



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 15, 2021

TO: Hearing Officer

SUBJECT: Hillside Development Permit #6878

LOCATION: 210 South San Rafael Avenue

APPLICANT: Michael Ferguson/Space International Inc.

ZONING DESIGNATION: RS-1 HD (Single-Family Residential, 0-1 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 #6878 with the conditions in Attachment B.

PROJECT PROPOSAL: Hillside Development Permit: To permit the construction of two, new, detached accessory structures totaling 1,190 square feet. The accessory structures are proposed to be a 591 square-foot recreation room and a 599 square-foot gym. The property is developed with an existing one-story, 3,826 square-foot dwelling with an attached 528 square-foot, two-car garage, and is located within the RS-1 HD (Single-Family Residential, 0-1 dwelling units per acre, Hillside Overlay District) zoning district. No changes are proposed to the existing one-story dwelling or attached two-car garage. Five non-protected trees are proposed to be removed and no protected trees are proposed to be removed. A Hillside Development Permit is required for the construction of more than one accessory structure within the Hillside Overlay District.

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 accessory structures.

BACKGROUND:

Site characteristics: The subject irregularly shaped, 43,436 square-foot site is located on the east side of South San Rafael Avenue between San Rafael Lane to the north and Nithsdale Road to the south. The site is relatively flat and has an average slope of 6.6%, with the greatest elevation change in the rear 30 feet of the site. No portion of the site has a slope equal to or greater than 50 percent. The site is developed with a 3,826 square-foot, one-story single-family residence, an attached 528 square-foot two-car garage and a detached 192 square-foot pergola. The site is also located within the Arroyo Seco Slope Bank.

Adjacent Uses: North – Single-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning: North – RS-1 HD (Single-Family Residential, 0-1 dwelling units per acre, Hillside Overlay District)
South – RS-1 HD (Single-Family Residential, 0-1 dwelling units per acre, Hillside Overlay District)
East – RS-1 HD (Single-Family Residential, 0-1 dwelling units per acre, Hillside Overlay District)
West – RS-4 (Single-Family Residential, 0-4 dwelling units per acre)

Previous Zoning Cases on this Property: None.

PROJECT DESCRIPTION:

The applicant, Michael Ferguson/Space International Inc., has submitted a Hillside Development Permit application to permit the construction of two, new, detached accessory structures totaling 1,190 square feet in the rear yard (eastern portion) of the property behind the existing pool.

The proposed project includes a new 591 square-foot, detached recreation room, consisting of a 481 square-foot enclosed space, a 110 square-foot covered porch, and an outdoor shower; and new a 599 square-foot, detached gym, consisting of a 587 square-foot enclosed space, a 12 square-foot covered porch and a ¾ bathroom (no bathtub). No other changes to the existing residence or the attached garage are proposed. Five non-protected trees will be removed and no protected trees are proposed for removal as part of the project.

ANALYSIS:

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

The subject property is located in the RS-1 HD (Single-Family Residential, 0-1 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-1). 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 accessory structures.

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-1 HD zoning district with a property size more than 10,000 square feet is 20 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 43,436 square-foot subject site is 9,187 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 6.6 percent. Therefore, the maximum allowed gross floor area for the site remains at 9,187 square feet.

The site is developed with an existing 3,826 square-foot, one-story residence and an attached 528 square-foot two-car garage. As a result, the total existing gross floor area on the property is 4,354 square feet. The proposed project includes the addition of 1,068 square feet of floor area. As proposed, the total gross floor area would be 5,422 square feet, which is within the allowable gross floor area of 9,187 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 43,436 square-foot lot is 15,203 square feet. The proposed lot coverage is 13.2 percent, or 5,736 square feet, which includes the existing house, attached garage, existing covered pergola and the two 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

Bathtubs, fireplaces, and kitchen (full or partial) facilities are prohibited within accessory structures. 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.

The proposed recreation room would consist of a 481 square-foot open room with a sink and dishwasher, which does not meet the definition of a kitchen per Zoning Code Section 17.80.020, and an outdoor shower. The proposed gym would have a 587 square-foot open room, a $\frac{3}{4}$ bathroom (no bathtub), storage cabinets and storage room.

