

Jomsky, Mark

From: allen kirkland [allen_kirkland@yahoo.com]
Sent: Sunday, November 23, 2008 6:03 PM
To: cityclerk
Subject: RE: allen kirkland douglas st pasadena ca 91104 e-mail allen_kirkland@yahoo.com

memo concerning overlay zone

as far as the law suit is concerned,who is this organization suing the city of Pasadena,how long have they been in business?
how many other cities have they filed suit against?where is there headquarters?who is there lawyer?how long has the attorney been in practice?is this affordable housing inc currently in litigation with other city in Laos Angele's county?what is the telephone # of the lead council in the law suit? these questions and many more should be answered before any decision is made ,perhaps there is something with this case that not in plain view, something that the city council members and other memebers of the municapality is not aware of.

p.s. please include this in the file for mounday of possible Mr. city clerk and thanks for your help!

--- On Thu, 11/20/08, cityclerk <cityclerk@cityofpasadena.net> wrote:

> From: cityclerk <cityclerk@cityofpasadena.net>
> Subject: RE: allen kirkland 623 douglas st pasadena ca 91104 e-mail
> allen_kirkland@yahoo.com
> To: allen_kirkland@yahoo.com
> Date: Thursday, November 20, 2008, 11:06 AM This is to acknowledge
> receipt of your email. BOTH this email and the email that you sent
> this morning, November 20, 2008 at approximately 7:00 a.m. will be
> included in the agenda packet as correspondence for the item public
> hearing item concerning the Los Robles Overlay Zone issue. Thank you.

>
> Mark Jomsky
> City Clerk
> (626) 744-4709

>
> -----Original Message-----

> From: allen kirkland [mailto:allen_kirkland@yahoo.com]
> Sent: Wednesday, November 19, 2008 8:00 PM
> To: cityclerk
> Subject: allen kirkland 623 douglas st pasadena ca 91104 e-mail
> allen_kirkland@yahoo.com

>
>
> Notice to city council
>
>

> To whom it may concern,on Tuesday November 18Th we the property owners
> on Douglas st between Los Robles and El Molino had a neighborhood
> watch meeting at 501 Douglas st .In this meeting tax paying property
> owners in single family dwellings voiced there concerns on garbage
> tapering by curbside and other minor issues.Then out of nowhere the
> resident at 501 Douglas brought up a topic that took over the
> discussion and peaked all of the property owners interest, the zoning
> issue on Los Robles north of mountain in very close proximity to our
> homes and something that we all were deeply concerned about.The vast
> majority of property in district # 3 are single family dwellings and
> changing the zoning is to make the future ace-rage more densely
> populated has many possible potentially negative considerations.
> there is a law suit filled by a group for affordable housing against
> our beloved city, backed by developers eager to attain big profits in
> this unsure economic climate,if not now than surely in the future.Once

> again there were multiple owners at this meeting so it is safe to
> assume that land owners in this area are concerned about traffic crime
> environmental impact and eventual property value decline as a result
> of pure density issues. We contacted neighbors city such as
> Arcadia, Hastings Ranch, San Morino and they have no pending law suits
> on or for affordable housing issues, even so we have a knowledgeable
> and competent city attorney well aware of the appellate process and a
> possible injunction of necessary litigation in this matter could go on
> for years and perhaps the developer's would lose interest as the
> property values would increase and go to areas that would embrace a
> more condensed acreage population such as Highland Park Lancaster,
> Palmdale Oxnard San Dimas and so on, let the little old lady in
> Pasadena maintain her anonymity and peacefulness.

Jomsky, Mark

From: Buddy Renzullo [brenzullo@sbcglobal.net]
Sent: Monday, November 24, 2008 10:58 AM
To: cityclerk
Subject: Correspondence for tonight's City Council Meeting
Attachments: City Council letter 11-24-2008.doc; Affordable Housing with Covenants.jpg

Mr. Jomsky,

Please include my attached letter and its attachment in the supplemental packet of correspondence for consideration of tonight's meeting.

I appreciate your work on this matter and would appreciate a response indicating acceptance of this material and its inclusion for tonight.

Thank you!

Buddy Renzullo

11/24/2008

11/24/2008
6.D. 7:30 P.M.

Buddy Renzullo
371 E. Claremont St.
Pasadena, CA 91104

Please consider the following as my objection to the Negative Declaration and adoption to the Los Robles Overlay and its subsequent readings establishing its ordinances.

