

July 23, 2018

Appeal to City Council of Planning & Community Development Department Decision on May 9, 2018
regarding Affordable Housing Concession Permit # 11866 (PLN2017-00071), 233 N Hudson Avenue, Pasadena,
CA, Central District #3

Appeal by Hudson Locust HOA, Inc.
742-748 Locust St, Pasadena, CA

Executive Summary

I am Mark Quentin, a resident and board member, representing Hudson Locust Inc. Homeowners Association and the fifteen condominium owner-residents. I am a long standing owner, resident, and board member at Hudson Locust Inc. I have a 20+ year career developing and building high-rise residential properties in Southern California am currently developing sustainable energy projects. Our property is most affected (versus surrounding properties) by the proposed development, since our property and building are located directly north of the proposed new development and share the entire length of the north property line (see attached satellite map and photos). Most notably our building is lined with bedrooms, living rooms, and balconies facing directly south whereby the new development's current plan will severely impact our residents by restricting use, invading privacy, impeding light/views, reducing environmental quality, and in general reducing our residents' quality of life. These are all essential protected elements by Pasadena City Zoning code.

The condensed information was presented to the developer and Planning Department prior to and at the February 21, 2018 public hearing on February 21, 2018 but was not addressed in the February 27, 2018 decision by the Planning Department. We filed an appeal to the Zoning Board which was heard on May 2, 2018, and again the information we provided was not addressed in the May 9, 2018 decision by the Planning Department.

In principle, we are in favor of the development at 233 N Hudson. We ARE however, opposed to the manner and process in which the AHCP approval process has currently been implemented through the Planning Department without collaboration with our residents. It should be noted with the information we provided to the developer and Planning Department we also provided potential compromise solutions which were also not acknowledged (see tab 4). The Planning department and developer have an obligation under Pasadena City Zoning Code and Pasadena Citywide Design Principles to collaborate with adjacent properties and the local community to ensure the integrity between properties is maintained (see tabs 2 and 3).

I believe the strongest element showing lack of cooperation with our residents' is the inclusion of the floor plan with the Planning Department decisions, apparently showing zoning code violations on setbacks. We feel the inclusion of this floor plan with the decision essentially entitles that plan and it's associated impacts to our residents as noted above. We are able to accept the AHCP if this floor plan and it's entitlements were removed from the Planning Department decision so that all zoning and design decisions were left to the design commission.

Our owners have purchased their homes under the presumption the city will enforce the zoning code and protect their rights therein. The process so far is highly concerning to us and should be highly concerning to the City Council, since it contradicts the basic tenets of the Citywide Design Principle. We appeal for the City Council to fairly consider our rights so as to affect a collaborated approach to this development.

Sincerely,


Mark H. Quentin

07/23/2018
Item 16





Image capture: Jan 2018 © 2018 Google

Pasadena, California

Google, Inc.

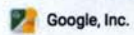
Street View - Jan 2018





Image capture: Dec 2017 © 2018 Google

Pasadena, California

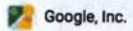


Street View - Dec 2017





Pasadena, California



Street View - Jan 2018

Image capture: Jan 2018 © 2018 Google



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Developer's Drawings

The attached drawings show clear and specific detriment to our residents through reduction in quality of life (privacy, light, views, air quality, and noise) and reduction in use.



NO. OF UNITS:	
NO. OF BATHS:	
NO. OF GARAGES:	
NO. OF STORES:	
NO. OF OFFICES:	
NO. OF SUITES:	
NO. OF LOFTS:	
NO. OF CONDOS:	
NO. OF TOWNHOMES:	
NO. OF OTHER:	

