

**ATTACHMENT C
APPEAL APPLICATION OF BOARD OF ZONING APPEALS'
DECISION DATED MAY 14, 2018**



PASADENA PERMIT CENTER
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MAY 14 09:16 AM '18
CITY CLERK

REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 233 N Hudson Ave

Case Type (MCUP, TTM, etc.) and Number: ACHP #11866 (PLN2017-00071)

Hearing Date: 5/2/18

Appeal Deadline: 5/14/18

APPELLANT INFORMATION

APPELLANT: Hudson Locust Inc. HOA

Telephone: (626) 773-6004

Address: 742-748 Locust St

Fax: [] n/a

City: Pasadena State: CA Zip: _____

Email: queuball@yahoo.com

APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

- Hearing Officer
- Design Commission
- Historic Preservation
- Zoning Administrator
- Director of Planning and Development
- Film Liaison

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

See attached for complete reasoning.

Signature of Appellant

5/14/18

Date

* OFFICE USE ONLY

PLN # _____ CASE # _____ PRJ # _____
 DESCRIPTION _____
 DATE APPEAL RECEIVED. _____ APPEAL FEES \$ _____ RECEIVED BY _____

PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING SECTION

175 NORTH GARFIELD AVENUE
PASADENA, CA 91101

T 626-744-4009
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APP-RFA Rev: 1/18/07

May 14, 2018

City of Pasadena
c/o Permit Center
175 North Garfield Ave
Pasadena, CA 91101

Subject: Request For Appeal, 233 North Hudson Ave, Council District #3, Affordable Housing
Concession Permit (AHCP) #11866 (PLN2017-00071)

References: 1. This document shall serve as attachment to and for Application - Request for Appeal
of AHCP #11866 dated May 14, 2018

2. Application - Request for Appeal of AHCP #11866 dated March 5, 2018

Dear Pasadena City Council,

As long-standing and proud owners/residents of the city of Pasadena, we respectfully appreciate your consideration of this appeal on our behalf.

As a preamble, we paraphrase as follows the basic principles the City of Pasadena has established for new developments to include the context of surroundings and engage in creative collaboration with the community.

Pasadena's Citywide Design Principles - Introduction "recognizes preservation of Pasadena's character and scale....shall be given the highest priority in consideration of future development" and intended "to achieve designs that complement their settings, acknowledge the surrounding context" and promote "dialogue among designers, developers, and local community."

Pasadena's Citywide Design Principles - Main Objective establishes " a high standard of design for all new development within the community...in the end a building should make a positive contribution to the surroundings."

Pasadena's Citywide Design Principles - Guiding principles are 1) Enhance the surrounding environment 2) Incorporate human values and needs 3) Show creativity and Imagination.

Pasadena's Citywide Design Principles – Pasadena Design Qualities that lend character and sense of place are "at the scale of the community, street, site, building....residential neighborhood, street, lot, dwelling".

I am a board member of Hudson Locust Home Owners' Association for the condominium building at 742-748 Locust Street located directly north of the subject proposed development and we share our south property line with the subject 233 N Hudson proposed development. We are an association of owners and community members most principally affected by this development and have a unique and relevant voice related thereto (we are the only residential building abutting the development property). We've had discussion with all of our 15 owners and we stand in unison against the approval of the

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subject AHCP as it currently stands, but are in favor of the property being developed in a way that incorporates our concerns.

In advance of and at the public hearing on Wednesday February 21, 2018 and at the appeal hearing on May 2, 2018 our residents actively voiced concerns about the intended design and its **injurious affects** on our building (specifically to our south facing residents). Essentially, Odyssey Development, the P&CDD, and the BZA have not considered any resident concerns regarding negative affects on our property nor those of the surrounding community when considering the approval of this AHCP, which is in direct violation of the most basic principles outlined above. Further, this directly violates the Design Guidelines for Multi-Family Districts to "Ensure that new buildings fit into their existing context...relating well to neighboring private buildings" and specifically "On streets occupied by small scale multi-family residential buildings but where current zoning allows these properties to be developed with higher intensity buildings that have taller building heights and smaller setbacks."

The AHCP approval (based on 30% state density bonus for the developer's inclusion of 3 low income housing units) allows an increase in maximum floor area ratio (FAR) from 2.25 to 2.92, which allows the developer to have 42 residents (versus 31) with 49,000 sq ft total floor area (versus 36,675 sq ft), much greater than would be allowed without the AHCP approval. These significant exceptions by the City of Pasadena Planning Department compromise the flexibility of the developer in their proposed building arrangement on their property. Essentially their footprint is so large within their property bounds they intend to be only 5 ft from their north property line and 8+ ft taller than our building. All of this presents serious violation of the health, safety, welfare, privacy, and quality of life issues to our owners that have not been considered yet in this process.