Loss of Previous Gains

It was represented that the settlement of this litigation (including the Overlay for additional density) was in the best interest of both Garfield Heights and Orange Heights for two reasons. The first was that if the Los Robles Overlay for additional density is not adopted by the council, the neighborhoods ultimately would lose because the original reduction in density could be lost, and the density for the study area could change back to RM-32.

This needs to be understood clearly, and in fact, this question is crucial for all to understand before you vote... If the cause of action relating to the reduction from RM-32 to RM-16 has already been decided in favor of RM-16 (by way of the Statement of Decision Issued and Ordered by Los Angeles Superior Court Judge Janvas), can that cause of action be reversed if the settlement stalls or fails?

If the answer to that question is no, then the **settlement does nothing to further the protection of the neighborhoods.**

The fact is that according to the Joint Report of Conditional Settlement and Request for Stay of Proceedings and Vacation of Trial Date, filed in Los Angeles Superior Court on September 7, 2008, page 2 reads:

“If the City Council does not adopt the legislation, plaintiffs have the option of declaring the settlement null and void, and the parties would return to court to try the **Fourth Cause of Action.**” (Emphasis added.)

The Fourth Cause of Action has only to do with alleged violations of one councilmember with respect to Government Code subsection 81001, commonly referred to as the Political Reform Act.

Attachment A, paragraph D of that settlement agreement details that the Causes of Action relating to the violation of CEQA and violation of Planning and Zoning Law of the subject parcels were denied.

Heritage Housing Partners

The second reason we should be in favor of the settlement, was that we would be better off with a known developer in Heritage Housing Partners for the Eric Winter properties. The members of this council need to know that representatives of Garfield Heights met with Charles Loveman, the Director of Heritage Housing Partners, on March 19, 2007 at Eric Winters' properties. (GHNA persons in attendance were Renee Rubalcava, Renee Pierson, Danny Donabedian, Mike O'Brien, Karen Bateman and Buddy Renzullo. Mr. Renzullo believes that Mark Puopolo, Chris Mullen and Tim Gregory were in attendance as well.)

The purpose of the meeting was to review the proposed plans for the development of Mr. Winter's site. Both Mr. Loveman's assistant and his architect were in attendance as well, and passed out plans that showed the intent to build 16 two story units behind the houses already on the site facing Los Robles, for a total number of units to 24 +or-. The plans showed the intent to consolidate Mr. Winter's lots on Douglas as well. The Douglas lots are in the Landmark District, and the plans showed the demolition of one of the units and the temporary relocation of another, in order to carve out underground ingress and egress for the development.

The individuals in attendance were not supportive of the development as it was way too dense for the area. There were other questions about the number of designated parking spaces for residents and guests, and the issue of open space, setbacks and scale were at issue as well. In addition, we did not like the demolition of a structure in the Landmark District, and were very much opposed to additional traffic being dumped onto the small street of Douglas. Mr. Loveman mentioned the possibility of engineering the parking between the units on Los Robles, but then there would be the possibility of encroachment of the Historic porch structures.

Mr. Winter revealed his true intent for the development of his site when he came before the City Council on October 6, 2006. At that time, he said in part:

"The change I am urging you to consider is one that would give the Planning Director or perhaps the Planning Commission or City Council or some other duly constituted entity the right to approve an increase in the height limit to three stories..."

This is very troubling to the Garfield Heights Neighborhood Association, as it shows that Mr. Winter is not sensitive to the neighborhood at all and is attempting to put as much density as possible (and then some) onto the site, so as to maximize his financial gain upon the sale of the parcels prior to development. He has no vested interest in the area because he does not, nor has he ever, lived here.

While Heritage Housing Partners may be a very good developer, the fact of the matter remains that **their proposal for the development for this location is not a good fit for the neighborhood and its infrastructure.** We have not been contacted since March of 2007 with regard to any other plans or proposals.

Timing

We believe that the December 1st deadline that the council referenced in the 11/17/2008 meeting, forces the council to act too quickly. In essence, this removes the possibility for meaningful solutions to be developed. True to his word, councilman Holden did facilitate a meeting on Saturday, November 22, 2008 and GHNA representatives plan to be in attendance. This however, might be too little too late, because it appears that the mindset of council already exists to come to a conclusion by December 1st.

GHNA is concerned that if the City Council does in fact jump through Mr. Winter's hoops and adopts the Los Robles Overlay, it still may not be an end to his wrangling. The current staff report indicates:

“...and the proposed action is the City's response, which MAY lead to a final dismissal of the remainder of the litigation.”
(Emphasis added)

Is there no guarantee?