233 NORTH HUDSON AVENUE

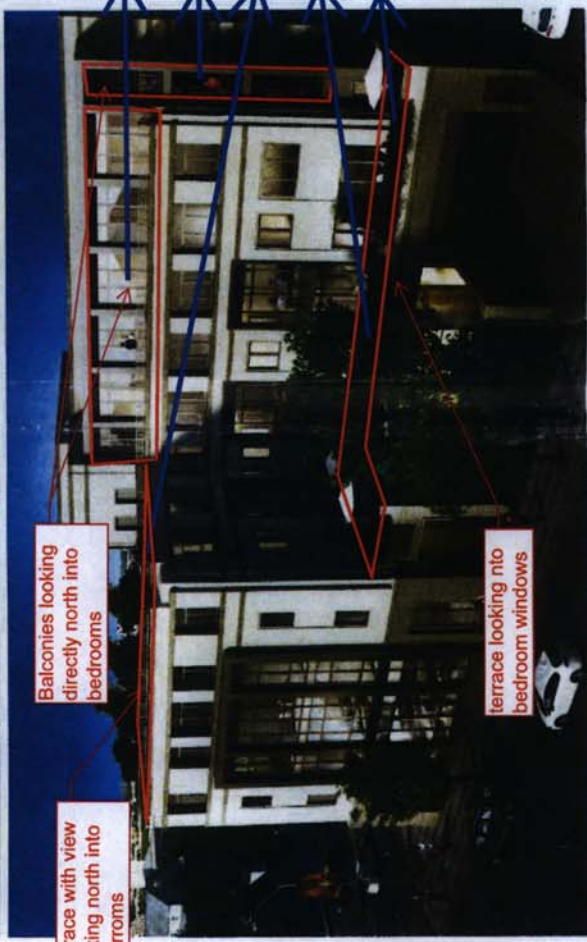
HUDSON AVENUE & WALNUT STREET, PASADENA, CA

PROJECT NO. G-02
 PROJECT NAME: 233 NORTH HUDSON AVENUE
 PROJECT LOCATION: HUDSON AVENUE & WALNUT STREET, PASADENA, CA
 PROJECT PHASE: ARCHITECTURAL
 PROJECT STATUS: IN PROGRESS
 PROJECT START DATE: 08/15/2017
 PROJECT END DATE: 03/15/2018
 PROJECT MANAGER: [Name]
 PROJECT COORDINATOR: [Name]
 PROJECT ARCHITECT: [Name]
 PROJECT ENGINEER: [Name]
 PROJECT CONSULTANT: [Name]