Since both structures contain air conditioning, heating, a sink or a partial bathroom, a covenant is required to be 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 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. In addition, an accessory structure (or portion of an accessory structure) with a roof that is more than 50 percent solid shall be included in the calculation of the maximum allowable size of an individual accessory structure and the combined total of all accessory

structures. Furthermore, Zoning Code 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 Zoning Code 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 Zoning Code 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 43,436 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 43,436 square feet, the maximum allowable aggregate size of all accessory structures is 2,606 square feet. The site is currently developed with a 192 square-foot unenclosed pergola with a solid roof. The proposed project includes the addition of a 481 square-foot recreation room with a 110 square-foot solid, unenclosed, covered porch, for a total of 591 square feet; and a 587 square-foot gym with a 12 square-foot solid, unenclosed, covered porch, for a total of 599 square feet. Each accessory structure is in compliance with the maximum size for individual accessory structures. Additionally, the aggregate total of all accessory structures, including the 192 square-foot detached pergola, would be 1,382 square feet; in compliance with the maximum allowable aggregate accessory structure size for the site.

Both proposed accessory structures are also located behind the rear plane of the existing primary structure. The recreation room would be approximately 130 feet behind the primary structure, while the gym would be approximately 136 feet behind the primary structure, in compliance with the location requirement.

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. In addition, an accessory structure shall maintain at least a two-foot setback from a rear or side property line. Furthermore, in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure than 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. Lastly, pursuant to Zoning Code Section 17.50.250.F.2, detached structures shall maintain minimum separation of six feet from any other structure, clear and unobstructed by any encroachments.

The recreation room is proposed to be irregular in shape, located to the north of the proposed gym, and is setback more than 100 feet from the front property line. The recreation room would provide a rear setback from the eastern property line ranging between 23 feet and 27 feet and a 50'-6" side setback from the northern property line, and a side setback ranging between 31'-1"

and 38'-10" from the southern property line, in compliance with the minimum setback standards described above.

The gym is also proposed to be irregular shaped, and is setback more than 100 feet from the front property line. The gym would provide a rear yard setback from the eastern property line ranging between 11 feet and 14'-6", and a side setback from the southern property line ranging between 3'-6" and 6'-5". A length of 21'-3 5/8" of the structure is proposed to be within five feet of the southern side property line while the remaining 19'-1/12" would maintain a side setback greater than five feet, in compliance with the minimum setback standards described above.

In addition, there is an 8'-3 1/2" clear and unobstructed separation between the two proposed accessory structures, and thus complies with the minimum building separation standards.

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. 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 that both accessory structures comply with the requirement.

Pursuant to Zoning Code Section 17.40.060.C.1, the maximum allowable height of a structure shall be measured from the lowest elevation of the existing grade at an exterior wall of the structure to the highest point of the structure. Both accessory structures are proposed to be built into the sloped topography, with the finished floor below existing grade. The recreation room is proposed to have a top plate height of six feet with an overall height of 11 feet, while the gym is proposed to have a top plate height of 7'-6" and an overall height of 12'-6", in compliance with the height limitations. As a result, both accessory structures comply with 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-1 HD zoning district. The existing property is developed with an attached 528 square-foot, two-car garage, and 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 permitted on both sides of the street and two guest parking spaces are required to be provided. The submitted plans show two guest parking spaces in front of the garage, 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.

Arroyo Seco Slope Bank

No structure is permitted 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, pursuant to Zoning Code Section 17.29.050.D (Development Standards, Encroachment into the Arroyo Seco). In addition, any structure located within 20 feet of the top edge shall require a Hillside Development Permit. The “top edge” of the Arroyo is the highest existing grade elevation at the point where the natural gradient inclines downward at a slope greater than 50 percent in the mapped area. On a site with multiple slope banks, the “top edge” shall be considered the point farthest from the floor of the Arroyo Seco.

The subject property is identified on the Arroyo Seco Slope Bank Map. The applicant provided a topographic map, which did not identify any portions of the site inclining downwards at a slope greater than 50 percent.