Bifurcation of Parcels on Los Robles

The question came up early in the drafting and discussion of the initial study in 2005 as to why both sides of Los Robles were included, when the request originated from Garfield Heights. Staff explained at the time, and Councilman Holden agreed, that it was in the best interest of the entire area to be included, so as not to “spot-zone.” Separating the parcels on the East side of Los Robles is not warranted, and would in fact be spot-zoning.

Planning Commission

The Planning Commission consistently found that additional density in this neighborhood was not warranted. The Commission has voted twice 5-2 in favor of the zone reduction before May 8, 2006, and voted unanimously against the Negative Declaration and against the proposed Los Robles Overlay allowing additional units and density.

Overlay Constitutes Double Dipping

The proposed Overlay allows for additional units above what the State Bill 1818 provides. This in effect provides a "Double-Dip" allowance for developers and sets a dangerous precedent for future areas of the city to be held ransom by the threat of litigation.

It seems ironic that the lawsuit was originally filed because of a nebulous Overlay created by the City Council, which was objected to by the Planning Commission, and the lawsuit is proposed to be settled by a nebulous Overlay which is also objected to by the Planning Commission

Inconsistent Staff Reports- Cherry Picking of Land Use & Housing Elements

What has changed from March 17, 2008 to now? Is there all of the sudden a new need for Affordable Housing in this area? During the City Council meeting of March 17, 2008, the council complied with the judicial action of the Appellate Court and removed the Work Force Overlay. The recommendations of the City Manager were discussed and unanimously approved (with Council members Gordo and Robinson absent.)

Among the recommendations, it was acknowledged that the Initial Environmental Study and the Negative Declaration approved on May 8, 2006 for the previous Zoning Code amendment and the Zoning Map amendment found no significant impacts resulting from the zone change to Multi-Family Residential RM-16.

In another recommendation, it was also found that the proposed Zoning Code amendment and Zoning Map amendment is consistent with the goals and policies of the General Plan and Zoning Code.

Both of these recommendations were valid in March of this year and GHNA believes that they still are (merely eight months later.)

In the referenced exhibits for the March 17, 2008 Staff Report, portions of the Land Use Element and Housing Element are quoted to prove the General Plan Consistency Findings:

Objective 1- TARGETED DEVELOPMENT: Direct higher-density development away from Pasadena's residential neighborhoods and into targeted areas, creating an exciting urban core with diverse economic, housing, cultural and entertainment opportunities.

Policy 1.9 – Other Geographical Areas: Limit development outside targeted development areas.

The proposed re-zoning will not reduce the density of development in areas earmarked for higher densities. The areas designated for higher densities (referred to in the above objective and policy as "targeted areas" and "targeted development area") are the specific plan areas.

Policy 1.10 – Promote the preservation of the existing affordable housing stock.

The proposed amendments further this Policy, because removing the Overlay District and its allowance for 50% density increase will remove the incentives to redevelop existing properties which therefore promote preservation of existing housing that is likely available at affordable levels.

Policy 2.1 – Encourage the production of housing appropriate to all economic segments of the population, including lower-, moderate- and upper income housing, to maintain a balance community.

See the discussion under Policy 1.10.

These elements have consistently been used by Staff to support and protect the neighborhoods from high-density development. Why now is Staff reversing course?

In a classic example of how the Staff is cherry-picking portions of the Elements in order to garner support for the Overlay and settlement of the lawsuit, in the current Staff Report, attachment 7, Staff directs your attention to:

Policy 15.2 – INCREASE SUPPLY: Increase the total number of market rate and affordable housing units within the City.

That sounds fantastic, but why does staff not direct your attention to the very next paragraph?

Policy 15.3 – *EQUITABLE DISTRIBUTION*: Increase, where feasible, the equitable distribution of affordable housing throughout the City, including an inclusionary zoning ordinance.

This Policy is quietly omitted from the Staff Report because there is not an equitable distribution of affordable housing at all in this city! The majority of affordable housing is located in the Northwest area.

The Northwest Pasadena area covers one quarter of the land area, yet, approximately 50,000 residents or one-third of the City's population lives in this area. Based on these numbers, it is safe to say that the Northwest area is already more densely populated than any other area of the City. Why is Staff now advocating additional density in an established residential neighborhood?