Rooftop terrace looking into bedroom windows

Bedroom Windows



Balconies looking directly north into bedrooms

Terrace with view looking north into bedrooms

terrace looking into bedroom windows



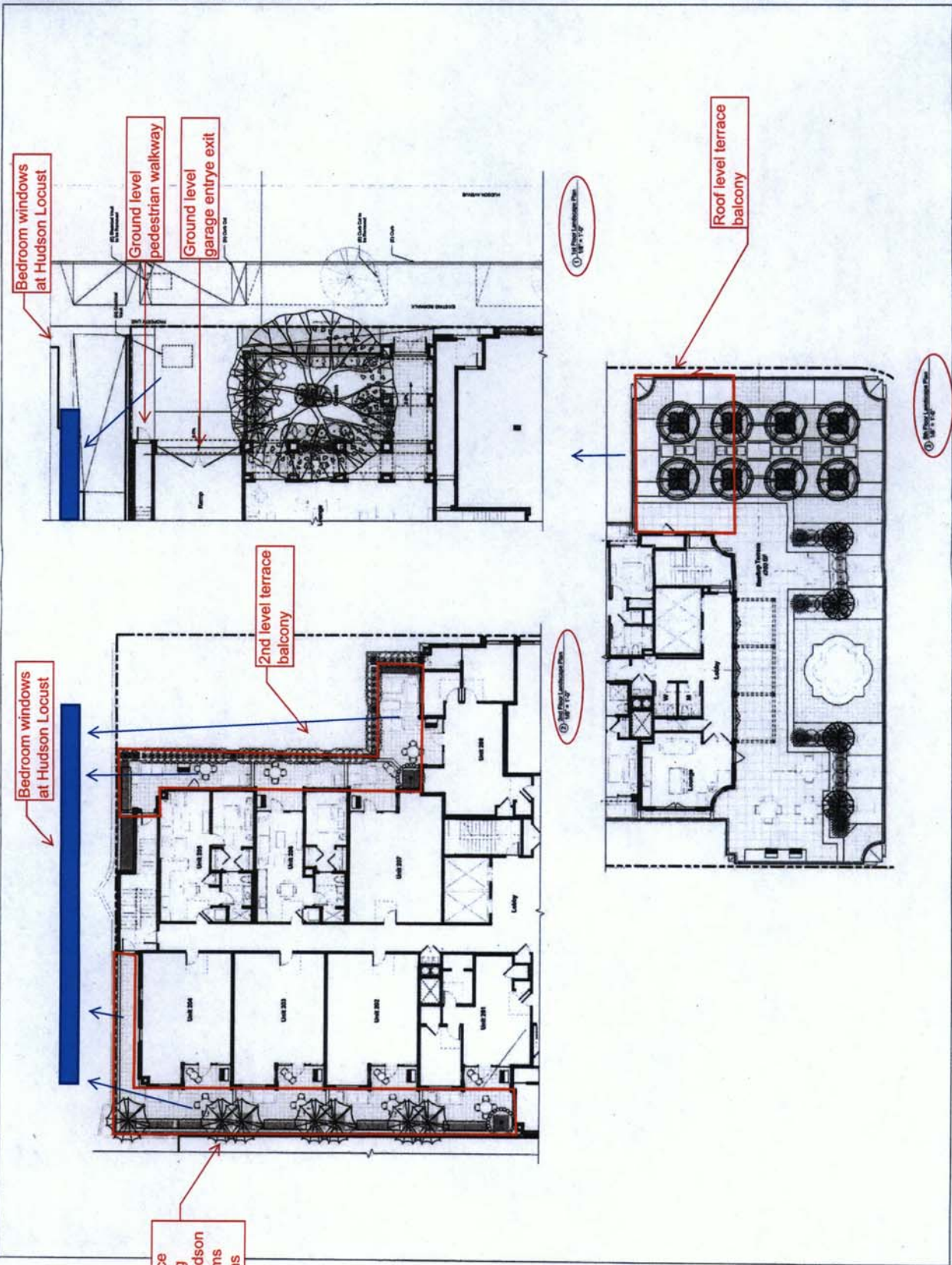
TGA
THE GEORGE TOWN ARCHITECTS
1000 10th Street, Suite 100
Pasadena, CA 91106
Tel: 626.799.1100
Fax: 626.799.1101
www.tga.com