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 one-story residence on the site was built in 1962 and was designed in the Mid-Century Modern architectural style. As determined by the Design and Historic Preservation Division, while the primary residence needs to be reevaluated as to its historical significance, the proposed project does not include any changes to the façade of the primary structure and the construction of two accessory structures not visible from the public right-of-way does not require a historical evaluation of the primary dwelling.

Lots in the vicinity are characterized by ample open space, extensive landscaping, and separations between single-family dwellings and/or accessory buildings. Single-family dwellings are typically some distance from the street, with large front, side, and rear yard setbacks. The existing use of the site is a single-family dwelling. The proposed accessory structures would not change the existing use of the property, would include ample open space, maintain the existing (extensive) landscaping, and would meet all setbacks required for accessory structures located in the rear yard.

Both accessory structures are proposed to be clad in an olive green cedar siding and dark grey stucco with a dark gray roof. As conditioned, both the siding and the stucco shall be stained or painted in a manner to be consistent with the applicable design criteria (architectural features) for the Hillside Overlay district. As conditioned, 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 a slightly raised elevation than the existing residence, but constructed below existing grade. 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 south (230 South San Rafael Avenue and 248 South San Rafael Avenue) and north (180 South San Rafael Avenue and 190 South San Rafael Avenue) are all heavily landscaped with 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 closest abutting structure on the adjacent property, approximately 80 to 90 feet to the east of the proposed structures at 220 South San Rafael Avenue. Though this property is 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 west 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 north, south or east 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. Grover Hollingsworth and Associates conducted a geotechnical investigation of the site and prepared a report on May 12, 2021, which included the review of hand-dug test pits and laboratory testing and analysis of the samples. The area of the proposed accessory structures is to be excavated into the existing sloping topography to create a new level building area. The upslope sides of the excavation will be supported by retaining walls ranging up to eight feet in height.

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.

Hydrology Report

LC Engineering Group Inc., conducted a hydrologic analysis and provided a report 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 notes that the existing development is located in a fairly flat area of the site, and that runoff from drainage currently flows westerly towards San Rafael Avenue. Runoff from the proposed development will follow existing drainage paths and surface flow westerly towards San Rafael Avenue. The report concludes that the proposed development would not result in an adverse impact to the subject property, adjacent properties or existing drainage facilities. To minimize the potential for erosion, it is recommended that erosion control measures, which will include at a minimum sandbags and silt fence, be installed during construction.

Table A: RS-1 and Hillside Overlay Development Standards

Development Feature	Required	Proposed	Analysis
RS-1 Hillside Overlay District Development Standards			
Maximum Floor Area Ratio	9,187 square feet (20 percent, plus 500 square feet - slope reduction)	5,422 square feet	Complies
Maximum Lot Coverage	15,203 square feet (35 percent)	5,736 square feet (13.2 percent)	Complies
Neighborhood Compatibility	n/a	n/a	n/a
Minimum Parking	2 covered or uncovered spaces	2-car garage	Complies
Guest Parking	Two spaces	Two spaces	Complies
Accessory Structure(s)			
Maximum Individual Accessory Structure Size Recreation Room Gym	600 square feet	591 square feet 599 square feet	Complies
Maximum Allowable Aggregate Accessory Structure Size	6% of the lot size (2,606 square feet) or 600 square feet, whichever is greater	1,382 square feet (three structures)	Complies
Minimum Side Setback North Recreation Room Gym	2 feet for the initial length of 22 feet, 5 feet thereafter.	50'-6" 80'-10" – 86'-3"	Complies
South Recreation Room Gym		31'-1" – 38'-10" 3'-6" – 6'-5"	

Minimum Rear Setback Recreation Room Gym	2 feet for the initial length of 22 feet, 5 feet thereafter.	23' – 27' 11' – 14'-6"	Complies
Maximum Allowable Overall Height Recreation Room Gym	15'	11' 12'-6"	Complies
Maximum Allowable top plate height Recreation Room Gym	9'	6' 7'-6"	Complies

