

Martinez, Ruben

Subject: FW: Ed Tech Committee Item 4A - Support

From: Felicia Williams <feliciaw@stanfordalumni.org>

Sent: Monday, October 21, 2019 10:20 PM

To: Robles, Sandra <sarobles@cityofpasadena.net>

Subject: Ed Tech Committee Item 4A - Support

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Hi Sandra,

Please forward this email of SUPPORT for Item 4A on the 10/24 Ed Tech Committee agenda to the committee members. Thanks!

Felicia

I am writing to support Item 4A Inclusionary Housing Trust Fund loan to CNS La Villa Lake in the amount of \$580,000. This is a creative way to collaborate with private developers to help address the housing needs of low income seniors in our community. The developer/owner has diligently worked with the community, and the staff has done an excellent job of reaching a compromise that protects the neighborhood. The City should look for more creative ways like this to efficiently use housing trust funds since it is difficult to identify vacant sites and build new housing. Thank you for your consideration and support!

Julianna Delgado, MArch, PhD, AICP

Professor Emerita, Dept. of Urban and Regional Planning, California State Polytechnic University Pomona
President, Southern California Planning Congress
Home Address: 982 N. Mentor Avenue, Pasadena, CA 91104-3818
Telephone: 626-797-7716

February 1, 2019

Members, Board of Zoning Appeals, City of Pasadena
c/o Kristen Johnston
kjohnston@cityofpasadena.net and hand delivered at hearing

RE: Call for Review of Hearing Officer's Decision: Minor Conditional Use Permit #6692, 1070 N. Lake Avenue – La Villa Lake, LLC; Written Comments in Opposition to Staff Report and Findings of Approval

Dear Members of the Board of Zoning Appeals,

This letter is in opposition to the Hearing Officer's Decision of December 5, 2018, which prompted the City Council's call for review before this Board on December 17, 2018, and the City's Staff Report of February 6, 2018, for a *de novo* hearing for Minor Conditional Use Permit (MCUP) #6692 for 1070 N. Lake Avenue, La Villa Lake, LLC. Over fifty people opposed to this project attended the December 5th hearing and disagreed with the recommendations of City Staff and the Hearing Officer's decision. The Staff Report for this hearing—like the previous Report to the Hearing Officer—fails to describe accurately the genesis of the petition. It is the result of an illegal conversion of existing age- and income-restricted units to market rate ones in violation of the original property owner's land use entitlements, for which the current property owner responsible for the conversion has been cited. The required findings for approval of the MCUP cannot be made and, if implemented, Staff's recommendation will bring further injury to the neighborhood that has waited for over two years for some relief. The project is contrary to policies contained in the Land Use and Housing Elements of the City's General Plan, State law, and sound planning practices. Furthermore, approval would not just constitute a special privilege but also establish a dangerous precedent that contradicts City provisions for the maintenance of its affordable and senior housing stock. Therefore, the petition must be denied.

DISCUSSION

Staff Report Description of Project Background is Deficient

On August 6, 1970, the City's then Zoning Committee unanimously approved Use of Property Variance #8191, granting the construction of a new, multi-family housing project on C-1 zoned property. The entitlement went into effect on August 17, 1970, and project financing would come from the US

Department of Housing and Urban Development (HUD). Throughout the 1960s and 1970s, the Federal Government was deeply involved in the provision of low and moderate-income housing, subsidizing private housing projects (see attached decision letter of August 7, 1970). In his application (attached), developer Ron Levine, of Ron Levine Construction and Investment Corporation, affirmed in his response to Question #3, the need for the use variance: "We are trying to develop housing for the elderly. This would fulfill a public need." Indeed, the City agreed in making an ethical decision to approve the application despite the zoning conflict and so did HUD's Federal Housing Authority (FHA) in approving a construction loan at below market rate. The developer was approved to build an age and income-restricted per HUD loan guidelines, 114-unit multi-family housing facility on what had largely been a commercially-zoned property, with additional parking to be developed on residentially-zoned property. The project did not meet the use provisions of the underlying zoning, thus the need to petition for a variance.

Changes in California State law now prohibit variances for land uses, and such an approval could not be granted today without an amendment to the Land Use Element of Pasadena's General Plan. The approval also allowed the demolition of five (5) 'old residences,' as Mr. Levine described them, along Mentor Avenue, in what would become the City's first and largest local landmark district, Bungalow Heaven, now listed on the State and National Register of Historic Places and designated a 'Great Neighborhood' in the American Planning Association's Great Places in America program. Today, the demolition of the five historic resources along Mentor Avenue to build a parking lot, which does not meet current zoning just like it did not in 1970, would be prohibited. The property owner continues to enjoy the special privileges of a legally nonconforming use in exchange for improving the health, safety, and welfare of Pasadena via the provision of needed affordable senior housing.

Subsequent exemptions granted to the developer in 1970 by the City Zoning Committee in exchange for building much-needed affordable senior housing were twofold: an increase in the height limit of the facility from one (1) to three (3) stories and a reduction in the number of parking spaces required to 72 tenant spaces (one per two units) instead of 114 (one per unit), plus 11 guest spaces. Thus, the developer would be allowed more developable land because of the reduction in space needed for parking as well as the additional story allowed. The exemptions increased the number of rentable units over what would be allowed for a market-rate housing project. As a result of the City's entitlement action in 1970, the benefit to the developer of these exemptions, during almost 50 years since, would be to enjoy the special privilege of building an increased number of units and the resulting increase in profit from rents they would provide, a de facto housing density bonus. The increased number of allowed units would offset the lower-than-market rents, similar to what can now be granted through state law for projects with similar exceptions—reduction in the number of parking spaces, increased project height, etc.-- aimed at providing more housing affordable to low- and very-low income residents in a state sorely in need.