NO.	DESCRIPTION	DATE

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

DATE	
BY	
SCALE	
PROJECT	
ARCHITECT	
CLIENT	
PLANNING PLAN	





TGA
THE GROUP ARCHITECTS
1000 WILSON AVENUE
PASADENA, CA 91106
TEL: 626.799.9000
WWW.TGAARCHITECTS.COM



NO.	REVISION	DATE

233 HUDSON AVENUE
HUDSON AVENUE & WILMUT STREET, PASADENA, CA

A-3.0

SCALE: AS SHOWN

DATE: 11/14/18

PROJECT: 233 HUDSON AVENUE

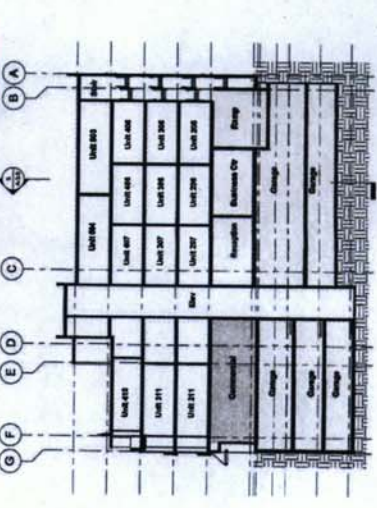
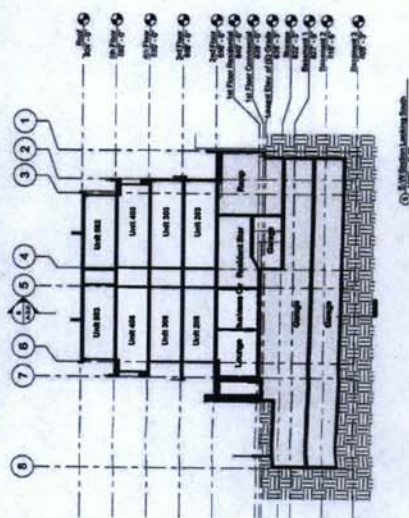
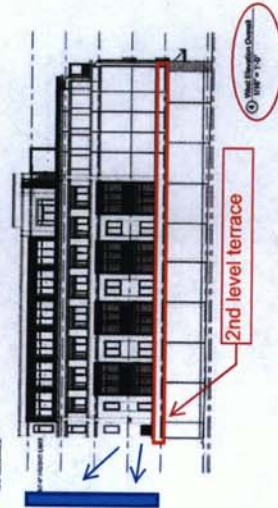
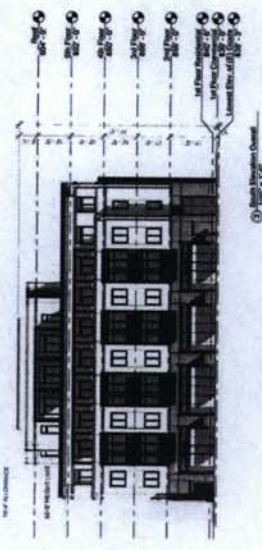
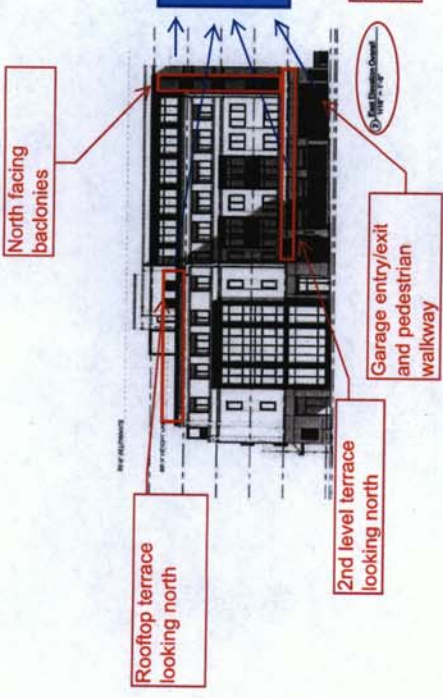
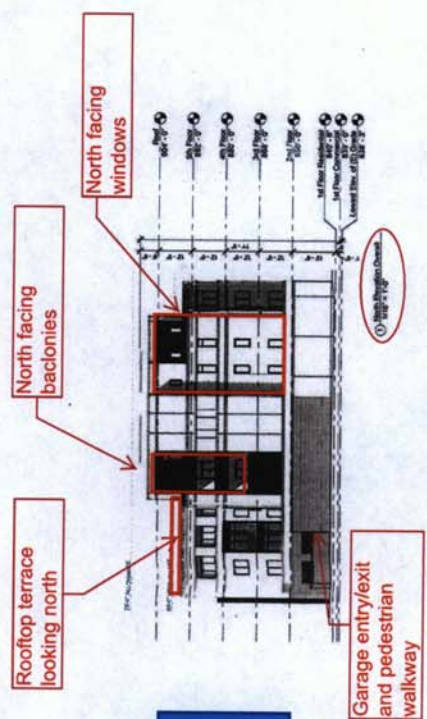
ARCHITECT: TGA

OWNER: [REDACTED]

DESIGNER: [REDACTED]

GENERAL CONTRACTOR: [REDACTED]

DATE: 11/14/18



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Excerpts from Pasadena Citywide Design Principles

The following excerpts are 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. The developer nor the Planning Department have engaged in this collaborative process according to these principles.