TREE PROTECTION ORDINANCE:

An arborist report prepared by Kathleen Ferguson Landscapes on July 21, 2021 identified 56 trees located on-site or off-site adjacent to the property. Of the 56 trees identified, 12 trees qualify for protection under the City’s Tree Protection Ordinance, as determined by species, size, and location on the property. None of the 12 protected trees are proposed for removal as a part of this project. Four of the protected trees are in the public right-of-way, seven are within the front yard and one is within the southern side yard in close proximity to the existing primary residence and more than 100 feet from the proposed project area. As noted in the arborist report, specific construction methods such as limitation of grading, hand digging near root zones, etc. are recommended in order to significantly reduce impacts to the protected trees identified on the subject site. The applicant provided a Tree Protection Plan for the protected trees to ensure the health of the trees during and after construction.

However, in addition to the City’s Tree Protection Ordinance, the site is also subject to Zoning Code Section 17.44.070.F.b (Tree Removal and Replacement), which applies to properties within the Hillside Overlay District. This section requires the planting of a 15-gallon or larger native or specimen replacement tree for the removal of any native trees or shrubs in excess of four inches in caliper, and the planting of a 24-inch box or larger native or specimen replacement tree for the removal of each tree in excess of eight inches in diameter.

The applicant proposes to remove two 4” DBH Coast Live Oak trees that are not protected under the City’s Tree Protection Ordinance. The removal of these two trees requires the planting of two replacement trees, two with a minimum 15-gallon size, as shown in the table below. A recommended condition of approval would require the submittal of a landscape plan with the two required replacement trees. The applicant also proposes to remove three nonnative California Pepper trees, but as the California Pepper tree is a nonnative tree species, replacement trees are not required by either the City’s Tree Protection Ordinance or the landscaping requirements in the Hillside Overlay District.

Tree Replacement per Zoning Code Section 17.44.070.F

Tree Number	Common Name	Size (DBH)	Replacement Number and Size
55	Coast Live Oak	4” DBH	1 – 15-gallon
56	Coast Live Oak	4” DBH	1 – 15-gallon

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element and within a Hillside Development Zone. 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 a 591 square-foot recreation room and a 599 square-foot gym on a property developed with an existing one-story, single-family residence and attached two-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 (1,382 square feet) would comply with the maximum permitted for the property. The primary structure would not be altered by this project, and the accessory structures would maintain its Mid-Century Modern 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 a 591 square-foot recreation room and a 599 square-foot gym. Therefore, the proposal is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposed project was reviewed by the Pasadena Fire Department, Department of Transportation, Public Works Department and Building Division and the Design and Historic Preservation Division. Based on their review of the project, the Building Division 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, on a property currently developed with an existing single-family residence and an attached, two-car garage, can be made (Attachment A). The proposed project meets all applicable development standards required by the Zoning Code for the RS-1 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 #6878

Hillside Development Permit: To allow the construction of two 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 a 591 square-foot recreation room and a 599 square-foot gym on a property developed with an existing single-family residence and an attached two-car garage. A single-family residential use, with accessory structures, is a permitted use within the RS-1 HD (Residential Single-Family, 0-1 dwelling units per acre, 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-1 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-1 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-1 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 and within a Hillside Development Zone. 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 a 591 square-foot recreation room and a 599 square-foot gym on a property developed with an existing one-story, single-family residence and attached two-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 (1,382 square feet) would comply with the maximum permitted for the property. The primary structure would not be altered by this project, and the accessory structures would maintain its Mid-Century Modern 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 two detached accessory structures will be 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 and Hydrology Report have been submitted, both of 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 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 structures' scale and massing is within the scale and setting of the surrounding vicinity. Thus, the project will 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 accessory structures have been designed to be within the maximum development standards allowed on the subject site. The project has been designed with the use of wood siding and dark 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 6.6 percent. The proposed accessory structures will comply with all of the required development standards. 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 Grover Hollingsworth and Associates, which concludes that the proposed development is safe and adequate for its intended use.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR HILLSIDE DEVELOPMENT PERMIT #6878

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, December 15, 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 detached accessory structures (a 591 square-foot recreation room and a 599 square-foot gym).
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 **ZENT2021-00009** 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. 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.
9. 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).
10. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.

