



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** January 6, 2021

**TO:** Hearing Officer

**SUBJECT:** Hillside Development Permit #6837

**LOCATION:** 801 South San Rafael Avenue

**APPLICANT:** Deborah Rachlin Ross

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

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Jennifer Driver

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Hillside Development Permit #6837 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Hillside Development Permit: To allow the construction of two, new 600 square-foot detached accessory structures and the conversion of a playroom that is currently attached to the main house by a breezeway into a 262 square-foot detached accessory structure. The breezeway attachment is proposed to be removed and the existing playroom is proposed to be converted into a partially open cabana. The site is currently developed with a two-story, 4,706 square-foot dwelling with a detached 600 square-foot, three-car garage in the RS-4 HD (Single-Family Residential, Hillside Overlay District) zoning district. A Hillside Development Permit is required for the construction of more than one accessory structure.

**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 or Conversion of Small Structures). There are no features that

distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures. The project involves the addition of two new 600 square-foot accessory structures and the creation of a 262 square-foot accessory structure from a portion of the existing residence.

**BACKGROUND:**

**Site characteristics:** The subject irregularly shaped, 34,332 square-foot site is located on the southwest side of South San Rafael Avenue between Hillside Terrace to the southeast and San Rafael Terrace to the northwest. The site is relatively flat and has an average slope of 3.17%. No portion of the site has a slope equal to or greater than 50 percent. The site is developed with a 4,706 square-foot, two-story single-family residence and a detached 600 square-foot three-car garage in front of the residence. There are 62 trees located on-site, and no trees are proposed to be removed.

**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 dwelling units per acre, Hillside Overlay District)  
South – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)  
East – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)  
West – RS-4 HD (Single-Family Residential, 0-4 dwelling units per acre, Hillside Overlay District)

**Previous Zoning Cases on this Property:** None.

**PROJECT DESCRIPTION:**

The applicant, Deborah Rachlin Ross, has submitted a Hillside Development Permit application to allow the construction of two, new 600 square-foot detached accessory structures in the southwest portion of the property and the conversion of a playroom that is currently attached to the main house by a breezeway into a 262 square-foot detached accessory structure. The breezeway attachment will be removed and the existing playroom will be converted into a partially open cabana. No other changes to the existing residence or the detached garage are proposed.

The project includes a new 600 square-foot, detached, home office with a ¾ bathroom (no bathtub) in one new structure (“Accessory Structure 1”) and a 600 square-foot, detached, home gym/open storage room with a ½ bathroom in the second new structure (“Accessory Structure 2”). The third structure is designed as a partially open cabana with one open side facing northwest and an inoperable fire place (“Accessory Structure 3”). No protected trees are proposed for removal as part of the project.

## **ANALYSIS:**

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

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

The Hearing Officer may approve a Hillside Development Permit only after making eight findings pursuant to Zoning Code Section 17.61.050 (Conditional Use Permits and Master Plans) and 17.29.080 (Hillside Development Permit). Findings are necessary for the purpose of evaluating compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. The following analysis discusses the project's compliance with development standards of the Hillside Overlay District, as applicable to additions to existing single-family residences.

### RS-4 and Hillside Overlay District Development Standards for Accessory Structures

Properties located within the Hillside Overlay District are required to comply with all of the required development standards of the RS-4 zoning district, except as superseded by additional development standards listed in Zoning Code Sections 17.29.050 through Section 17.29.070 (Hillside Overlay District). Furthermore, accessory structures are subject to the development standards pursuant to Zoning Code Section 17.50.250 and Section 17.29.060.C. Accessory structures shall be limited to uses which are accessory to the main use, including but not limited to, cabana, garage or carport, gazebo, greenhouse, pergola, pool, or hot tub and related equipment, or workshop. An accessory structure shall not be used for sleeping quarters.

In addition to the following discussion, an outline of development standards is provided in Table A (Page 9) to show compliance with all of the applicable zoning and Hillside Overlay development standards.

#### *Gross Floor Area*

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

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

greater than 50 percent, or any access easement on the lot, must be deducted from the lot area when calculating the maximum allowable gross floor area. The subject site does not have any portions with a slope equal to or greater than 50 percent and does not have any access easements. As such, the maximum gross floor area for the 34,332 square-foot subject site is 9,083 square feet.