- **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."
- **Citywide Design Principles – Pasadena Design Qualities** that lend character and sense of place "at the scale of the community...residential neighborhood, street, lot, dwelling".
- **Citywide Design Principles - Design Guidelines for Neighborhood Commercial and Multi-Family Districts** "Ensure that new buildings fit into their existing context...relating well to neighboring private buildings...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."

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Excerpts from Pasadena Zoning Code

- 1) 17.30.020.C CD-3 - Walnut Housing sub-district for high density residential.
- 2) 17.30.050 Central District (CD) Exceptions to General Development Standards (GDS). Notes that exceptions to the GDS may be granted but must follow guidelines and required findings within 17.30.050.
- 3) 17.030.050.A.2.a Setback Exceptions. Increased openness. Nonresidential and residential uses that front along streets where setback is required, thereby establishing more open character. **A minimum side and rear setback of 10 ft is recommended.**
- 4) 17.030.050.B.3.b Hight Limit Exceptions. Required Findings. The additional height will not be injurious to adjacent properties or uses, or detrimental to environmental quality, quality of life, or the health, safety, welfare of the public. See attached map 3-8.
- 5) 17.030.050.B.3.c Hight Limit Exceptions. Required Findings. The additional height will promote superior design solution without detrimental impacts on views and sight lines.
- 6) 17.030.050.C.2.b Floor Area Ratio (FAR) exceptions. Required findings. The additional floor area will not be injurious to adjacent properties or uses, or detrimental to environmental quality, quality of life, or the health, safety, welfare of the public. See attached map 3-9.
- 7) 17.030.050.C.2.c Floor Area Ratio (FAR) exceptions. Required findings. The additional floor area will promote superior design solution and enhance it's surroundings.

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Proposed Potential Solutions

The following proposed compromises were presented to the developer and planning department without response. Should the developer and planning department devote creativity and resources most or all of these proposals could be implemented with very little affect to the development and achieving their goals.

- 1) Provide 10+ ft setback at north property line to allow light and views
- 2) Articulate step-backs along north building face to allow light and views
- 3) Limit the height of their building to the limits in the CD-3 zoning plan, but if allowed above CD-3 zoning plan through height averaging then restrict the higher elevations to the southern half of their building along Walnut.
- 4) Avoid north facing windows that will have view into our south facing bedrooms and living rooms.
- 5) Avoid north, west, and east facing terraces and balconies that will have view into our south facing bedrooms.
- 6) Provide building garage entry/exit ramp off Walnut rather than Hudson to avoid traffic flow directly in front of our south facing bedrooms.
- 7) Provide trees along their north property line to avoid views into our lower level bedrooms.

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Argument 1

In the public hearing and at the zoning board of appeals hearing the Planning Department and developer argued that our concerns were irrelevant to the review and approval of the AHCP since they are exclusively design considerations. However, we find this untrue since the developer and planning department necessarily included as part of the AHCP approval process by including exceptions for an increase in floor area of nearly 11,000 sq ft floor area and increase in building height of 15 ft. These exceptions massively contributed (if not exclusively created) detrimental impacts to our building and our association members which will negatively affect our residents use of their properties and their quality of life. The developer has necessarily decreased setback and openness at the north property line in order to achieve the increase area and building height. If these floor area and building height exceptions were not provided, then the developer would not require to encroach on the north property line. Because of the exceptions included in the AHCP we contend the developer and planning department must consider and address our concerns during the review of the AHCP process.

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Argument 2

In the public hearing and at the zoning board of appeals hearing the Planning Department and developer argued that our concerns were irrelevant to the review and approval of the AHCP since they are exclusively design considerations. However, we find this untrue since the developer and planning department included as part of the AHCP approval process a floor plan showing violation of zoning code setbacks at the building front along Hudson St and building side along their north property line. None of these setback exceptions were provided with discussions or explanations justifying them. When asked at the public hearing and after the public hearing the planning department explained they had met the minimum requirements. By including the floor plan with the approval they are basically making these setback exceptions part of the approval process and have not adequately reviewed them at this time with community input on detrimental impacts. These exceptions massively contribute to the detrimental impacts to our building and our association members which will negatively affect our residents use of their properties and their quality of life. Because of the floor plan and setback exceptions included in the AHCP we contend the developer and planning department must consider and address our concerns during the review of the AHCP process. At a minimum the floor plan should be removed from the AHCP approval due to the zoning code violations.

