

**PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

**DATE:** OCTOBER 23, 2025  
**TO:** BOARD OF ZONING APPEALS  
**FROM:** BEILIN YU, ZONING ADMINISTRATOR  
**SUBJECT:** APPEAL OF HEARING OFFICER'S DECISION:  
HILLSIDE DEVELOPMENT PERMIT #7134  
1530 SCENIC DRIVE

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**RECOMMENDATION:**

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination, that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §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; and
2. Adopt the Specific Findings in Attachment A and uphold the Hearing Officer's decision to approve Hillside Development Permit #7134.

**EXECUTIVE SUMMARY:**

On July 14, 2023, the applicant, Peter Tolkin, on behalf of the property owner, submitted an application for Hillside Development Permit #7134 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. Also included in the application was a request for a Variance to allow paving across 37.5 percent of the front yard area, where a maximum of 30 percent is allowed, and two Private Tree Removal requests for the removal of one protected Coast Live Oak tree and one protected Olive tree. The property is located within the RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Development Overlay District) zoning district.

On April 16, 2025, at a regularly noticed public hearing, the Hearing Officer considered the application. Staff recommended the Hearing Officer approve the Hillside Development Permit, subject to conditions of approval. At the conclusion of the public hearing, and after public testimony, the Hearing Officer made the required findings in the affirmative and approved the Hillside Development Permit (Attachment D). On April 28, 2025, a request was filed by Sharon Bober to appeal the Hearing Officer's decision to the Board of Zoning Appeals (Attachment E). Following the submittal of the appeal application, staff met with the applicant and appellant to

discuss the points raised in the appeal and to determine if the two parties could reach an agreement. No agreement was reached.

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

## **BACKGROUND:**

### Existing 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. 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 dwelling units per acre, Hillside Development Overlay District)
- East – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Development Overlay District)
- West – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Development Overlay District)

### Previous Zoning Cases:

Hillside Development Permit #5107 – 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 application is a request 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. 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.

A Variance is 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.

#### **HEARING OFFICER:**

The application was presented to the Hearing Officer at a public hearing on April 16, 2025. Staff recommended the Hearing Officer approve the application, as staff determined that the necessary findings could be made. Prior to the hearing, staff received five public comments, including four from surrounding neighbors, and one from the applicant. Comments from the neighbors expressed concerns regarding the size of the proposed house and construction impacts. During the public hearing, the applicant made a presentation, and five additional public comments were received, two of which were in opposition to the project.

At the conclusion of the public testimony, the Hearing Officer approved the Hillside Development Permit, based on findings in the Hearing Officer Decision Letter (Attachment D). To supplement the decision, the Hearing Officer provided an addendum explaining his reasons for approving the application and responding to the appeal (Attachment F).

#### **ANALYSIS:**

##### Hillside Development Permit

The subject property is located within the RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, 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 (Board of Zoning Appeals) may approve a Hillside Development Permit only after making eight findings pursuant to Zoning Code Sections 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.

Development within the RS-4 HD zoning district shall comply with applicable development standards of the RS-4 district, Zoning Code Section 17.22.040 (RS and RM-12 Residential Districts General Development Standards) and Chapter 17.29 (Hillside Overlay Districts). In addition to the following discussion, a summary is provided in Table 1.

### *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 Board of Zoning Appeals 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 the 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 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 applicant has also demonstrated that the footprint of the proposed residence is comparable in size to the footprint of existing residences on Scenic Drive, thus maintaining appropriate scale with the neighborhood. 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 Board of Zoning Appeals approve the additional floor above Neighborhood Compatibility.

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

Development Standard	Required	Proposed	Analysis
<b>Maximum Gross 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>Minimum Setbacks</b>			
Front (Scenic Drive)	25'	25'	Complies
Side (East and West)	8'-9"	17'-7" east 11' west	Complies Complies
Rear (North)	25'	102'-5"	Complies
<b>Encroachment Plane</b>	30 degrees at 6' high	30 degrees at 6' high	Complies
<b>Maximum Height</b>	28' and 35'	28' and 31'-3"	Complies
<b>Minimum Parking</b>	Two covered spaces	Two spaces within garage	Complies
<b>Minimum Guest Parking</b>	Two on-site spaces	Four spaces within garage	Complies
<b>Neighborhood Compatibility</b>	2,761 square feet	4,280 square feet	Requested
Average FAR	18 percent	14 percent	Complies

#### *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, Story Poles, Notice of Application Requirements*

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. The story poles provide a visual representation of the project and additional means to verify any potential view impacts. Staff conducted a visual inspection, photographing the project site in relation to abutting properties and the public right-of-way. A Notice of Application, providing a minimum 14-day notification period, was also mailed in accordance with the Zoning Code requirements. 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.