Throughout the original 1970 application and the City's approval – which remains in effect – the project is referred to as an "FHA Senior Citizen Apartment building," which means that the owner's intent in proposing and City's intent in approving the project was clearly to provide housing solely to persons the

federal government at the time defined as *senior* (62 or older) and rents that met the FHA's income affordability limits, which provided more favorable loan terms of federal funds to the developer than for market-rate units. Based on local Census-established median-household income (MHI) data, HUD guidelines established rents affordable to very-low and low-income residents. At the Zoning Committee hearing held on August 6, 1970 (see attached minutes), the applicant, Mr. Levine, stated "... this is an FHA project limited to senior citizens and the people living here are on pensions and most of them will not have cars." Given the intent of the project and reduced parking, adjacent property owners who had been initially concerned about traffic, noise, and other nuisances did not oppose it. Now, the current owner wants to reap the benefit of the entitlement without having to perform.

It should be noted also, that whatever agreement the developer, Ron Levine, had with his lender (i.e. FHA) is irrelevant. What matters with respect to the entitlement is that the City, in representing the citizens of Pasadena, approved the land use variance based on the developer's assurances that it was to build affordable housing for elderly people. Nothing over the intervening years, including retirement of any housing loan debt, has changed the original entitlement granted by the City of Pasadena. Were the opposite to be true, then retirement of a loan for any property development would render the entitlement null and void. For example, if this were true, once the loan to purchase or construct a single-family residence were paid off, then the property owner could convert the property to another use without the City's review and approval, i.e. a restaurant or gas station. We know this is to be preposterous.

Regarding MCUP #6692, the applicant's counsel has argued that the City's failure to enforce the age restriction in renting units at 1070 N. Lake Avenue over the intervening years somehow has changed the intent, entitlement, and underlying ability of the City to enforce at any time the 1970 agreement between the City and the property owner. This is a legal fallacy. Such logic would mean that the City's failure to enforce all provisions of the Building Code or Vehicle Code, for example, in all instances render those provisions null and void, which is absurd. Instead, the applicant's counsel has provided testimony and documentation that the City regularly subsidized through Section 8 housing vouchers (first enacted by Congress in 1974) for units at 1070 N. Lake as part of its housing affordability program. Thus, the units were and are intended to remain affordable per federal and City housing guidelines. The entitlement for the legal nonconforming use at 1070 N. Lake Ave., which runs with the land, was sent to the City and County Assessors for recording (see "cc." on page 2 of Decision Letter of August 7, 1970). Thus, the entitlement grants a variance to construct housing on land zoned solely for commercial use (with required parking on land solely for single-family residential use) based on the ethical consideration that the development would provide affordable senior housing—a benefit to the City found to far outweigh any potential nuisances to the adjacent neighborhood. The entitlement also protects the owner's enjoyment of the nonconforming use. However, an entitled nonconforming use may lose its protected legal status if it changes or expands, which prompted the City to require this hearing.

Staff Report Fails to Discuss Applicant's Citation for Illegal Use, Harm to Community and Its Reaction

In 2016, after the current property owner took possession of 1070 N. Lake, the City became fully aware of the illegal conversion of age- and income-restricted units to market rate ones and cited the owner for violating the conditions of its legally nonconforming land use entitlements. Please see the attached Notice of Violation and Order to Comply of December 8, 2016 (Case #CTP2016-01900) issued to CNS Lake Villa LLC, ATTN: John Nunn, for violations of Pasadena Municipal Code Sections 17.78.060, "Failure to comply with conditions of Use of Property Variance," and 17.46.040, "Failure to provide required off-street parking spaces."

The Staff Report for MCUP#6692 fails to disclose the above citation. It also fails to disclose and discuss the nuisances and resulting damages suffered by the adjacent property owners within a protected, historic district that led to the discovery of the illegal conversion of the units. The lack of an adequate number of on-site parking spaces to accommodate the housing units illegally converted from affordable senior to market rate created an array of neighborhood nuisances. These include over-crowded and overnight parking along narrow residential streets in a historic district, noise, littering, lessening of City health and safety services available to residents as a result of street blockages, reduction in property values—all brought on at the hands of the new 1070 N. Lake property owner, driven by increased profit. The negative impacts on the health, safety, and welfare to the community as the result of the illegal action became the subject of a series of Community Meetings held with City Council and City Staff representatives in 2017 and 2018 following issuance of the citation. It also became the subject of a widespread petition drive throughout the adjoining neighborhood to compel the City to enforce its laws. The petition reads as follows:

We, the undersigned, demand that the City of Pasadena enforce its own regulations with respect to the use granted for the apartment building at 1070 N. Lake Avenue (Parcel #5740-015-023), including but not limited to taking the following actions:

- (1) Enforce to the full extent of the law Administrative Citation #26762 for violations of Pasadena Municipal Code ("PMC") Sections 17.78.060, 17.46.040, and 14.50.040(35) issued on December 8, 2016, and any others found later, against the owner of the above-referenced property for renting units to non-seniors in violation of the entitlement, including failure to comply with the land use variance granted exclusively for a 114-unit FHA Senior (age and income-restricted per HUD definitions) apartment building and associated conditions, particularly the exemption to parking requirements that reduced the number of parking spaces for the senior housing use to 72 spaces, a reduction of 104 spaces from PMC requirements;*
- (2) In conjunction with the above-referenced, enforce the citation for failure to comply with the current number of off-street parking spaces required for non-senior tenancy in market-rate multi-family residential uses;*
- (3) Issue a cease and desist order effective immediately for rental to non-seniors until such time that a new entitlement for a change in use to non-senior tenancy with PMC required on-site parking be granted through due process;*

(4) Revoke concurrently any and all annual on-street overnight parking permits issued by the City to tenants of 1070 N. Lake Avenue; and

(5) Monitor regularly on-street overnight parking on Mentor Avenue (between Mountain Street and Claremont Street) and cite vehicle owners who either do not display valid temporary overnight parking permits or, if displaying such permits, exceed the maximum number of days allowed for temporary overnight street parking in Pasadena.

Despite the over 100 signatures, the City's resolution been 'compromise,' compelling the property to apply for this MCUP and conduct a parking survey. The City used public funds for Raju Associates to conduct an additional survey to conclude there is inadequate parking for the current tenants. The nuisances have nonetheless persisted for well over two years since issuance of the citation with no good faith effort on the part of the property owner to reduce them.

Staff Report Fails to Discuss Unequal and Special Privileges to Developer for Illegal Conversion and Use

In illegally converting the existing income- and age-restricted housing units to market rate ones, the current property owner has also enjoyed special privileges that other developers, particularly those of new market rate housing, do not enjoy. The act has deprived the City of its original benefits of additional affordable housing units and maintenance of affordable housing stock, as well as the ability to offset the negative impacts on existing infrastructure caused by more intensive development.

In terms of financial damage to the City and its residents, the order of magnitude of the illegal conversion at 1070 N. Lake--in addition to the profit from increased rents at La Villa Lake from a greater number of units than would ordinarily be allowed for market-rate units on that site--can be understood in part as the comparable 'value' of lost impact fees to the City. These are fees all developers of new market-rate housing units would be required to pay in Pasadena. As an example, the total due for residential development fees required per Pasadena Municipal Code Chapter 4.17 for 114 (the number approved for 1070 N. Lake) new market rate units, assuming they are all studios, would be \$2,105,891.22 (\$18,472.73/unit x 114 units). The amount would actually be slightly higher, given that 72 units are 1-bedroom (about \$1,000/unit over the rate for studio apartments, or an additional \$72,000.) The developer might also owe a traffic reduction and transportation improvement fee, a flat fee of \$2,889.70 per residential unit. For 114 units, that would be an additional \$329,425.80. Thus, the illegal conversion has a considerable financial value, and provides an incentive for others to illegally convert affordable units to market rate in lieu of constructing new ones. This goes against both the City's Regional Housing Needs Assessment targets, the actual provision of more, needed housing for all income categories, and offsetting equitably the impacts of new, more intense development.

Staff Recommendation is Arbitrary and All Findings of Approval Cannot Be Made

Approval of MCUP #6692 based on Staff's recommendation would require the property owner to maintain no more than 50% of the units at La Villa Lake at 1070 N. Lake Avenue for rental to seniors and

none of the units would need to be affordable to very-low or low-income residents regardless of age. Staff's recommendation is arbitrary. There is no rational basis for this "50/50" tenant split and elimination of affordability requirements other than for the City to avoid enforcing the violation of its own laws (as specified in Case #CTP2016-01900), prosecution, and potential litigation.

To approve a Minor Conditional Use Permit (MCUP), certain reasons, called *findings*, must be shown to be true. All of the findings must be found to be true to approve the project. The following findings, for example, cannot be made, thus the project cannot be approved.

Finding of Approval #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 project is not in conformance with the 2014-2021 Housing Element of the City of Pasadena General Plan, which the Staff Report ignores despite the fact that the project is a housing one. Chapter 2 of the Housing Element, "Framing the Challenges," sets the stage for the City's concerns, anticipating this exact situation, and subsequent policies:

Potential Loss of Affordable Housing. Pasadena's desirable quality of life has led to rapidly increasing housing prices and rents. This reality makes it particularly attractive for property owners to sell residential buildings to obtain a higher return on their investment. For publicly subsidized apartment projects that have covenants requiring affordable housing, as these covenants expire, these projects could be converted to market rate housing, displacing lower income renters (p. 5.)

It also states that "From 2000 to 2010, the percentage of renter households overpaying for housing increased from 43% to 51%." Thus, affordability in Pasadena is worsening.

The project as proposed and conditioned does not meet the following adopted policies of the Housing Element:

HE-2.4 Affordable Housing. Facilitate a mix of household income and affordability levels in residential projects and the appropriate dispersal of such units to achieve greater integration of affordable housing throughout the City. (p. 11).

No mix of affordability levels has been proposed for La Villa Lake and there is no provision in this project for any affordable units, although it was originally entitled as an affordable senior housing project and the owner enjoys an increase in the number of units—and resulting profits--as a result of the entitlements.