- 1) The maximum street setback along Hudson (east) is 10 ft and they are providing/allowing 32 ft.
- 2) The recommended side setback (north) is 10 ft and they are providing/allowing 5 ft.
- 3) The recommended rear setback (west) is 10 ft and they are providing/allowing 5 ft.
- 4) The maximum street setback along Walnut is 5 ft and they are providing less than 5 ft.

See attached photos of CD-3 recent developments with side setbacks of 10 ft +.

See attached photos CD-3 recent developments with street setbacks of 5 ft to 10 ft, similar to the west property line along Hudson for 233 E Walnut development.

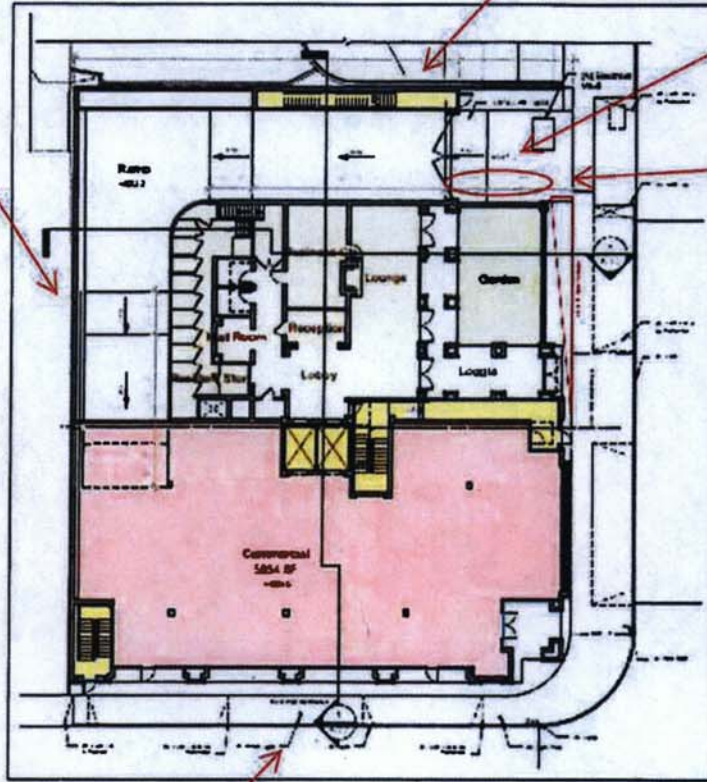
ATTACHMENT C
SITE PLAN

5 ft setback,
Code = 10 ft

5 ft setback,
Code = 10 ft

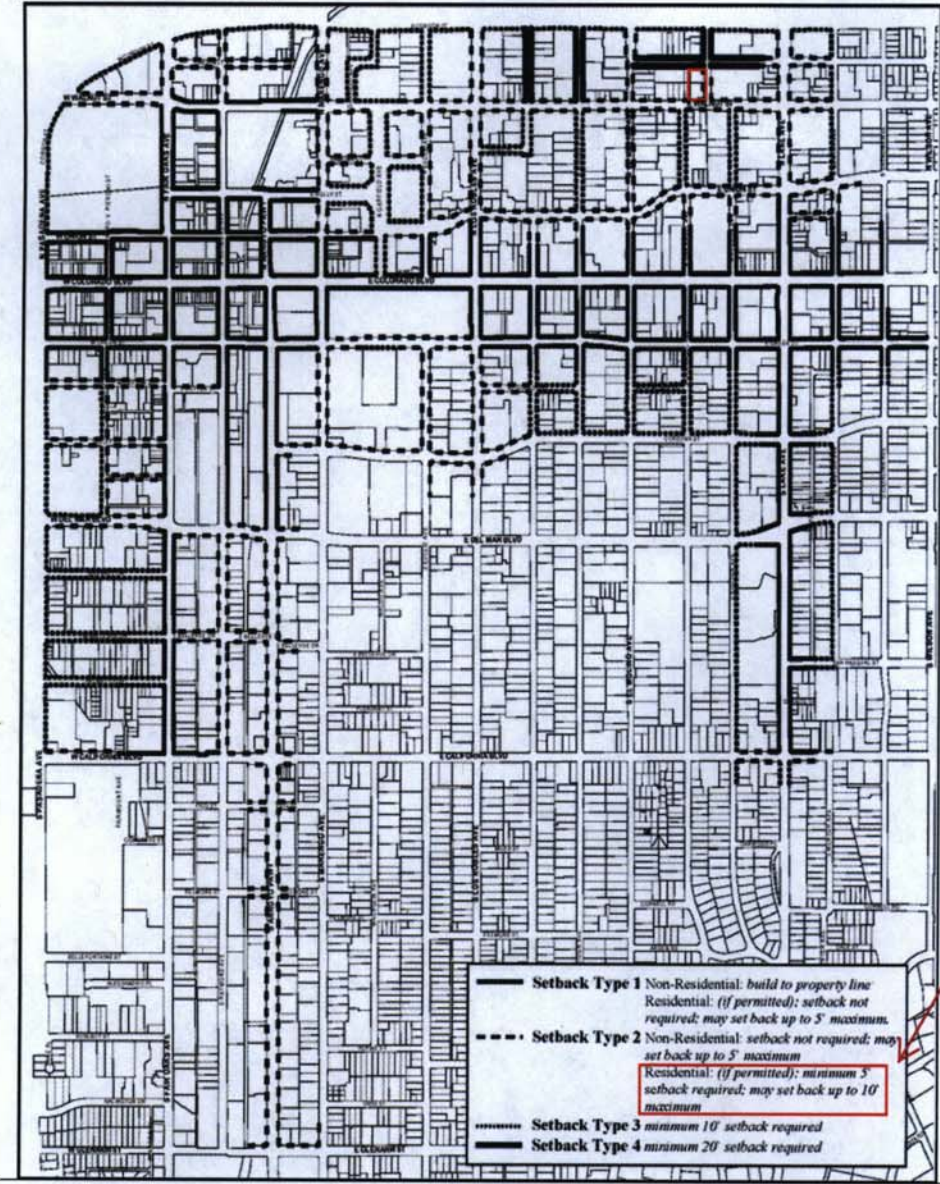
Garage entry/exit
in front of Hudson
Locust Bedrooms

32 ft + setback,
Code = 10 ft



less than 5 ft
setback,
Code = 10 ft

Figure 3-7 - Central District Required Setbacks



Requirements for street setback 5ft-10 ft.

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Argument 3

Sunlight is an expected quality of life for our residents with sliding glass doors, large windows, and balconies along our south property line. The close proximity and additional height of the new development to our property line will almost completely block any direct sunlight from reaching the bedrooms and living rooms. The lack of sunlight created by the new development's close proximity to our property line will reduce the quality of life for the residents of these units and lead to a decrease in property value.

Sunlight is required for the trees and landscaping along our south property line. The close proximity of the new development and additional height to our property line will almost completely block any direct sunlight from reaching the ground causing harm and potentially killing the trees. More openness between buildings is required our trees and landscaping which were an important feature to the residents when they purchased their homes.

Sunlight is an expected quality of life for our residents for growing plants on balconies along our south property line. The close proximity and additional height of the new development to our property line will almost completely block any direct sunlight from reaching the bedrooms and living rooms. The lack of sunlight created by the new development's close proximity to our property line will reduce the quality of life for the residents of these units and lead to a decrease in property value.