Pursuant to Zoning Code Section 17.29.060.A.4 (Maximum floor area), the maximum allowed gross floor area for a lot with an average slope exceeding 15 percent shall be further reduced. According to the application materials and topographic survey submitted, the site has an average slope of 3.17 percent. Therefore, the maximum allowed gross floor area for the site remains at 9,083 square feet.

The existing two-story residence includes a 2,470 square-foot first floor, a 1,306 square-foot second story, a 930 square-foot playroom connected to the rear of the main residence by a breezeway and a 600 square-foot detached, three-car garage in front of the residence. On April 16, 2020, building permit number BLD2019-01654 was issued by the City of Pasadena to allow the construction of a 466 square-foot addition to the main residence and the addition of the 600 square-foot detached, three-car garage in front of the residence. The 466 square-foot addition and the 600 square-foot garage are under construction at this time and for the purposes of this report are considered as built and part of the existing improvements. As a result, the total existing gross floor area (inclusive of the attached playroom and detached three-car garage) on the property is 5,306 square feet. The proposed project includes the demolition of 668 square feet of the existing playroom and breezeway, only retaining 262 square feet in Accessory Structure 3, and the addition of 1,200 square feet of floor area in Accessory Structures 1 and 2. As proposed, the total gross floor area would be 5,838 square feet, which is within the allowable gross floor area of 9,083 square feet for the site, and thus complies.

#### *Lot Coverage*

The maximum allowed lot coverage for a property in the Hillside District Overlay is equal to 35 percent of the lot area. Lot coverage is the percentage of the site covered by roofs, soffits or overhangs extending more than three feet from a wall, and decks more than four feet in height; this measurement includes all covered structures, whether or not they are fully enclosed. This standard generally evaluates the percentage of land area covered by development. In this case, 35 percent of the 34,332 square-foot lot is 12,026 square feet. The proposed lot coverage is 14 percent, or 4,687 square feet, which includes the existing house, detached garage and the three proposed accessory structures, and is less than the maximum allowable lot coverage; therefore, the project complies with the maximum allowable lot coverage.

#### *Restricted Items and Facilities*

Accessory structures are prohibited from having bathtubs, fireplaces, and kitchen (full or partial) facilities. Additionally, an accessory structure may contain air conditioning, heating, shower, toilet, washtub, and/or washer and dryer facilities. However, when an accessory structure contains any of the above listed facilities, or a combination of such facilities, a covenant shall be required that restricts the use of the accessory structure, prior to the issuance of a building permit.

Accessory Structures 1 and 2 would be 600 square feet each, with Accessory Structure 1 serving as a home office with an open room and a  $\frac{3}{4}$  bathroom (no bathtub) and Accessory Structure 2 serving as a home gym and storage with an open room, closet and  $\frac{1}{2}$  bathroom (no shower or bathtub). As a result, as both structures contain a partial bathroom, they are required to have a

covenant recorded stating that the structures are accessory structures and shall be maintained as an accessory structures and not be used for sleeping quarters or be converted to a residential use. A condition of approval has been included in Attachment B of this report to ensure compliance with this requirement.

Accessory Structure 3 would result from the demolition of 668 square feet of the existing 930 square-foot playroom that is attached to the primary structure by a breezeway, resulting in a 262 square-foot, partially unenclosed detached accessory structure. Accessory Structure 3 will include a partially unenclosed cabana, with the northwestern wall fully removed and portions of the southwestern and northeastern walls to remain. The structure will also contain an existing fireplace that will be made inoperable. Functioning fireplaces are not permitted in accessory structures, and as a result, a condition of approval has been included in Attachment B of this report requiring that the fireplace be rendered inoperable as part of the building permit for Accessory Structure 3.

#### *Accessory Structure Size and Placement*

Pursuant to Zoning Code Section 17.50.250.G, the maximum size of all accessory structures combined on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. Furthermore, Section 17.29.060.C, states that accessory structures located in the HD district shall comply with the following size and location limits:

- a) In addition to the aggregate size requirements of Section 17.50.250.G, for lots larger than 10,000 square feet in size, portions of a lot with a slope 50 percent or greater shall not be included in the lot size when determining maximum aggregate size.
- b) In addition to the aggregate size requirements of Section 17.50.250.G, individual accessory structures shall be limited to a maximum size of 600 square feet.
- c) Accessory structures, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. An existing primary structure may not be converted into an accessory structure unless the new primary structure is in front of the accessory structure.