HE-3.4 Preservation of Affordable Housing. Establish and seek to renew long-term affordability covenants for all City-assisted housing projects; support the conservation of unassisted housing that is affordable to lower income households consistent with state law. (p.13)

Instead of conserving affordable housing, this project seeks to reduce the number of affordable units and is not consistent with state law. Covenants should be required for the project, perhaps in lieu of prosecution, to safeguard Pasadena's interest in long-term affordability.

HE-4.1 Senior Housing. Support development and maintenance of affordable senior rental and ownership housing and supportive services to facilitate maximum independence and the ability of seniors to remain in their homes and/or in the community. (p.14)

This project, originally entitled as a "FHA Senior Housing Apartment Building," with senior housing units only proposes to reduce the number of senior housing units to a maximum of 50%. This goes against the original entitlement and the privileges that property owners have enjoyed since its construction.

Additionally, the project is not in conformance with the following policy of the Housing Element:

HE-1.1 Neighborhood Character. Encourage, foster, and protect a balanced mix, density, and form of residential and mixed-use districts and neighborhoods. Preserve the character, scale, and quality of established residential neighborhoods.

The subject site is located within the CO-SP-1a and RS-6-LD-1 (Commercial Office District, North Lake Specific Plan, sub-district 1a and Single-Family Residential, Bungalow Heaven Landmark District) zoning districts, thus continues to remain nonconforming under current zoning. The proposed project, which faces Mentor Avenue in Bungalow Heaven, the City's oldest and largest landmark district, does not preserve the character, scale, and quality of the historic neighborhood. No conditions of approval have been recommended to improve the view of the project or screen its parking lot, which is out of scale with the surrounding properties along Mentor Avenue, or to reduce the negative health, safety, and welfare impacts of the use on the historic district, including reduction in property values, other than restriction of on-street parking.

Finding of Approval #4. The established maintenance or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare, of persons residing or working in the neighborhood of the proposed use.

This finding cannot be made. Cases regarding whether a change or expansion of a nonconforming use is permitted are usually determined by considering the degree of change from the existing use and the change on the neighborhood (see Daniel R. Mandelker, *Land Use Law*, Section 5.79). Please see the previous discussion and earlier section of this letter describing the negative impacts on the adjacent property owners and residents of Mentor Avenue and other properties in Bungalow Heaven as a result

of the illegal conversion subsequent to the sale of the property to its current owner. The Hearing Officer in his discussion at the Public Hearing on December 5, 2018, stated that he visited Mentor Avenue and confirmed there is no denying a parking and traffic problem.

Additionally, the proposed use does not comply with the following policy of the Land Use Element of the City of Pasadena's General Plan, regarding North Lake, one of ten in Pasadena defined as a "Community Place:"

Policy 36.4 Neighborhood Compatibility: Require that the types of use and location, scale, and design of development buffer commercial and mixed-use development on Lake Avenue from adjoining lower density residential neighborhoods.

La Villa Lake is out of scale and incompatible with the surrounding residential neighborhood. At the time of its approval in 1970, residents did not oppose its construction because the project would provide a social good greater than their inconvenience: the provision of affordable housing for seniors, which would have little negative impacts (other than continuing aesthetic ones), which remained true until discovery of the illegal conversion in 2016.

At this time, the new property owner and its management team cannot control the number of residents living at La Villa Lake at 1070 N. Lake Avenue, which is falsely advertised as "a quick walk from Old Town Pasadena," with a transit score of 47 (poor), nor the number of cars the tenants have. The advertised rental rates on line are \$1,375 to \$1,460 per month, plus \$50 for a surface parking space, for a 400 sq. ft. studio (efficiency unit) and 559 sq. ft. one-bedroom apartment respectively. For the efficiency unit, originally designed for a single senior person, the tenant would have to have an annual take-home income of \$66,000 year, assuming 25% is allocated to housing. These small units that are not restricted by rent control may actually house families or be occupied by multiple wage earners to meet the rental costs, which may account for the apparent increase in cars and traffic along Mentor Avenue over the past several years.

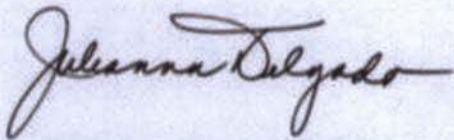
For Staff's recommendation of a tenant mix of 50% senior and 50% non-age restricted, the technical parking requirement would be 97 parking spaces (29 senior parking spaces, 57 non-age-restricted parking spaces, and 11 guest spaces). While this assumes only one space for every two senior units and one space per non-senior unit, this is a significant increase in the current number: 72 on-site parking spaces provided. There is no more available land on site. Alleviating the parking dilemma would rest on development of a parking management plan with no due date certain for submittal or installation of the plan and a method of on-going enforcement. There is no feasible method to restrict the number of vehicles per market-rate unit and the current property owner has made no good faith effort to do so.