#### *Ridgeline Protection*

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

#### *Arroyo Seco Slope Bank*

Section 17.29.050.D of the City's Zoning Code states that no structure shall extend over or below the top edge of the Arroyo Seco slope bank on a lot identified on the *Arroyo Seco Slope Bank Map*, dated May 11, 2004. The subject property is not located within the boundary identified on the Map. Therefore, the project complies with the Arroyo Seco slope bank requirements.

#### *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 on-site 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 on-site 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 Board of Zoning Appeals 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.

#### **APPEAL:**

On April 28, 2025, an appeal request was filed by Sharon Bober to appeal the Hearing Officer's decision to the Board of Zoning Appeals (Attachment E). The appellant cites the following points:

1. Neighborhood Compatibility.
2. Biological Resources.
3. Excess Grading.
4. Trees.
5. Claimed CEQA Exemption.
6. Variance for Excess Hardscape.
7. Construction Management Plan.

#### Response to Appeal:

Staff has provided responses to the appellant's concerns in the section below. Additionally, the appeal application was forwarded to the Hearing Officer for review. The Hearing Officer provided responses in the form of an addendum (Attachment F), which are also included in the section below.

1. Neighborhood Compatibility. The Hearing Officer erred in approving 1,519 square feet over the maximum allowable amount of 2,761 square feet per the Hillside Ordinance. The proposed house is approximately twice the size of a typical modest home on Scenic and is not in scale and character or compatible with the defined neighborhood. A major purpose of the Hillside Ordinance is to preserve adjacent neighborhood scale and character. Required Finding 10 cannot be made because the massing, scale, and building articulation of the proposed dwelling or other structure is NOT compatible with the neighborhood as viewed from public or private streets, and, therefore, there is no basis for approval of the requested excess Neighborhood Compatibility square footage.

**Staff's Response:** *The proposed project includes a 4,280 square-foot residence where a maximum of 2,761 square feet is allowed per the Neighborhood Compatibility requirement. The Zoning Code states that for lots larger than 20,000 square feet 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 additional findings and following a review of site conditions and compliance with the remainder of the Hillside District standards.*

*Staff determined that the average FAR of the neighborhood is 0.18. The applicant's proposal results in an FAR of 0.14, which does not exceed the average of the neighborhood. In addition, two findings are required to be made to allow additional floor*

area:

- i. *No additional view impacts will occur to neighboring properties as a result of granting additional square footage.*

*The Zoning Code requires that 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 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 visible 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.*

- ii. *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.*

*The proposed two-story residence is sited at the 25-foot front setback. The residence has a two-story appearance at the front elevation, however, would be substantially 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 the 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. The proposed setback is compatible with and even exceeds the setbacks of residences within the neighborhood. Further, the applicant has demonstrated that the footprint of the proposed residence is comparable in size to the footprint of existing residences on Scenic Drive, thus maintaining appropriate scale with the neighborhood. Other two-story residences exist within the neighborhood and on Scenic Drive, therefore the proposed project as viewed from the street is compatible.*

*The subject property has a lot size greater than 20,000 square feet, and the proposed project does not exceed the average FAR of the neighborhood. No additional view impacts would occur as a result of granting additional square footage and the massing, scale, and*

*building articulation of the residence is compatible with the neighborhood as viewed from the street. 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. As such, the request to exceed Neighborhood Compatibility is allowed by the Zoning Code.*

**Hearing Officer's Response:** *The proposed residence exceeds the maximum house size per the neighborhood compatibility requirement but does not exceed the average FAR of the neighborhood. Additionally, the project complies with the maximum allowable floor area based on the lot size and slope. The front building line has been designed at an angle, and the residence is recessed into the natural grade, which reduces the apparent bulk of the structure and maintains scale compatibility with surrounding homes. The residence avoids development on the steeper portions of the lot, ensuring that no view impacts result from the project.*