11. 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.
12. 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.
13. The applicant shall submit a final landscape plan for the Zoning Administrator's review and approval. The final landscape plan shall include the required two replacement trees per Zoning Code Section 17.44.070.F.b. The two replacement trees shall be a minimum 15-gallon size and shall be selected from the list of native or specimen trees on the City of Pasadena's Protected Trees List.
14. 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.
15. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.
16. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Zoning Code 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).
17. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
18. All construction vehicles or trucks including trailers with length over 30 feet or widths over 102 inches shall require a lead pilot vehicle and flag person to enter the streets within the Hillside District. The flag person will stop opposing traffic as necessary when trucks are negotiating tight curves. Operation of construction vehicles or trucks with lengths over 35 feet shall require approval from the Department of Transportation and Department of Public Works, subject to demonstration that such vehicles can maneuver around specific tight curves in the Hillside District. Operation of construction trucks with lengths over 30 feet shall be prohibited before 9:00 a.m. and after 3:00 p.m., Monday through Friday and all day during weekends and

holidays. On refuse collection days, the operation of construction trucks with lengths over 30 feet shall be prohibited before 10:00 a.m. and after 3:00 p.m.

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

Building Division

20. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.

FYI – The current edition is the 2019 series effective January 1, 2020 until December 31, 2022.

21. Soils Report: Soils Report is required for the project.
22. Grading: If greater than 50 cubic yard (excluding excavation for foundation), Grading/Drainage Plans shall be prepared by a registered engineer. Grading shall conform to the provisions of Chapter 14.05 of City's Municipal Code.
23. Property Land Survey Slope Setback: For 3:1 or steeper slopes contiguous to a site, the construction must be designed to comply with the slope setback requirements per the CA Residential Code.
24. Fire Zone: The project is located in a Very High Fire Hazard Severity Zone, so the new construction must conform to the requirements per Section R327 of the CA Residential Code.
25. Permit(s): Separate permits are required for grading (if applicable), fire sprinkler, mechanical, electrical, and plumbing.

Public Works Department

26. 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.

27. To protect existing City trees during construction, the applicant shall fully conformed to the Tree Protection Guidelines signed by the City Manager. The full guidelines is available at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>
- a. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree. The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works. The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.
 - b. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan (PMC Ch. 8.52 – City Trees and Tree Protection Ordinance), prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A non-refundable flat fee, per the current General Fee Schedule, will be required for staff time to review the Tree Protection Ordinance compliance.
 - c. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 6' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.
 - d. All new drive approaches shall be at least seven (7) feet clear of the existing street trees measured from the edge of the trunk closest to the drive approach. All public trees shall be protected and fenced with a posting on the fences advising of the tree protection.
 - e. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined

by PNR; and any applicable infraction or administrative fines determined by Code Compliance.

- f. Prior to issuance of any permit, a deposit in the amount of the applicant's total liabilities based on the aforementioned approved tree assessment report shall be submitted to the City. The deposit is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.

28. In order to ensure that the developers maintain a clean and safe site during the construction phase of development, the applicant shall place a \$2,000 refundable deposit with the Department of Public Works prior to the issuance of any permit. This deposit is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/ resurfacing, street trees, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control.

29. 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. A maximum of one construction workers' vehicle can be parked on the street; all others shall be parked on-site only. 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.

30. 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.

31. 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.

32. 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.
33. In addition to the above conditions, the requirements of all applicable Pasadena Municipal Code (PMC) will apply and be implemented during the corresponding plan review and permitting. They may include but not limited to:
 - a. Sidewalk Ordinance - Chapter 12.04
 - b. Sewer Facility Charge – Chapter 4.53
 - c. Residential Impact Fee – Chapter 4.17
 - d. City Trees and Tree Protection Ordinance - Chapter 8.52
 - e. Construction and Demolition Waste Ordinance - Chapter 8.62
 - f. Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100