

**CORRESPONDENCE
FROM
07/16/2018
CITY COUNCIL MEETING**

CARLSON & NICHOLAS, LLP
Attorneys at Law

www.carlsonnicholas.com

Scott Carlson, Partner
Frank Nicholas, Partner
Richard McDonald, Of Counsel

301 E. Colorado Blvd
Suite No. 320
Pasadena, California 91101
(626) 356-4801

Scott@carlsonnicholas.com
Frank@carlsonnicholas.com
RMcDonald@carlsonnicholas.com

VIA E-MAIL

July 13, 2018

Mayor Terry Tornek
Vice-Mayor John Kennedy
Hon. City Councilmembers Gordo, Hampton, Madison, McAustin, Masuda, and Wilson
City Council of and for the City of Pasadena
100 North Garfield Avenue
Pasadena, California 91109

Re: 233 N. Hudson Avenue – AHCP #11866.

Dear Mayor and Honorable Members of the City Council:

Item 13 on your July 16, 2018 Agenda is an appeal of the Board of Zoning Appeal's ("BZA") decision to affirm the Hearing Officer's February 21, 2018 approval the above-referenced Affordable Housing Concession Permit ("AHCP"). As the Staff Report explains, the proposed project complies with all of the applicable development standards under the City's Zoning Code and the Findings for the AHCP are supported by substantial evidence.

Moreover, the Appellants have not submitted any evidence, let alone any substantial evidence, that the environmental studies are incorrect, that the AHCP Findings are not supported by substantial evidence, or that the proposed project fails to comply with the State law.

To the contrary, as the Staff Report explains, all of the Code basis for the appeal are either inapplicable (e.g., 17.30.050 C.2, C.3, and C.5), or design issues not within the scope of the AHCP (e.g., 17.30.050.B.3 – Height Averaging).

Letter to City Council
City of Pasadena
July 13, 2018

California Government Code section 65915(d)(4) makes clear that the City bears the burden of proof on the requisite findings for the AHCP. The Staff Report makes equally clear that those findings can be made based upon the evidence presented.

Further, the City's independent consultant Keyser Marston explains how the concessions reduce the costs of the project to allow for the very-low income units to be built on-site. Providing such very-low income units on site is a clearly articulated goal of the City as stated in the City's Housing Element and General Plan.

Last, there is no setback issue as explained in the Staff Report and as shown on the attached elevations. There also are no balconies or windows on the first floor facing the appellant's property, thus eliminating any issues relating to views, privacy, etc. There is thus no proper, legal basis for this appeal and it should be rejected accordingly.

We, therefore, ask you to deny the appeal and affirm the BZA's decision. Thank you for your consideration.

Respectfully Submitted,



Richard A. McDonald, Esq.
Of Counsel, Carlson & Nicholas, LLP



① Partial Upper Level Plan
1" = 20'-0"

② Partial First Floor Plan
1" = 20'-0"

233 NORTH HUDSON AVENUE
HUDSON AVENUE & WALNUT STREET, PASADENA CA

TKA
TKA CONSULTING ARCHITECTS, INC.
139 South Hudson Ave.
Pasadena, CA 91101
626.799.2888
www.tkaarchitects.net

Project No.	16-06
Sheet No.	SK-1.0
Description	Adjacent Building Analysis
Scale	1" = 20'-0"



Hudson Street Elevation



Walnut Street Elevation

ILCA
THURSON & PEREIRA, INC.
115 South Hudson Ave.,
Suite 200
Pasadena, CA 91101
626.293.8389
www.TMArchitect.com

233 NORTH HUDSON AVENUE
HUDSON AVENUE & WALNUT STREET, PASADENA, CA

Project No.
16-06
Sheet No.
SK-1.1
Description
Street Elevation
Scale