Following the May 2, 2018 hearing I've re-read the zoning code many times and it is clear neither the P&CDD or the BZA have followed the zoning code 17.30.050 "Central District (CD) Exceptions to General Development Standards (GDS)", whereby it notes that exceptions to the GDS may be granted but must follow guidelines and required findings within 17.30.050. The additional basis of this appeal versus previous appeal is the P&CDD and BZA have not conducted a proper review with the adjacent properties and communities to discover the impacts of the exceptions allowed in the AHCP approval as follows, but not limited to these listed.

- 1) Odyssey development has submitted a design plan with their AHCP application and is included as part of the AHCP approval provided by the P&CDD. This necessarily introduces design elements as part of the AHCP approval process which must be considered by the P&CDD for injurious impacts with neighboring residents/properties according to zoning code noted below, rather than at the design commission stage. Further, the BZA noted at the May 2, 2018 hearing, design elements were not considered by them, but only recommended for consideration in the design process by the design commission. If these design elements are not properly reviewed with the AHCP application process, the surrounding resident rights are violated since many design elements are entitled with AHCP approval and the design commission's hands will be tied.

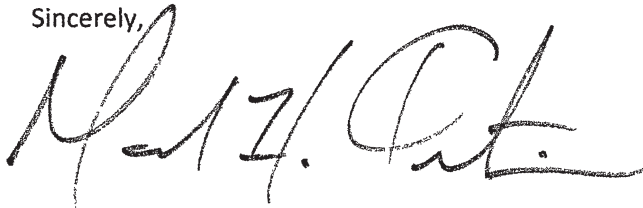
- 2) The AHCP approval provides exceptions/entitlements for FAR increase/Building height increase approval/setback exceptions/entitlements approval by allowing the developer to submit an intended design with the application and granting entitlements related thereto. The design entitlements along with the exceptions have created a saturated property **injurious to our property** per 17.030.050, bypassing zoning code requirements and encroaching on our rights. 17.030.050 requires additional review consideration for these entitlements that has not occurred and in my opinion is a violation of the law. We have not been provided an opportunity to mitigate the effects on our property by collaboration with the developer and planning department. This is not a design department issue since the design and entitlements have been made part of the AHCP approval process by the developer and planning department.
- 3) 17.030.050.A.1 and A.2 "Setback exceptions". 17.030.040 figure 3.7 allows a maximum 10 ft setback along Hudson. There have been no justifications (or meetings involving local community) by the planning commission to support the setback exception beyond 10 ft for the design submitted as part of the AHCP approval not being injurious to our property. Because the setback exception is included as part of the entitlements granted by the planning department as part of their AHCP approval **and is injurious to our property**, they are required to provide proper review on the FAR increase entitlement relative to this effects on our adjacent property. Since the developer submitted his design with the setback exception as part of the AHCP approval process and the setback entitlement has been granted as part of the AHCP approval without justification or community involvement in the setback exception decision, then in my opinion the law has been violated.
- 4) 17.030.050.B.3 "Height Limit exceptions - Required findings". 17.030.040 figure 3.8 allows a maximum 60 ft height. There have been no justifications (or meetings involving local community) by the planning commission to support the height exception beyond 60 ft for the design submitted as part of the AHCP approval not being injurious to our property. Because the height exception is included as part of the entitlements granted by the planning department as part of their AHCP approval **and is injurious to our property**, they are required to provide proper review on the FAR increase entitlement relative to these effects on our adjacent property. Since the developer submitted his design with the height exception as part of the AHCP approval process and the entitlement has been granted as part of the AHCP approval without justification or community involvement, then in my opinion the law has been violated.
- 5) 17.030.050.C.2 and C.3 "Floor Area Ratio exceptions" - Required findings". 17.030.040 figure 3.9 allows a maximum 2.25 Floor Area Ratio (FAR). There have been no justifications (or meetings involving local community) by the planning commission to support the FAR exception beyond 2.25 for the design submitted as part of the AHCP approval not being injurious to our property. Because the FAR exception is included as part of the entitlements granted by the planning department as part of their AHCP approval **and is injurious to our property**, they are required to provide proper review on the FAR increase entitlement relative to these effects on our adjacent property. Since the developer submitted his design with the FAR exception as part of the AHCP approval process and the entitlement has been granted as part of the AHCP approval without justification or community involvement, then in my opinion the law has been violated.

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A few measures that could be implemented, but not limited to are as follows:

- Move garage entry off Walnut rather than Hudson
- Reduce east property line setback (along Hudson) to the maximum recommended by the zoning code = 10ft.
- Increase north property line setback to 10 ft setback as recommended by code. 15 ft requested
- Articulate step-backs along their north building face, so the higher levels are further from our south property line and allow more sunlight and open views for our building.
- Limit the height of their building to the limits in the CD-3 zoning plan, but no greater than the height of our building.
- Avoid all windows, terraces, and balconies on their building that will have view into our south facing bedrooms.
- Provide their building garage entrance off Walnut rather than Hudson to avoid traffic flow directly in front of our south facing bedrooms.
- Provide trees/landscaping along their north property line to avoid pedestrians from viewing into lower level bedrooms at our south face.

Sincerely,



Mark H. Quentin
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Pasadena, CA 91101
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