In closing, while the residents and property owners in the single-family residential district adjacent to La Villa Lake have waited for over two years to get some relief, in the spirit of cooperation they have resisted taking action to compel the City to enforce its own laws. But a larger issue looms. Condoning

the illegal conversion of affordable and senior housing units to market rate ones, such as at 1070 N. Lake Avenue, will only serve to exacerbate the significant affordable housing crisis in Pasadena. Staff's recommendation goes against all current thinking on how to ensure the right to decent, affordable homes for persons of all ages and incomes. Allowing a nonconforming use that was entitled based on important ethical benefits to the City to become 'more nonconforming' with significantly reduced benefits solely for the economic gain of one property owner flies in the face of equal protection and sound community planning and development practices. Moreover, it violates the public trust. Approval of MCUP #6692 would violate Pasadena's adopted housing policies and will set a dangerous precedent. It will serve to encourage developers of other affordable senior housing projects in the City who have benefitted from public support in the form of financing and relaxing of development standards to erode further the number of affordable units available to the most vulnerable sector of the community—low-income seniors--at a time when there is a growing need and deficit. Therefore, MCUP #6692 must be denied.

Thank you for your careful consideration on this important and consequential matter.

Sincerely,



Julianna Delgado, MArch., PhD, AICP

President, Southern California Planning Congress

Professor Emerita, Dept. of Urban and Regional Planning, Cal Poly Pomona

Co-Director, California Center for Land and Water Stewardship

Project Manager/Principal Investigator, Proposition 1 Disadvantage Communities Involvement Program, through the Water Resources and Policies Initiative of the California State University Chancellors' Office

Past President, Bungalow Heaven Neighborhood Association

Past Chair, City of Pasadena Design Commission

Past Chair, City of Pasadena Transportation Advisory Commission

Member, City of Pasadena General Plan Update Advisory Committee

Attachments:

- Notice of Violation and Order to Comply of December 9, 2016 and attachments
- Decision Letter of August 7, 1970
- 1970 Application for Variance
- 1970 Articles from the Pasadena Star News



PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

NOTICE OF VIOLATION AND ORDER TO COMPLY

VIA ELECTRONIC MAIL, REGULAR AND U.S. CERTIFIED MAIL

December 9, 2016

CNS La Villa Lake LLC
ATTN: John Nunn
4425 Atlantic Ave #B20
Long Beach, CA 90807

RE: CODE COMPLIANCE VIOLATIONS AT 1070 N. LAKE AVENUE.

Dear Mr. Nunn:

This is a follow-up to the meeting on November 1, 2016 with City staff, Guille Nunez and Jennifer Paige, and your property managers John Flanagan and Jana Merial, of Fusion Property Management Company. The purpose of the meeting was to discuss parking concerns involving the property at 1070 N. Lake Avenue.

At the meeting, staff explained that the City had received complaints regarding an increase in on-street parking due to the conversion of the tenancy of your property from senior housing to non-senior housing. Staff advised that this was a violation of the entitlement for the property and provided your property management team with copies of the 1970 entitlement for a 'Use of Property Variance' which approved the development of a 3-story, 114-unit FHA senior citizen apartment building. A parking variance was granted concurrent with the Use of Property Variance based on the use of the property as senior housing; this reduced the required parking to 72 spaces.

During the meeting, your property management team acknowledged some of the units were being leased to non-seniors, and agreed to provide a floor plan and/or a breakdown of unit sizes with bedroom counts. This request was first made via email on October 12, 2016. The request for information was again discussed in a follow-up call to City staff on November 2, 2016 immediately after the meeting with staff. This information was requested a fourth time in a telephone conversation with your legal counsel, John Stoss, on November 9, 2016. To date, this information has not been submitted.



ADMINISTRATIVE CITATION

This letter will serve as the official Notice of Violation, requiring you to immediately cease the leasing of housing units to non-senior tenants until it can be demonstrated that the site is in conformance with the Use of Property Variance.

The subject property is in violation of the following Pasadena Municipal Code sections:

- P.M.C. 17.78.060 - Failure to comply with conditions of Use of Property Variance
- P.M.C. 17.46.040 – Failure to provide required off-street parking spaces

You are required to submit the necessary application(s) to modify your existing entitlement or demonstrate compliance with the existing entitlement **by 5:00 p.m. on January 9, 2017**. Failure to comply within the time specified will result in additional citations and the referral of this case to the City Attorney for appropriate legal action.

Attached is citation #C26762. You have been fined \$106 for violation of P.M.C. 17.78.060; and \$106.00 for violation of P.M.C. 17.46.040. Failure to submit the required application(s) within the time frame specified will subject you to incremental citations which may reach up to \$2,144.00 per day.

If you have any questions related to the parking requirements and/or the existing entitlements for the site, please contact Kelvin Parker, Zoning Administrator at (626) 744-7124 or via email at kparker@cityofpasadena.net . If you have questions related to the Code Compliance citations and the compliance process please contact me at (626) 744-7138 or via email at ideltoro@cityofpasadena.net .

We look forward to your prompt resolution of this matter.