In the City of Pasadena General Plan Draft Housing Element 2008–2014, Figure 4-1, Affordable Housing with Covenants, displays the location of all deed-restricted affordable units in Pasadena (Please see attachment)

A casual glance at this map shows that the disproportionate number of Affordable Housing is, in fact, located in the Northwest. We also see that the number of properties and units are broken down by council districts, and knowing that the Northwest area of the City is represented by Districts 1, 3 & 5 simple math reveals the obvious.

Of the 179 total properties identified as Affordable Housing in all of Pasadena, 139 of them are located in the Northwest representing 78 percent. Of the 1,657 individual units identified as Affordable Housing in all of Pasadena, 1,334 of them are located in the Northwest which represents 81 percent. It is easy to see why the Housing Element continues to call for the equitable distribution of Affordable Housing throughout the entire city!

Knowing these facts, however, it is disturbing to see that the Housing Elements previously supported by Staff for the last three years to protect the GHNA & OHNA Neighborhoods from high density developments have now mysteriously disappeared.

What has changed from March 17, 2008 to now?

As a side note, it must also be pointed out that in the discussion beneath Staff's Policy 15.2, Staff indicates that the Overlay would allow for the construction of 17 additional affordable units. Again, that sounds fantastic, but it must be noted that in order to reach that maximum number, all of the existing housing stock in the study area would have to be moved or razed and new units built to the maximum numbers. While it would achieve the additional numbers, it certainly would destroy the historic fabric of the neighborhoods. Why would Staff recommend this?

To complete the discussion on the selection of Elements to support the need to divert high-density development away from established neighborhoods, there are some additional Elements that could have been selected and are listed below:

Policy 2.8 Encourage dispersal of new affordable housing to expand choice and avoid and over-concentration in any one residential area.

Policy 2.9 Protect and preserve established neighborhoods from incompatible uses and intensity, and other development impacts.

Policy 5.4 – Neighborhood Character and Identity:
Urban design programs, including principles and guidelines, shall recognize, maintain and enhance the character and identity of existing residential and commercial neighborhoods.

OBJECTIVE 6 – HISTORIC PRESERVATION:

Promote preservation of historically and architecturally significant buildings and revitalization of traditional neighborhoods and commercial areas.

OBJECTIVE 7 – RESIDENTIAL NEIGHBORHOODS:

Preserve the character and scale of Pasadena's established residential neighborhoods.

Affordable Housing – Obviously Needed - Where should it be placed?

Sadly, throughout the course of the initial study and its ensuing hearings and meetings, the parties in opposition to the zone-correction have accused members of GHNA of being against affordable housing. The truth of the matter is that GHNA always believed that the existing

mix of our neighborhood is a blessing which we have always embraced. It is why we moved here and why we live here and why we continue to volunteer our time and energy into our neighborhoods.

We are opposed to increased density and development that is not in character with the surrounding neighborhood. We are opposed to development that would further burden the already fragile infrastructure, and these positions have always been supported by the members of the immediate community at every hearing or meeting! (Please see the correspondence received for the Planning Commission meeting of October 22, 2008 and for the City Council meetings of November 17 & 24, 2008.)

Michelle White, Affordable Housing Services, representative, appeared at the March 17, 2008 City Council meeting and voiced her concern over the potential decrease in affordable housing units if the Overlay is removed. Further, she asked for clarification as to where in the City the affordable units would be placed, and if the City would be specific in identifying the locations for same.

At that meeting, Councilmember McAustin stressed the importance of educating the community on the State requirement for the City to provide a certain amount of affordable housing units and informing the community on where these units will be located (excerpted from the Council Minutes of 03/17/08.)

Richard Bruckner, Director of Planning and Development, commented on State law which requires that the City show the opportunity for certain zones and densities to provide for the Regional Housing Needs Allocation (RHNA) number, and noted that the information on the City's compliance with the law will be available to the community as the public dialogue on this issue occurs (excerpted from the Council Minutes of 03/17/08.)

The new Housing Element, referred above, specifically shows that targeted areas throughout the City is much preferred to for the development of affordable units because these areas are already zoned for higher density and are closer to the Gold Line. Please see the tables at the very end of the new Housing Element. This would also allow for a greater distribution of the affordable housing units across our City.

Attorney's Fees

Lastly, it was mentioned that the settlement of the lawsuit would be beneficial as well, because it would prevent the City from having to pay for Mr. Winter's attorney's fees. We believe this arises from the fact that Mr. Winters prevailed on a portion of the one cause of action regarding the removal of the Work Force Housing Overlay.