2. Biological Resources. The Constraints Analysis required by the Hillside Ordinance and the Biological Resources Report are both incomplete, incorrect, and inadequate. There is direct and substantial evidence, including direct observations by neighbors and numerous photographs, that a significant Wildlife Corridor crosses the proposed Project site through which large numbers of local Wildlife travel and birds fly over. This Corridor is part of the recognized Wildlife Corridor system in the Linda Vista-Annandale neighborhood and is connected to the Corridor that exists through the Arroyo and the open Cottonwood and St. Katherine's Canyons (aka Cottonwood II) located close to the Project site. Cottonwood is owned by the Arroyos and Foothills Conservancy and is a recognized and dedicated Wildlife Corridor preservation area. Required Findings 1 and 2 cannot be made because staff and the Biological Resources consultant should have known and properly analyzed that there are Biological constraints to implementation of the proposed Project. The proposed Project is likely to have an effect on wildlife movement and habitat and is located near preserved areas or significant ecological areas.

**Staff's Response:** *Zoning Code Section 17.29.080 requires a constraints analysis for properties that may potentially have sensitive environmental resources. 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. The report states that, the term "Wildlife movement corridor" generally means, "an area of habitat that is important for the movement of wildlife between larger habitat areas". The report indicates that due to significant existing human site disturbances and residential development, the site is unlikely to be of importance to wildlife movement and the project would not significantly affect wildlife movement. The report concludes that the proposed project is not anticipated to adversely affect wildlife movement and is neither located within nor adjacent to conserved areas or Significant Ecological Areas as identified by the County of Los Angeles. The nearest Significant Ecological Area is identified as being 3.5 miles away from the project site. Therefore, no recognized wildlife corridor crosses through the site and the proposed project would not regionally restrict wildlife movement. No evidence was provided by the appellant demonstrating that the subject property is within a recognized wildlife corridor. As such, there are no biological constraints to implementation of the proposed project. To ensure the project is consistent with regulations protecting biological resources, a condition of approval is included requiring a nesting bird survey to be conducted if construction occurs during bird season.*

Hearing Officer's Response: Of the 65 existing trees on the property, only two protected trees are proposed for removal. Conditions of approval require the applicant to obtain all necessary permits for removal, plant replacement trees, and ensure monitoring of the replacements to confirm compliance. Additionally, sufficient native landscaping will remain onsite to support the local habitat and wildlife.

3. Excess Grading. The Preliminary Grading Plan indicates that 2,413 cubic yards of dirt (approx. 161 dump trucks) will be exported from the site while only 270 cubic yards will be used as fill. The proposed grading of the site is not balanced and violates the Hillside Ordinance which requires that Hillside projects minimize grading and instead requires that projects respect environmental equilibrium by respecting and preserving natural and existing grade. Therefore, required Findings No. 1, 2,3,4,5,6 and 8 cannot be made. The proposed grading alters the topography of the site for the apparent purpose of concealing the actual mass and scale of the proposed Project including the 6-car garage to be placed below the resulting grade. The amount of excessive grading will impact the Wildlife Corridor on the site without consideration of the significant impacts of such grading on Wildlife and will create the need for extensive hauling of dirt and debris off the site with significant impacts to the defined Scenic neighborhood.

Staff's Response: The applicant submitted a preliminary grading plan which indicates an approximate cut of 2,413 cubic yard, fill of 270 cubic yards, and an estimated export of 2,143 cubic yards. Although the Zoning Code does not require grading quantities to be balanced on-site or place any other maximum allowable quantity for grading, an objective of the Hillside Overlay is to preserve significant natural topographic features, including swales, canyons, knolls, ridgelines, and rock outcrops, riparian vegetation, natural streambeds, and woodlands to the maximum extent feasible. While it is recognized that development may necessarily affect natural features, a major design objective shall be to minimize these impacts. To minimize disturbance to existing features, the proposed dwelling would be sited at the 25-foot front setback, primarily within areas with 0-15% slope. In general, areas of the lot with slopes 15-50% and greater are located to the center and rear of the lot along with a natural swale. As such, the proposed design aims to avoid steeply sloped areas to the maximum extent feasible while preserving a natural swale. Additionally, the proposed dwelling would utilize a relatively small footprint as the floors have a stacked design, minimizing the building footprint and overall alteration to the hillside topography. The design also reduces the overall height and massing of the structure from the street, recessing the structure down into existing grade. As proposed, the structure would have a height of 15'-1" above existing grade maintaining compatibility with the neighborhood. Siting the residence on other portions of the lot would entail additional grading, and disturbance of steep sloped areas and an existing swale at the center of the lot. As such, the project is designed to minimize alteration to natural topographic features to the maximum extent feasible, consistent with the Hillside Overlay.