Sincerely,

Israel Del Toro
Acting Code Compliance Manager

- cc: David Reyes, Director of Planning and Community Development
Jennifer Paige, Deputy Director of Planning and Community Development
Will Rivera, Chief Prosecutor, Chief Assistant City Prosecutor
Kelvin Parker, Zoning Administrator
Guille Nunez, Management Analyst IV (Concierge)

- Attachments: Use of Property Variance Decision Letter (Dated August 7, 1970)
Citation #C26762



ADMINISTRATIVE CITATION

No c 26762

ORDER TO PAY AND REMEDY

CASE NUMBER: CTP 2016-01900

Location of Violation(s): <u>1070 N. Lake Ave., Pasadena</u>	DATE: <u>12/8/16</u>
TO: <u>CNS La Villa Lake LLC c/o John Nuan</u>	TIME: <u>2:00 PM</u>
ADDRESS: <u>4425 Atlantic Ave. # B20</u>	CDL/ID#
ZIP: <u>Long Beach, CA 90807</u>	<input type="checkbox"/> IN PERSON <input checked="" type="checkbox"/> BY MAIL <input checked="" type="checkbox"/> Email <input type="checkbox"/> POSTED

	DESCRIPTION OF VIOLATION(S)	FIRST	SECOND	THIRD	FOURTH+
		\$106	\$213	\$534	\$1072
<input type="checkbox"/>	CODE COMPLIANCE CERT. REQUIRED P.M.C. 17.61.020				
<input type="checkbox"/>	CERTIFICATE OF INSPECTION REQUIRED P.M.C. 14.16.030				
<input type="checkbox"/>	CONSTRUCTION WITHOUT PERMIT P.M.C. 14.12.320				
<input type="checkbox"/>	ACCUMULATION OF JUNK AND DEBRIS P.M.C. 14.50.040(1)				
<input type="checkbox"/>	UNCONSEALED TRASH CANS P.M.C. 14.50.040 (3)				
<input type="checkbox"/>	PARKING ON FRONT YARD P.M.C. 10.40.186				
<input type="checkbox"/>	PROHIBITED SIGN(S) P.M.C. 17.48.130				
<input type="checkbox"/>	COMMERCIAL VEHICLE STORAGE P.M.C. 14.50.040(24)				
<input type="checkbox"/>	OVERGROWN VEGETATION P.M.C. 14.50.040(8)				
<input type="checkbox"/>	YARD SALE PERMIT REQUIRED P.M.C. 17.50.190				
<input type="checkbox"/>	ATTRACTIVE NUISANCES P.M.C. 14.50.040(6)				
<input type="checkbox"/>	HAZARDOUS TREES P.M.C. 8.52.100				
<input type="checkbox"/>	PROPERTY MAINTENANCE P.M.C. 14.50.050				
<input type="checkbox"/>	STRUCTURAL DETERIORATION P.M.C. 14.50.040(15)				
<input type="checkbox"/>	UNSECURED PROPERTY P.M.C. 14.50.040(16)				
<input checked="" type="checkbox"/>	PLASTIC CARRYOUT BAGS PROHIBITED P.M.C. 8.65.020				
<input checked="" type="checkbox"/>	OTHER Violation of Entitlement PMC 17.78.060	✓			
<input checked="" type="checkbox"/>	Failure to provide required parking PMC 17.46.040	✓			
	- Constitute zoning violations PMC 14.50.040(35)				

CORRECT VIOLATION(S) BY: 1, 9, 17 5:00 PM. PENALTIES TOTAL AMOUNT: \$ 212

COMMENTS/ DESCRIPTION OF VIOLATION(S):
Failure to comply with conditions of Use of Property Variance which does not allow non-senior tenancy; Failure to provide parking spaces required per Parking Standards.

CODE COMPLIANCE OFFICER NAME: John Barbour Phone No. (626)744-6894
 CODE COMPLIANCE OFFICER SIGNATURE: [Signature] Badge No. 204

Payment must be made within 30 days from the date of this citation. If you would like to appeal this citation, a request for an administrative citation hearing must be submitted within 30 days from the date of service of this citation. A deposit for the amount of the fine is required in advance in order to schedule a hearing. Please see reverse side for additional information.

I ACKNOWLEDGE RECEIPT OF THIS CITATION

Signature: _____ Date: _____

City of Pasadena

ONE HUNDRED NORTH GARFIELD AVENUE

PASADENA, CALIFORNIA



PLANNING DEPARTMENT

August 7, 1970

Mr. Ron Levine
Ron Levine Construction and
Investment Corporation
351½ S. Robertson Blvd.
Beverly Hills, California 90211

Dear Mr. Levine:

Your application for variance to the use of property requirements and exception to the parking requirements of the Zoning Ordinance for the property located at 1070 N. Lake Avenue and 1071 N. Mentor Avenue, Zones C-1 and R-1, was considered by the Zoning Committee on August 6, 1970. This was a petition for permission to construct a 3-story, 114 unit, FHA Senior Citizen Apartment building (consisting of 71 one-bedroom and 43 efficiency units). It is proposed to construct the building on the C-1 lots and extend approximately 30 ft. into the R-1 zoned lots. There would be 72 parking spaces provided, all of which would be on the R-1 zoned property and would extend to within 15 ft. of the Mentor Avenue property line.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Zoning Committee found:

- (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss.
- (2) That such variance is necessary for the preservation and enjoyment of a property right of the petitioner.
- (3) That such variance is not in conflict with the intent and purposes of the General Plan and will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

Based upon these findings, the Zoning Committee decided that this application be granted in accordance with the submitted plan and with the following conditions:

- (1) That the requirements and recommendations of the Public Works Dept. and the Water Div. be met (copies attached).

Mr. Ron Levine
Page 2

- (2) That the Zoning Committee review and approve final building and landscaping plans (special attention will be given to the treatment of air conditioning units on exterior walls, landscaping, patios and seating courtyards and recreation rooms).