The subject site is 34,332 square feet in area, and no portions of the site have a slope of 50 percent or greater. Therefore, based on the lot size of 34,332 square feet, the maximum allowable aggregate size of all accessory structures is 2,062 square feet. Under construction is a 600 square-foot, detached three-car garage, and the proposed project includes the addition of two, 600 square-foot detached structures (Accessory Structures 1 and 2) and one, 262 square-foot detached structure (Accessory Structure 3). Each accessory structure is in compliance with the maximum size for individual accessory structures and the aggregate total of all accessory structures, including the 600 square-foot detached garage, would be 2,062 square feet, therefore in compliance with the maximum allowable individual and aggregate accessory structure sizes for the site.

All three accessory structures are also located behind the rear plane of the existing primary structure. The furthest new accessory structure ("Accessory Structure 1") would be approximately 204 feet behind the primary structure, the second new accessory structure ("Accessory Structure 2") would be approximately 190 feet behind the primary structure and the third accessory structure would be approximately seven feet behind the primary structure. Therefore, all three accessory structures comply with size and location requirements.

### *Accessory Structure Setback*

Pursuant to Zoning Code Section 17.50.250.D.2, an accessory structure may be located in a required side or rear setback; provided it is located more than 100 feet from the front property line or entirely within the rear 25 feet of the site. Otherwise, the minimum required setbacks of the primary structure shall also apply to the accessory structure. Additionally, in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure that can be located less than five feet from the property line shall be limited to 22 feet. Any portion of the structure that exceeds 22 feet in length and is less than five feet from the property line, shall be required to be set back a minimum of five feet from the property line.

Accessory Structure 1 would have horizontal length of 30 feet, a side setback of approximately 12'-6" from the northwestern side property line and a rear setback of approximately 30 feet. Accessory Structure 2 would have a horizontal length of 30 feet, a side setback of 10 feet from the southeastern side property line and a rear setback of approximately 53 feet. Accessory Structure 3 would have a horizontal length of 28 feet, a side setback of 10 feet from the southeastern side property line and a rear setback of approximately 242 feet.

As each detached accessory structure maintains a side setback of at least five feet and a rear setback of at least 25 feet, all three structures comply with the minimum setback standards described above.

### *Accessory Structure Height Limits*

As prescribed in Zoning Code Section 17.50.250.E, the top plate height for an accessory structure shall not exceed nine feet, and the overall height shall not exceed 15 feet, so long as the structure does not intercept the encroachment plane, sloping inward from a point nine feet in height and rising a maximum of one and one-half feet of distance starting at the two-foot setback.

Accessory Structures 1 and 2 would have a top plate of nine feet and an overall height of 15 feet. Accessory Structures 1 would have a setback of approximately 12'-6" from the northwestern side property line and Accessory Structure 2 would have a setback of 10 feet from the southeastern side property line. As a result, both Accessory Structures 1 and 2 comply with the maximum height and encroachment plane standards.

Accessory Structure 3 would have a top plate of seven feet, eight inches and an overall height of 12'-9". The structure would be setback ten feet from the southeastern side property line. As a result, the accessory structure would comply with both the maximum height and encroachment plane standards.

### *Parking*

Single-family residences are required to provide two covered parking spaces within a garage or carport in the RS-4 HD zoning district. Zoning Code Section 17.47.020.J requires that small additions (with a maximum aggregate total of 150 square feet) may be made to properties developed with an existing single-family residence without requiring two covered parking spaces in a carport or garage, as is required by Zoning Code Section 17.46.040 (Number of Off-Street Parking and Loading Spaces Required). However, any addition to the property, including the construction of an accessory structure (e.g., a pool house or workshop) of over 150 square

feet shall require the construction or maintenance of a two-car covered parking structure. As the project includes the construction of two new 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure, totaling 1,462 square feet, two covered parking spaces are required to be provided within a garage or carport. The site includes an existing 600 square-foot, three-car garage, therefore, the proposed project complies with the minimum parking requirement for single-family residential uses.