Site grading, retaining walls, structural foundations, and all methods of retention shall comply with the requirements of Municipal Code Chapter 14.05 (Excavation and Grading in Hillside Areas), and the Pasadena Building Code. Compliance is determined by the Building Division who would review a comprehensive grading plan at the time of building permit submittal. Further, conditions of approval are included to minimize construction impacts to the surrounding neighborhood. Condition #19 requires a lead pilot vehicle and flag person for the use of all construction vehicles with length over 30 feet or widths over 102 inches. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works.

*This condition also limits the hours that large construction vehicles can be operated. Condition #20 prohibits construction activities from obstructing access to vehicular driveways of adjacent properties. Condition #24 requires the project to follow standard good housekeeping methods and use proper sediment and erosion control measures to protect the hillside and development area. Condition #26 and #60 requires the applicant to submit a Construction Staging and Traffic Management Plan to the Planning Division and Department of Public Works for review and approval. The plan shall be available for review by surrounding property owners.*

**Hearing Officer's Response:** *Conditions of approval impose clear requirements to address construction-related impacts, including those related to traffic, staging, and noise. Conditions Nos. 19–26 specifically require a construction staging and traffic management plan to ensure proper oversight of construction activity.*

4. Trees. The proposed Project removes half of the mature protected and other Trees on the site in order to accommodate Project size, siting and excess grading and other impacts. These existing Trees contribute to the character of the defined neighborhood and support and enhance the Wildlife Corridor on the site. Although there is a required Tree replacement plan, the loss of mature canopy Trees will take many years to "replace." Further, it is not clear that many of the replacement Trees will survive over the long run, particularly the larger replacement Trees. The excessive loss of mature Trees on-site is directly related to the size, siting, grading, and construction required by the proposed Project and the Project should be reduced in size and redesigned to preserve more of the mature, healthy canopy Trees on the site.

**Staff's Response:** *The plans indicate a total of 65 existing on-site trees. Of the existing trees, 34 trees (two protected, 18 nonprotected native trees, and 14 nonprotected nonnative trees) are proposed for removal to accommodate the project and 31 trees are proposed to remain. The removal of the two protected trees and 18 native trees requires the applicant to provide a total of 25 replacement trees on-site. The applicant provided a preliminary landscape plan that identifies a variety of new trees, shrubs, and groundcover that are proposed throughout the project site. In addition to existing trees to remain, a total of 32 trees are proposed to be planted across the site, exceeding the replacement requirement. The replacement trees are required to be a minimum size at planting to reduce the time it would take to grow to mature size. 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. The project includes a landscape plan with replacement trees and therefore, the tree canopy of the site and character of the neighborhood would be maintained.*

*Conditions of approval are included to ensure that the project maintains existing trees to remain, adheres to the tree replacement requirements, and that replacement trees are planted in a manner that ensures survival. Condition #12 requires a tree protection plan be submitted and approved prior to issuance of a building or grading permit. Condition #14 and 16 requires that the two protected trees and 18 native trees noted for removal shall be replaced in compliance with the Tree Replacement Matrix and Zoning Code as shown on the planting plan. The conditions also specify that the replacement trees shall be planted in a manner that would ensure the trees can survive and thrive on the site. Conditions #13 and 15 require that the removal of protected and native trees exceeding a four-inch caliper may only occur upon issuance of a building permit.*

*The proposed residence is sited at the front setback and occupies a small footprint in*