The exercise of the right granted under this variance must be commenced within one year from the effective date shown below. Before construction is started it will be necessary to secure a building permit. This permit may be issued to you by the Building Department on or after the effective date.

Very truly yours,

ZONING COMMITTEE

By

David A. Ralston
Acting Zoning Administrator

File #8191
Granted w/c 8-6-70
Effective 8-17-70
Appeal Deadline *3-14-70
*(see attached)

R:c

cc: City Clerk, Bldg. Dept.
Public Works; Water Div.
City Assessor, County Assessor
Mr. R. Lesser, Architect, Studio City
Mrs. Charles Grier, 1441 Brighton St., La Habra
Eldon Crome, 575 E. Howard St., Pasadena

City of Pasadena

ONE HUNDRED NORTH GARFIELD AVENUE

PASADENA, CALIFORNIA



PLANNING DEPARTMENT

August 7, 1970

Mr. Ron Levine
Ron Levine Construction and
Investment Corporation
351½ S. Robertson Blvd.
Beverly Hills, California 90211

Dear Mr. Levine:

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Mr. Ron Levine
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Very truly yours,

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David A. Ralston
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cc: City Clerk, Bldg. Dept.
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Mrs. Charles Grier, 1441 Brighton St., La Habra
Eldon Crome, 575 E. Howard St., Pasadena

File No. 4181

**APPLICATION FOR VARIANCE OR EXCEPTION TO THE 2
ORDINANCE**

In Accordance with Sections 6.01, 6.02, and 6.03 of Ordinance No. 4322

I. NAME OF APPLICANT Ron Levine Construction & Investment Corp.

A. Only the following persons may file. Applicant must indicate under what capacity he is filing by placing (X) in block provided.

- 1. The record owner of the land. (If in escrow, give escrow number)
- 2. The purchaser thereof under a contract in writing duly acknowledged by both the buyer and the seller. (COPY OF CONTRACT MUST BE ATTACHED)
- 3. The leasee in possession of the property, with the written consent of the record owner to make petition. (WRITTEN AUTHORIZATION MUST BE ATTACHED)
- 4. The agent of any of the foregoing, duly authorized thereto in writing. (WRITTEN AUTHORIZATION MUST BE ATTACHED)

II. PROPERTY IN QUESTION

A. Street address of property 1070 N. Lake Avenue
West side of Mentor Ave.
Situating on the West and East side of said street between Ball Street
and Claremont Street

B. Legal description of real property located in the City of Pasadena must be accurately described as per Los Angeles County records.

Lots 4, 5, 6, 7, 15, 16, 17 and 18
North Lake Avenue Tract

(If more space is needed for above description, please attach supplementary sheet)

C. Date of Acquisition of Property in escrow

D. Outline deed restrictions pertinent to this application. (Any permit granted pursuant to this petition shall not affect deed restrictions of record)

None to knowledge

E. Land Use Zone of Property C-1 and R-1

III. REASONS FOR APPLICANT'S REQUEST

A. Outline in space below in clear and concise wording what you are requesting for the property in question.

1. Construct a 114 unit FHA senior citizen apartment building (con-
sisting of 71-1 Bedroom and 43 efficiency apartments) on the C-1
lots and extending onto a small portion of the R-1 lots.

2. Provide 72 parking spaces surrounded by landscaped area.

DO NOT WRITE BELOW DOUBLE LINE. FOR PLANNING DEPARTMENT STAFF USE ONLY.

B. (The following to be checked by Planning Department, indicating character of request being made by applicant)

VARIANCE

- Use of Property (Fee \$50)
- Height of Building (Fee \$35)
- Lot Area Requirements (Fee \$35)
- Land Coverage Requirements (Fee \$35)
- Front Yard Requirements (Fee \$35)
- Temporary (Fee \$25)
- Portion of Recorded Lot (Fee \$35)

EXCEPTION

- Side Yard (Fee \$25)
- Rear Yard (Fee \$25)
- Width of Lot (Fee \$25)
- Height of Fence (Fee \$25)

Parking

DO NOT WRITE BETWEEN DOUBLE LINES. FOR PLANNING DEPARTMENT STAFF USE ONLY.

Brief of Applicant's Request Outlined by Planning Department for Zoning Committee Use

1. A complete plot plan, drawn to scale (indicate scale), must be attached to this application prior to filing. Said plot plan should show boundaries and dimensions of property, location and size of existing and proposed buildings; front, side and rear yard setbacks, roadways, off-street parking facilities and any other pertinent data. see attached.

NOTE CAREFULLY:

For Use Variances only, Complete Paragraphs 2, 3 and 4.

For Other Variance Requests, and for Exception Requests, Complete Paragraphs 3 and 4.

2. State what exceptional or extraordinary circumstances or conditions there are applicable to the property involved, or to the intended use of the property, and explain why these conditions do not apply generally to the property or class of uses in the same zone, and how a denial of the application would result in undue property loss. Mention the existing uses of property adjacent to your property and in the neighborhood.

The adjoining properties on Lake Avenue consist of old houses, many of which are converted to offices. The properties facing on Mentor Avenue consist of old residences.

3. State clearly why such variance or exception is necessary for the preservation and enjoyment of a property right, listing your reasons for desiring same and stating how a denial of your request would affect you personally.