Additionally, for properties within the Hillside Overlay District, a minimum of four guest parking spaces shall be provided on a site fronting on a street where parking is prohibited on both sides of the street at the site and a minimum of two guest parking spaces shall be provided on a site fronting a street where on-street parking is allowed. Parking is not permitted on both sides of the street and four guest parking spaces are required to be provided. The submitted plans show four guest parking spaces in the existing circular driveway, and thus complies.

#### *Neighborhood Compatibility*

Construction of a new single-family residence and additions to a single-family residence subject to a Hillside Development Permit are required to consider the character and scale of existing development in the neighborhood. The Zoning Code specifies that the allowable floor area of the single-family residence, excluding garages and other accessory structures, may not exceed the median floor area of existing residences within the established 500-foot radius by more than 35 percent. As the proposed project includes only the construction of detached accessory structures and no addition to the primary structure, the subject project is not subject to the neighborhood compatibility analysis.

#### *Ridgeline Protection*

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

#### *Architecture, Setting, and View Protection*

The existing residences in this neighborhood were built with varying architectural styles over different time periods, which resulted in no dominating architectural style for the neighborhood. The existing two-story residence on the site was built in 1946 and was designed in the Monterey Colonial Revival architectural style. As determined by the Design and Historic Preservation Division, the existing residence does not meet the criteria for designation as a landmark.

The proposed project, which consists of the construction of two, new, 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure, does not include any changes to the façade of the primary structure. The only change to the existing structure is to detach a playroom connected by a breezeway to the rear of the primary structure. As a result, the project would not be visible from the public right-of-way

All three accessory structures are proposed to be clad in dark grey wood siding and a dark grey shingle roof. Accessory Structure 3 will retain the existing walls of the play room, except for portions of the southwest and northeast walls and the northwestern facing wall, which would be removed entirely. The proposed design, materials, and color palette are consistent with the

applicable design criteria (architectural features) for the Hillside Overlay district as staff finds that the proposed colors are consistent with the requirement for the utilization of darker tones, including earth tones.

Moreover, 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. Due to the topography of the area, neither the Rose Bowl nor the Colorado Street Bridge are visible from this property or surrounding properties.

The proposed accessory structures are proposed to the rear of the primary structure at the same elevation as the existing residence. The surrounding properties are at approximately the same elevation as the subject property as there is little topography change in the nearby vicinity. The proposed location of the accessory structures would not block views from neighboring properties that the City would otherwise protect. The abutting properties to the southeast (815 S. San Rafael Avenue) and northwest (787 S. San Rafael Avenue) are oriented towards San Rafael Avenue and southwest towards large back yards. Properties are all heavily planted in mature trees limiting views outside of their immediate property. Any views across the subject site would reasonably be limited to existing foliage, the private yard, the existing structure, and the open sky. The City does not protect these views. In addition, the project would not reasonably affect views from adjacent properties to the southwest (959 and 969 Mesa Verde Road). Though these properties are oriented towards the subject site, any views would be limited to existing foliage, the private yard, the existing structure, and the open sky. Properties located to the northeast across the San Rafael are at a distance, location, and lower elevation such that the project would have no view impact.

Due to existing landscaping, which includes many mature trees, the one-story, low vertical profile of the structures, and extensive setbacks from property lines, the accessory structures would only be partially visible to properties located to the southeast, northwest and southwest and would not obstruct any views protected by the City. Therefore, the proposed addition would not impede protected views from any of the adjacent properties nor be centered directly in the view of any room of a primary structure on a neighboring parcel.

#### *Preliminary Geotechnical Report*

Geotechnical investigation reports are 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, and any subsurface conditions as they relate to the proposed project. SubSurface Designs Inc. conducted a geotechnical investigation of the site and prepared a report, which included the review of hand-dug test pits and laboratory testing and analysis of the samples. Grading will include the removal and recompaction of the near surface soil for support of the new proposed structures. Grading will also include excavation of future foundations. A comprehensive drainage system shall be designed and incorporated into the final plans. Based on the exploration testing, consultation and review of the development plans, it is found that the construction of the proposed project is feasible from a geologic and soils engineering standpoint with the recommendations contained in the report.