*relation to the size of the lot. In addition, the dwelling would have a stacked design, minimizing the building footprint and overall alteration to the hillside topography. Siting the residence on other portions of the lot would result in a larger disturbed area and removal of additional trees, many of which are to the center and rear of the lot. The proposed project aims to preserve as many existing trees as feasible by only removing those trees necessary to accommodate the proposed building footprint and improvements.*

**Hearing Officer's Response:** *Of the 65 existing trees on the property, only two protected trees are proposed for removal. Conditions of approval require the applicant to obtain all necessary permits for removal, plant replacement trees, and ensure monitoring of the replacements to confirm compliance. Additionally, sufficient native landscaping will remain onsite to support the local habitat and wildlife.*

5. Claimed CEQA Exemption. The following "features" of this proposed Project distinguish it from others in the Exempt Class: excessive Neighborhood Compatibility square footage, impacts on Biological Resources, excessive grading, and excessive removal of mature Trees. These features, taken singly or together, will result in significant Environmental impacts which will require specific, detailed, and enforceable Mitigation measures. Therefore, the claimed Exemption is not correct, and an Initial Study should be prepared to determine appropriate Environmental review under CEQA.

**Staff's Response:** *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. The proposed project includes the construction of one new single-family residence in a residential zone and there are no unusual circumstances applicable to the proposed project.*

*The proposed residence is 4,280 square feet in size. There are residences in the City and neighborhood that are of similar and larger sizes than the proposed residence. Specifically, properties at 1613 Vista Lane and 1563 Scenic Drive have residences similar to the size of the proposed residence. Properties at 1557 Scenic Drive and 1568 Scenic Drive have residences that exceed the size of the proposed residence. Additionally, the request to exceed Neighborhood Compatibility is allowed by the Zoning Code pursuant to compliance with the average FAR of the neighborhood and additional findings. Further, the size of the proposed building footprint is similar to existing residences in the neighborhood and on Scenic Drive. Therefore, the size of the proposed residence is not an unusual circumstance.*

*Zoning Code Section 17.29.080 requires a constraints analysis for properties that may potentially have sensitive environmental resources. A biological resources report was prepared by Bargas Environmental Consulting. The report indicates that the site is not within a sensitive environment. 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. No*

*recognized wildlife corridor crosses through the site and the proposed project would not regionally restrict wildlife movement. There are no aquatic resources or riparian vegetation on the property. As such, there are no biological constraints to implementation of the proposed project and no unusual circumstances exist.*

*All site grading would be in compliance with the requirements of Municipal Code Chapter 14.05 (Excavation and Grading in Hillside Areas) and reviewed by the Building and Safety Division at the time of building permit submittal. Additionally, conditions of approval are included to manage construction activity and minimize impacts to the surrounding neighborhood. Site grading is involved with any development project in the City and there are requirements and processes to manage grading activities. Therefore, the proposed grading is not an unusual circumstance.*

*The project proposes the removal of two protected trees and 18 non-protected native trees exceeding a four-inch caliper. The City's Tree Protection Ordinance, Municipal Code Chapter 8.52, establishes a tree removal permit process for the removal of protected trees. Zoning Code Section 17.44.070.F requires replacement trees for the removal of non-protected native trees exceeding a four-inch caliper. Removal of non-protected and non-native trees does not require a permit or replacement. The applicant provided a preliminary landscape plan that identifies a variety of new trees, shrubs, and groundcover that are proposed throughout the project site. A tree removal permit is requested with the application and replacement trees will be provided in compliance with the requirements of the Tree Replacement Matrix and the Zoning Code. Because tree removal is commonly involved with proposed development projects, and the removal and replacement of trees complies with the Municipal Code, removal of trees is not an unusual circumstance.*

*Therefore, because the proposed project includes the construction of one new single-family residence in a residential zone and there are no unusual circumstances, the proposal is exempt from environmental review.*

**Hearing Officer's Response:** *Based on these findings, and supported by the staff's detailed evaluation, I determined that the proposed single-family residence is compatible with the surrounding neighborhood and consistent with the purpose and intent of the City's hillside development regulations. In my judgment, the proposed development will not result in significant adverse impacts on adjoining properties or the broader community.*

6. Variance for Excess Hardscape. The Hearing Officer erred in granting the requested Variance. The need for the requested Variance for excess hardscape in the Front Yard is self-imposed, and, therefore, none of the required Variance Findings can be made. If the proposed Project were smaller and more compatible, it is likely that the need for this Variance could be avoided.

