project results in 37.5 percent paving in the front setback area.

Variance applications allow the City to review whether adjustments from the Zoning Code can be granted for a project. A Variance may only be granted when, because of special circumstances applicable to the subject property, including dimension, location, shape, size, or surroundings; geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity, the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary, and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. A Variance shall not be granted that would have the effect of granting a special privilege(s) not shared by other property owners in the vicinity and under identical zoning districts. Variances may only be approved by the Hearing Officer if all the required findings can be made in the affirmative.

The subject property is an irregular pentagon-shaped lot, which narrows at the street frontage. The proposed residence is sited toward the front setback to avoid sloped portions of the lot, further alteration to the hillside topography, and an existing drainage swale. In addition, the building line of the proposed residence is at an acute angle from the street property line. According to the applicant, the proposed residence is oriented in such a way to minimize the massing and perceived height of the building from the street, to maximize energy efficiency, and to further avoid sloped portions of the lot and existing trees. The area between the street property line and building line is 2,759 square feet and 30 percent of the front yard area equates to 827 square feet. The project proposes a driveway and walkway within the front yard, resulting in front yard paving of 37.5 percent or 1,036 square feet. The shape of the lot, narrow street frontage, and the placement of the proposed residence creates a unique condition at the subject site that does not apply generally to sites in the same zoning district. Without a Variance, the subject site could not accommodate the required 15-foot-wide vehicular driveway or the proposed 6-foot-wide pedestrian walkway to the front door. The additional paving would not be detrimental or injurious to property or improvements in the vicinity as the remaining areas of front yard would be landscaped with trees, shrubs, and groundcovers, thus maintaining a landscaped front setback compatible with properties in the vicinity.

#### **GENERAL PLAN CONSISTENCY:**

The subject property is designated Low Density Residential in the Land Use Element of the General Plan. This designation corresponds to lots that are characterized by a variety of single-family dwellings, ample open space, extensive landscaping, and separations between single-family dwellings and/or accessory buildings. The proposed single-family dwelling is consistent with the applicable designation, would maintain ample open space, and include extensive landscaping. Separation to neighboring single-family dwellings would be maintained.

The project would maintain consistency with General Plan Land Use Element Policies 7.1 (Architectural Quality), 21.9 (Hillside Housing) and 22.2 (Garages and Accessory Structures). Policy 7.1 requires design to be a high-quality, long term addition to the City's urban fabric. The exterior design and buildings material shall exhibit permanence and quality, minimize maintenance concerns, and extend the life of the building.

Policy 21.9 requires housing to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposal complies with applicable development standards in the City's Zoning Code. The proposed dwelling is compatible with the residences in the immediate neighborhood. The proposed residence would be recessed down into existing grade to limit its height and provide building articulation to modulate the building's massing. The scale and two-story massing are consistent with surrounding properties that consist of one and two-story developments. The proposed residence incorporates elements and features present at properties in the vicinity. In addition, access would be provided by a driveway off Scenic Drive, consistent with properties in the neighborhood.

Policy 22.2 emphasizes locating and designing garages and accessory structures, so they do not dominate the appearance of the dwelling from the street. The project has located the garage below grade beneath the dwelling, which minimizes its appearance. Therefore, the project is consistent with the General Plan Land Use Element.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, New Construction) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts the construction and location of limited numbers of new, small facilities or structures, which include, but are not limited to, one single-family residence in a residential zone. Therefore, the proposal is exempt from environmental review.

#### **REVIEW BY OTHER CITY DEPARTMENTS:**

The Fire, Public Works, Water and Power, Transportation, Housing Departments, Building and Safety Division, and Design and Historic Preservation Section reviewed the proposal. Conditions of Approval were provided by the Fire, Public Works, Water, Transportation Departments and the Building and Safety Division. Recommended conditions of approval are incorporated into Attachment B. In addition, to recommended conditions of approval, all departments would verify project compliance during the building permit plan review process.

#### **CONCLUSION:**

Staff concludes that the findings necessary for approving the Hillside Development Permit, Variance, and Tree Removal Permit can be made (Attachment A). With the exception of the requested Variance for front yard paving, the proposed project meets applicable development standards and provisions of the Zoning Code. The proposed size, design, and massing are consistent with the applicable design criteria for the Hillside Development Overlay and properties within the neighborhood. Existing views and privacy would reasonably be maintained. It is anticipated that the proposed location would not be detrimental or injurious to surrounding properties or improvements. The request for additional floor area above the maximum permitted by Neighborhood Compatibility would be below the average FAR of the neighborhood and would be consistent with the neighborhood as viewed from the street while minimizing view impacts to adjacent residences. The Variance to allow additional paving within the front setback is necessary to allow for a driveway and walkway. All other areas of the front setback would be landscaped and would not be detrimental to the neighborhood. Lastly, the two protected trees proposed for removal would be adequately replaced as part of a comprehensive landscape

plan. Therefore, staff recommends approval of the Hillside Development Permit subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

**ATTACHMENTS:**

Attachment A: Findings for Hillside Development Permit, Variance, and Tree Removal Permit

Attachment B: Recommended Conditions of Approval

Attachment C: Neighborhood Compatibility Analysis