Table A: RS-4 and Hillside Overlay Development Standards

| Development Feature   | Required  | Proposed  | Analysis |
|---|---|---|----------|
| <b>RS-4 Hillside Overlay District Development Standards</b>   |   |   |          |
| Maximum Floor Area Ratio  | 9,083 square feet<br>(25 percent, plus 500 square feet - slope reduction)       | 5,838 square feet                                     | Complies |
| Maximum Lot Coverage  | 12,026 square feet<br>(35 percent)  | 4,687 square feet<br>(14 percent)                     | Complies |
| Neighborhood Compatibility  | n/a   | n/a   | n/a      |
| Minimum Parking   | 2 covered spaces  | 3-car garage  | Complies |
| Guest Parking   | Four spaces   | Four spaces   | Complies |
| <b>Accessory Structure(s)</b>   |   |   |          |
| Maximum Individual Accessory Structure Size-<br>Accessory Structure 1<br>Accessory Structure 2<br>Accessory Structure 3 | 600 square feet   | 600 square feet<br>600 square feet<br>262 square feet | Complies |
| Maximum Allowable Aggregate Accessory Structure Size  | 6% of the lot size (2,062 square feet) or 600 square feet, whichever is greater | 2,062 square feet<br>(four structures)                | Complies |
| Minimum Side Setback<br><br>Northwest<br>Accessory Structure 1<br>Accessory Structure 2<br>Accessory Structure 3        | 2 feet for the initial length of 22 feet, 5 feet thereafter.                    | 12'-6"<br>40'-1 1/4"<br>67'-2 1/4"                    | Complies |
| Southeast<br>Accessory Structure 1<br>Accessory Structure 2<br>Accessory Structure 3                                    |   | 36'<br>10'<br>10'                                     |          |
| Minimum Rear Setback<br>Accessory Structure 1<br>Accessory Structure 2<br>Accessory Structure 3                         | 25'   | 30'<br>53'<br>242'                                    | Complies |
| Maximum Allowable Overall Height<br>Accessory Structure 1<br>Accessory Structure 2<br>Accessory Structure 3             | 15'   | 15'<br>15'<br>12'-9"                                  | Complies |
| Maximum Allowable top plate height-<br>Accessory Structure 1<br>Accessory Structure 2<br>Accessory Structure 3          | 9'  | 9'<br>9'<br>7'-8"                                     | Complies |

**TREE PROTECTION ORDINANCE:**

An arborist report prepared by Jan C. Scow Consulting Arborists on September 24, 2020 identified 62 trees located on-site or off-site adjacent to the property. No trees are proposed to be removed as part of the proposed project. There are seven protected native and specimen trees on-site and two protected specimen trees off-site on adjacent properties. Seven of the 62 trees are public trees and 10 are located off-site on adjacent properties, two of which (OP 36 and OP 38) are located on the properties to the north and south, respectively, adjacent to Accessory Structures 1 and 2.

There would be no alterations or grading on the site, except as needed for the footprint of the new Accessory Structures (1 and 2); the existing foundation of Accessory Structure 3 would be left in place for use as a patio deck. The arborist report includes detailed instructions and requirements for tree protection and the proposed project is expected to have minor or no impact on the on- and off-site protected trees, if the recommended tree protection measures are adhered to.

In addition, the arborist report recommends that a Project Arborist be present on-site when the property is to be cleared or graded; any digging, excavating, trenching or building within the tree protection zone (TPZ) of a protected tree on the site commences; any pruning of a protected tree's canopy or roots takes place; and commencement of any other activity within the TPZ of a protected tree on the site. Lastly, as part of the building permit plan check submittal, the applicant is required to submit a tree protection plan for the protected trees on-site.

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

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed construction of the detached accessory structures to the property currently developed with an existing two-story, single-family residence and detached three-car garage, would comply with all the development standards set forth in the City's Zoning Code. The proposed combined size of all the accessory structures (2,062 square feet) would comply with the maximum permitted for the property. The residence would not be altered by this project, except to detach the playroom, and would maintain its Monterey Colonial Revival architectural style utilizing earth tone colors and materials that would be compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the one-story accessory structures would be consistent with the scale and setting of the surrounding residences. Vehicle access to the site would continue to occur from San Rafael Avenue. Therefore, staff finds that the project would be consistent with applicable General Plan objectives and policies.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, (New Construction or Conversion of Small Structures). There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 specifically exempts the construction of accessory structures. The project involves the addition of two new 600 square-foot accessory structures and the creation of a 262 square-foot accessory structure from a portion of the existing residence. Therefore, the proposal is exempt from environmental review.