**Staff's Response:** *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.*

*The subject property is an irregular pentagon-shaped lot, which narrows at the street frontage. The proposed residence is sited at the front setback to avoid sloped portions of the lot, further alteration to the hillside topography, and an existing drainage swale. 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. If the size of the residence were reduced, a Variance would likely still be required for the paving, as a main design objective for the project is to keep the structure at the front setback.*

*The proposed driveway and walkway are common features for single-family residential properties, and the project does not result in an excessive amount of paving. Within the Hillside Overlay District, the minimum and maximum graded and paved width of a driveway serving a dwelling unit is 15 feet, as proposed with the project. The remaining areas of front yard would be landscaped with trees, shrubs, and groundcovers, maintaining a landscaped front setback compatible with properties in the vicinity. Thus, the additional paving would not be detrimental or injurious to property or improvements in the vicinity.*

**Hearing Officer's Response:** While the project includes a slight exceedance of impermeable paving in the front setback, this increase does not result in an incompatible design relative to the neighborhood character.

7. Construction Management Plan. A site-specific Construction Management Plan should be prepared as part of any proposed Project approval and included as an enforceable Condition of Approval due to the special circumstances of construction and development in the Hillside areas of the Linda Vista-Annandale area and this specific location. Scenic narrows as it approaches the site with challenges to maneuver and turn around. The amount of proposed grading requiring significant export plus excessive mature Tree removal will result in hundreds of required trucks to remove the dirt and other material over time. This site is in the highest Wildfire hazard and risk zone and Scenic and all adjacent streets must be fully available and "open" for evacuation purposes including evacuations on very short notice and full available access for all firefighting and other emergency vehicles and equipment must be provided. All construction and grading activities of any kind including construction vehicles and equipment should be prohibited on Red Flag Days.

**Staff's Response:** *Conditions of approval are included to minimize construction impacts to the surrounding neighborhood. Condition #19 requires a lead pilot vehicle and flag person for the use of all construction vehicles with length over 30 feet or widths over 102 inches. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works. This condition also limits the hours that large construction vehicles can be operated. Condition #20 prohibits construction activities from obstructing access to vehicular driveways of adjacent properties. Condition #26 and #60 requires the applicant to submit a Construction Staging and Traffic Management Plan to the Planning Division and Department of Public Works for review and approval. The plan shall be available for review by surrounding property owners.*

**Hearing Officer's Response:** *Conditions of approval impose clear requirements to address construction-related impacts, including those related to traffic, staging, and noise. Conditions Nos. 19–26 specifically require a construction staging and traffic management plan to ensure proper oversight of construction activity. Concerns regarding light trespass were also carefully evaluated. While initial review identified potential light spillover from*

*vehicles entering the proposed driveway, the applicant agreed to work collaboratively with neighbors to identify effective measures to reduce potential impacts.*

## **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.

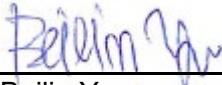
## **COMMENTS FROM OTHER DEPARTMENTS:**

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:**

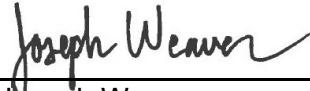
Staff concludes that the findings necessary for approving the Hillside Development Permit, Variance, and Tree Removal Permit can be made (Attachment A). With the exception of the requested Variance for front yard paving, the proposed project meets applicable development standards and provisions of the 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 that the Board of Zoning Appeals uphold the Hearing Officer's decision and approve Hillside Development Permit #7134 with the findings in Attachment A and recommended conditions of approval in Attachment B.

Respectfully Submitted,

  
Beilin Yu

Zoning Administrator

Prepared By:

  
Joseph Weaver

Planner

## Attachments:

- Attachment A – Hillside Development Permit Findings
- Attachment B – Conditions of Approval
- Attachment C – Neighborhood Compatibility
- Attachment D – Hearing Officer Decision Letter (dated April 22, 2025)
- Attachment E – Appeal Request (dated April 28, 2025)
- Attachment F – Hearing Officer Addendum (August 27, 2025)