While we are sympathetic that the City may have to incur this cost, we are appalled that this could be a determining factor (or any factor) for this settlement. As is the sad nature of our litigious society, any action that is brought against the city has the possibility of a negative fiscal outcome. If so, these costs then are the burden of the City and ultimately its taxpayers.

We believe that the City Council should not entertain the thought of using land-use entitlements to settle any lawsuit, especially this one. Let the attorneys do what they are trained to do in court, and trust the recommendation of your Planning Commission and vote no to the Los Robles Overlay.

Sincerely,

Buddy Renzullo

Figure 4-1
Affordable Housing with Covenants

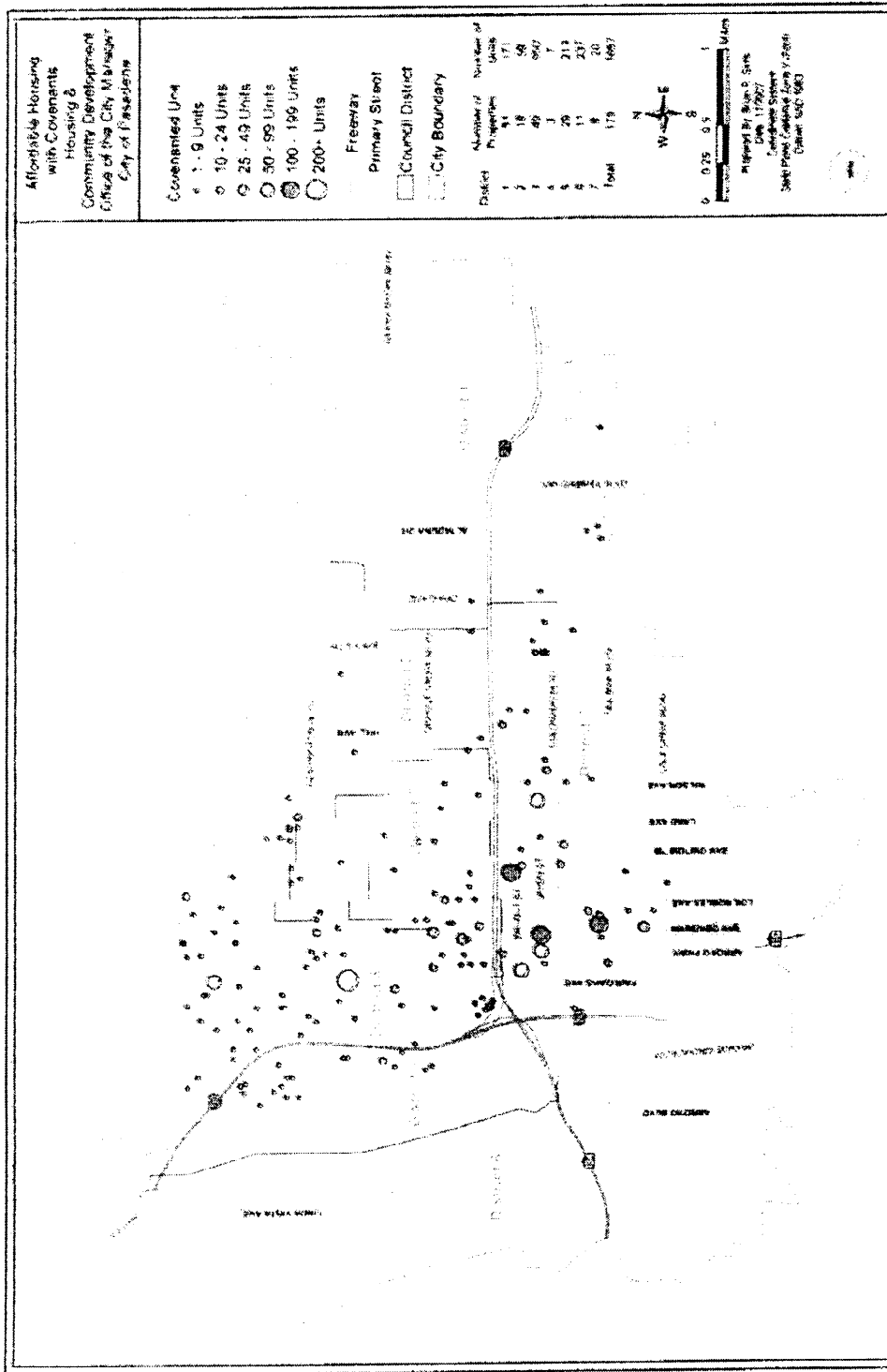


Figure 4-1
Affordable Housing with Covenants