**REVIEW BY OTHER CITY DEPARTMENTS:**

The proposed project was reviewed by the Building Division, Pasadena Fire Department, Department of Transportation, Public Works Department, Water and Power Divisions, the Design and Historic Preservation Division and the Community Planning Division. Based on their review of the project, the Building Division, the Pasadena Fire Department and the Department of Public Works provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this staff report. There were no other comments from the other departments

**CONCLUSION:**

It is staff's assessment that the findings necessary for approving the Hillside Development Permit to allow the construction of two new detached accessory structures, and conversion of a portion of the residence into a partially open cabana, on a property currently developed with an existing single-family residence and a detached, three-car garage, can be made (Attachment A). The proposed project meets all applicable development standards required by the Zoning Code for the RS-4 zoning district, for accessory structures and the additional development standards required within the Hillside Overlay District. The architecture incorporates features present in the neighborhood and the location of the improvements are set a significant distance from the right-of-way and abutting properties. Moreover, the proposed size, design, materials, and color palette are consistent with the applicable design criteria (architectural features) for the Hillside Development Overlay and properties within the neighborhood. Existing views and privacy would be maintained after the project. It is anticipated that the proposed location would not be detrimental or injurious to surrounding properties or improvements. Therefore, 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: Hillside Development Permit Findings

Attachment B: Specific Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR HILLSIDE DEVELOPMENT PERMIT #6837**

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

1. *The proposed use is allowed with a Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed project is for the construction of two new 600 square-foot detached accessory structures and the conversion of a portion of main residence into a 262 square-foot detached accessory structure on a property developed with an existing single-family residence and a detached three-car garage. A single-family residential use, with accessory structures, is a permitted use within the RS-4 HD (Residential Single-Family, Hillside Overlay District) zoning district. Accessory structures are allowed with approval of a Hillside Development Permit. In addition, the proposed accessory structures will be in compliance with all applicable development standards, including maximum allowable floor area, lot coverage, setbacks, building height, and off-street parking requirements of the RS-4 HD zoning district.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject property is zoned RS-4 HD, which is designated primarily for single-family residential purposes. Accessory structures are permitted as subordinate structures to the main use. The subject site and the surrounding properties within the neighborhood are developed with one and two-story, single-family residences and accessory structures. The proposed project will be consistent with existing development within the vicinity. As analyzed, the project will meet all applicable development standards for the RS-4 HD zoning district, such as floor area, lot coverage, setbacks, building height and off-street parking.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. General Plan Land Use Policy 21.9 (Hillside Housing) requires residences to maintain appropriate scale, massing and access to residential structures located in hillside areas. The proposed construction of two new 600 square-foot detached accessory structures and the conversion of a portion of the main residence into a 262 square-foot detached accessory structure on a property developed with an existing two-story, single-family residence and detached three-car garage, would comply with all the development standards set forth in the City's Zoning Code. The proposed combined size of all the accessory structures (2,062 square feet) would comply with the maximum permitted for the property. The primary structure would not be altered by this project, except to detach the playroom, and would maintain its Monterey Colonial Revival architectural style utilizing earth tone colors and materials that would be compatible with the architectural guidelines of the City's Hillside Development Ordinance. Additionally, the scale and massing of the one-story accessory structures would be consistent with the scale and setting of the surrounding residences. Vehicle access to the site would continue to occur from San Rafael Avenue. Therefore, staff finds that the project would be consistent with applicable General Plan objectives and policies.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project will be constructed