We are trying to develop housing for the elderly. This would fulfill a public need. However, no personal losses would be involved in case of denial other than the time spent so far in connection with this proposed project.

4. State why such variance or exception will not be detrimental to the public welfare or convenience or injurious to the property or improvements of other owners of property.

It is our belief that the provision to house elderly people will be beneficial to the public welfare. The projection of the apartment building on to the R-1 property is only minor and is amply separated by side yards from adjoining properties. The provision of a total of 72 parking spaces is considered ample for the type of occupancy intended (elderly) including their guests.

To substantiate your reasons for the above, it is necessary that an attempt be made by you to secure signatures of approval of the adjacent property owners on the lines below.

Name of Owner	Street Address	Lot No.

I hereby certify that I am the applicant named herein and that I have familiarized myself with the rules and regulations with respect to preparing and filing this petition and that the foregoing statements and answers herein contained and the information on the attached map are in all respects true and accurate to the best of my knowledge and belief.

Date July 17, 1970. Signed *Tom Lewis*

Telephone No. OL 2-7651 Mailing Address 351 1/2 S. Robertson Blvd.
 Number Street
Beverly Hills, California 90211
 City Postal Zone State

DO NOT WRITE BELOW DOUBLE LINE. FOR PLANNING DEPARTMENT USE ONLY

Check List to be checked by Planning Department

- All Questions Clearly and Legibly Answered
- Written Authorization for Applicant to File (If necessary)
- Plot Plan
- Land Use Map (For Use Variances)
- Adjacent Owners' Signatures

DO NOT WRITE ON THIS PAGE. FOR PLANNING DEPARTMENT USE ONLY

Zoning Committee File No. 193

1. Filing Fee \$ 50.00 Paid 7-17-70 Receipt No. 2-7043 By see
2. Petition Filed 7-17-70 Rec'd By SC
3. Public Hearing Date 8-6-70 Continued To _____
4. Street Posted 7-28-70 Notices Mailed 7-22-70
5. Field Trip Date 8-5-70 Date _____

6. Planning Department Recommendation _____
7. Letters and Petitions Received 2 letters in favor

8. Public Hearing Minutes

See inside application for minutes of meeting.

9. Zoning Committee Decision Granted w/c Members Rodiger (Ch), Sadler, Tyler & Grisama
10. Decision Letter Mailed 8-7-70 Copies Sent to: Building Dept. 8-7-70
City Clerk 8-7-70 Others Mr. R. Lessek, Arch.; Mrs. Charles Grier; Eldon Crome; Public Works; Water Div.; City Assessor; County Assessor
11. Appealed to Board of City Directors _____
12. Petition and Copies of Record Sent to Board of Directors _____
13. Date of Hearing _____ Continued to _____ Decision _____
14. Petition Withdrawn _____ Certification for Refund Made _____
15. Time Limit Extended to _____ Date _____

7-6-70

Apartment Buildings Requested

By PAULINE THOMPSON
Staff Writer

Three applications involving proposed new apartment buildings will be considered by the Zoning Committee of the Pasadena Planning Commission on Thursday, July 9 at 9 a.m. in the Council chambers of the City Hall.

The committee will continue a hearing on the application of Ron Levine Construction and Investment Corp. to construct a three-story, 92 unit, 1-bedroom FHA senior citizen apartment building at 1070 N. Lake Ave., and 1071 N. Mentor Ave.

Additional information was requested by the committee when the request was given its initial hearing on June 25. The committee wanted to know more about parking provisions including size of stalls; requested a drawing of the exterior elevation, and more information regarding age and income restrictions of the occupants.

Ask Exception

The applicants will request the committee to grant an exception to height regulations. They propose to erect a three story building which is half a story higher than the code allows for this type of development.

The proposed building would face Lake Avenue and would extend approximately 30 feet into the R-1 zone along Mentor Avenue. Provision is made for 67 uncovered parking spaces whereas 138 spaces would be required for 92 apartment units. The parking spaces would be located entirely within the R-1 zone and would come to within 15 feet of the front property line.

According to planning department spokesmen, petitions and letters in favor of the proposed development far outway the opposition.

Fear Congestion

Property owners who oppose the project base their objection on nonconformity with the parking requirements and that it will add to the traffic congestion on Mentor Avenue.

Senior Citizens' Revised 3-Story Housing Approved

STAR-NEWS

PAGE A-1—PASADENA, CALIF., FRIDAY, AUGUST 7, 1970

Zoners OK 114-Unit Project

By PAULINE THOMSON
Staff Writer

Revised plans for a proposed three-story, 114-unit FHA senior citizen apartment building were approved Thursday by the Zoning Committee of the Pasadena Planning Commission.

The new plans provide inter-circulation in the parking lots.

The committee gave approval to the project on condition a wall be installed and that final landscaping plans meet the approval of the Planning Department.

Ron Levine Construction and Investment Corp., the applicant, plans to construct the building, consisting of 71 one-bedroom and 43 efficiency units at 1070 N. Lake Ave., and 1071 N. Mentor Ave. A total of 72 parking spaces will be provided which is 104 fewer than the number the code requires for 114 units.

No Central Heating

The building will not have central heating nor air-conditioning because FHA considers that this raises the construction costs too high. An area will be located in each wall for the installation of air conditioning units by the occupants, if desired.