in such a manner as to minimize impacts to surrounding property owners. The proposed project meets all adopted Code requirements and will be subject to all current Code provisions. As proposed, the height of the three detached accessory structures will be at or below the maximum allowable height, and the gross floor area and lot coverage will be within the maximum floor area and lot coverage permitted for the site. The project meets all Code requirements and no variances are required. Furthermore, the project is required to comply with all applicable conditions of approval. Therefore, the proposed project will not be detrimental to the public health, safety, or welfare of persons or properties within the surrounding neighborhood.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed project will be constructed in compliance with the current Building Code and Zoning Code standards. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements. The project must also comply with the conditions of approval required by the Building Division, Fire Department and the Public Works Department. A Soils Engineering Report has been submitted which reported that the site is considered feasible for construction of the proposed additions.
6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The use of the site will remain as a single-family residential use. The project complies with all the development standards of the Zoning Code. The project is not located on the top of any prominent ridgelines. The one-story detached structures will not block views or impede upon privacy of the neighboring properties. The proposed project will be below the maximum allowable floor area requirements. The project has been designed with the use of wood siding and earth tones which are design elements that can be found in the neighborhood. Additionally, the one-story detached accessory structure's scale and massing is within the scale and setting of the surrounding vicinity. Thus, the project would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
7. *The design, location, and size of the proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots as described in Section 17.29.060.D of this ordinance and in terms of aesthetics, character, scale, and view protection.* The proposed total gross floor area for the property developed with an existing two-story single-family residence and a detached three-car garage, combined with the three proposed detached accessory structures, is 5,838 square feet, which is below 9,083 square feet, the maximum allowed on the subject site. The project has been designed with the use of wood siding and earth tones which are design elements compatible with the surrounding environment. Additionally, the scale and massing of the proposed detached accessory structures are in keeping with the scale and setting of the surrounding residences. Furthermore, as designed, the placement of the proposed accessory structures would not impede protected views of any adjoining property. Thus, the project is in scale with the context and character of existing and future development in the neighborhood in terms of aesthetics, character, scale, and view protection.
8. *The placement of the proposed additions avoids the most steeply sloping portions of the site to the maximum extent feasible and minimizes alteration of hillside topography, drainage patterns, and vegetation.* The subject site is relatively flat, with an average slope of 3.17

percent. The proposed accessory structures will comply with all of the required development standards. Given the site is developed with a single-family residence, the project proposes minimal grading and site disturbance compared to the typical hillside development. As part of the building permit review, the Building Division will review any grading and/or drainage plans to ensure that the drainage conditions after construction comply with all applicable regulations. A Soils Engineering report was prepared by SubSurface Designs Inc., which concludes that the proposed development is safe and adequate for its intended use.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6837**

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

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, January 6, 2021," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Hillside Development Permit allows the applicant to construct two, 600 square-foot detached accessory structures and the conversion of a portion of the existing residence into a 262 square-foot, partially unenclosed detached accessory structure.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **ZENT2020-10015** is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Jennifer Driver, Current Planning Section, at (626) 744-6756 to schedule an inspection appointment time.

Planning Division

7. A covenant(s) shall be required for the proposed accessory structures in compliance with Zoning Code Section 17.50.250.B.2, stating that each structure is an accessory structure and shall be maintained as an accessory structure and not be used for sleeping quarters or be converted to a residential use. The covenants shall be recorded with LA County Recorder prior to the issuance of a building permit.
8. As part of the building permit plan check for Accessory Structure 3 (the 262 square-foot, partially unenclosed detached accessory structure), the plans shall include details on how the existing fireplace will be made inoperable.
9. The applicant shall comply with all requirements of Zoning Code Chapters 17.22 (Residential Zoning Districts), 17.29 (Hillside Overlay District), and 17.50.250 (Residential Uses - Accessory Uses and Structures) that relate to residential development in the Hillside Development Overlay District.
10. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to

Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).

11. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
12. The applicant or successor in interest shall use earth tones, for the exterior walls and roofs on the house that blend with the natural terrain. Color and material samples shall be reviewed and approved by the Zoning Administrator prior to the issuance of any building permits.
13. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
14. As part of its analysis, the tree protection and retention plan shall take into account the trees on adjoining properties along the south property line, adjacent to the proposed project that might be impacted by the proposed construction. The plan shall provide mitigation measures, if necessary, and analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.
15. A certified arborist and the civil engineer of record shall monitor all related construction activities including, but not limited to: demolition, digging, grading, excavating, or trenching, and as recommended in the supplemental reports. The monitoring of construction activities shall ensure the project implements all of recommendations and conditions provided in the arborist and geotechnical reports in order to protect the existing trees during construction.
16. Should this project meet the threshold for state-mandated water-efficient landscaping, landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.
17. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
18. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site (including abutting properties).



19. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
20. All construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.
21. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

#### Building Division

22. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.  
  
FYI – The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.
23. Grading: If greater than 50 cubic yard (excluding excavation for foundation, Grading/Drainage Plans shall be prepared by a registered engineer.
24. Slope Setback: For 3:1 or steeper slopes contiguous to a site, the construction must be designed to comply with the slope setback requirements per the CA Residential Code.
25. Fire Zone: The project is located in a Very High Fire Hazard Severity Zone, so the new construction must conform to the requirements per Section R337 of the CA Residential Code.
26. Energy: New 2019 energy standards usually requires the installation of solar (photovoltaic) system for the new (detached) residential (habitable) structures.
27. Permit(s): Separate permits are fire sprinkler (if required), grading (if applicable), mechanical, electrical, and plumbing.

#### Fire Department

28. This project is located in an Extreme Fire Severity Zone and is required to comply with 2019 CFC; 2019 CRC Section R337, 2019 CBC Chapter 7A, Urban- International Wildland-Urban Interface Code (IWUIC) requirements.
29. Smoke Alarms: Provide an approved hardwired smoke alarm(s), with battery backup, in each sleeping room or area(s) serving a sleeping area and at the top of stairways at each floor level. All smoke alarms are to be photoelectric or a smoke alarm that is listed a

photoelectric/ionization. All smoke alarms (new & existing) locations are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal (CSFM) Listed. All smoke alarms (new & existing) are to be manufactured by the same company and compatible with each other. Smoke alarms shall not be installed within 3-feet of air registers or bathroom openings. [CBC 907]

30. Roof and Sidings: All roofing and siding materials shall be 1-hour fire-resistive or non-combustible.
31. Spark Arrestors: Provide an approved spark arrestor on all chimney(s).
32. Eaves and Projections: All eaves and other projections are required to be boxed with one-hour fire resistive or noncombustible material. Provide DETAIL DWG on plans.
33. Wall Finishes: The exterior side of the wall finish is required to be of a one-hour fire resistive or noncombustible material. Specify on plan the type of all materials.
34. Gutters – Downspouts: All proposed gutters/downspouts are required to be constructed of noncombustible material. Specify on the DWG.
35. Projections: Appendages and projections, i.e. decks, etc., are required to be a minimum of one-hour fire resistive construction, heavy timber or noncombustible material. Clearly indicate the method of compliance and provide appropriate DETAILS on plans.
36. Exterior Glazing: All exterior windows, skylights etc. are required to be tempered glass and multilayered, dual or triple, glazing. Clearly indicate this requirement on the plan. Revise Window Schedule as required.
37. Exterior Doors: All exterior doors are required to be 1 3/8" solid core. Clearly indicate this requirement on the drawings and Door Schedule.
38. Attics and Elevated Foundations: Attic and foundation ventilation in vertical exterior walls and vent through roofs shall comply with CBC, 7A; CSFM Standard 12-7A. The vents shall be covered with noncombustible corrosion resistant mesh openings a minimum of 1/16-inch not to exceed 1/8-inch openings. Attic ventilation openings shall NOT be located in soffits, in eave overhangs, between rafters at eaves or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from property lines. Under floor ventilation openings shall be located as close to grade as possible. Clearly indicate these requirements on the plan. (Pasadena Fire Department is recommending all vent openings be located on the leeward side of the house based on Santa Ana Wind Conditions, winds from the North - Northeast directions, to minimize flames and hot embers from entering the interior of the structure of the attic, living, or under floor spaces.) Alternate Method of Protection is acceptable provided it complies with CSFM – SFM 12-7A-1, 7A-3 Listed Opening Protection.

#### Public Works Department

39. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The

house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

40. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
41. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

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

42. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any

existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

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

43. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
44. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:
- a. Sewer Facility Charge - Chapter 4.53 of the PMC  
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
  - b. City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC  
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://www.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.
  - c. Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC  
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://www.cityofpasadena.net/public-works/recycling-resources/construction-demolition-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
    - i. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
    - ii. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is

fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.