While some impedance of light is to be expected with any development, the developer for this project hasn't made any effort for increasing openness between buildings to maximize sunlight to our building. It is reasonable to expect a 10 ft setback and step backs along their north property line to protect this right.

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Argument 5

Expectation of clean air with windows and sliding glass doors open and while using balconies is an expected quality of life for our residents with sliding glass doors, large windows, and balconies along our south property line. The garage entry/exit at the north end of the property from Hudson is of particular concern since it introduces 80 vehicles entering and leaving all day and night. The entry and exit is less than 25 ft from the bedrooms and living rooms along our south face exposed to car exhaust associated with 80 vehicles. This will render windows and sliding glass doors to be kept shut and balcony usage restricted. This garage entry/exit off Hudson is inappropriate and should be moved to Walnut to protect clean air for our living spaces and balconies.

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Argument 6

Expectation of minimal noise at living rooms and bedrooms is an expected quality of life for our residents along our south property line. The garage entry/exit and pedestrian walkway at the north end of the property from Hudson is of particular concern since it introduces 80 vehicles and many pedestrians entering and leaving all day and night. The entry and exit is less than 25 ft from the bedrooms and living rooms. The noise from vehicles, noise from opening/closing of garage gates and noise from conversing pedestrians will be all day and all night violating our resident rights from noise pollution in our living spaces which were not designed for a vehicle pathway directly outside the premises. Further this noise in the evening will violate city noise ordinance after 10pm at night and before 7am in the morning. This garage entry/exit off Hudson is inappropriate and should be moved to Walnut to protect from noise pollution for our living spaces and bedrooms.

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Argument 7

Views from our south facing residents will be impeded by the additional building height/width and close proximity. While some impedance of view is to be expected with any development, the developer for this project hasn't made any effort for increasing openness between buildings which is an important element to our quality of life. It is reasonable to expect a 10 ft setback and step backs along their north property line to protect this right.

See attached photos from inside some of our units.

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Argument 8

By our count, traffic along Hudson sees up to about 300 cars travelling north and south during rush hour (7-9am and 5-7pm) and is difficult and at times dangerous to navigate. Hudson is a small residential two lane street, so adding the garage entry/exit on Hudson and another 80 cars (increase of nearly 27%) is unreasonable demand on the existing local residents using this street. The garage entry/exit should be moved to Walnut which is suited for a larger volume of vehicles with two lanes in each direction and being a major east-west thoroughfare.

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Argument 9

At the Public Hearing on February 21, 2018, at the Zoning Board of Appeals Hearing on May 2, 2018 and in the Public notice for tonight's hearing it was stated by the planning department definitively "the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality". However, based on the information provided tonight in our appeal it is clear there was no study as to the specific affects to our adjacent property in close proximity to the proposed development and there are significant effects that have not been considered by the planning department or developer, specifically as related to noise, air quality, traffic, and environment.

Zoning code clearly requires and allows the planning department to impose measures for approval of extra building height and floor area.

17.30.050.B.4 Height Limit Exceptions. Conditions of Approval "The commission may impose conditions of approval and/or additional measures for the approval of additional height, including additional measures for site planning and architectural design including massing and articulation..."

17.30.050.C.3 Floor Area Ratio Exceptions. Conditions of Approval "The commission may impose conditions of approval and/or additional measures for the approval of additional floor area, including additional measures for site planning and architectural design including massing and articulation; additional traffic demand measures (TDM)".



Notice of Public Hearing

City Council

Appeal of Affordable Housing Concession Permit #11866 233 North Hudson Avenue

Zoning: CD-3 (Central District Specific Plan, Walnut Housing subdistrict)

General Plan Designation: Medium Mixed Use (0.0 - 2.25 FAR)

Subject: An appeal of the Board of Zoning Appeals decision on Affordable Housing Concession Permit #11866 has been filed for the consideration by the City of Pasadena City Council. The Affordable Housing Concession Permit was approved by the Hearing Officer at the February 21, 2018 public hearing and upheld by the Board of Zoning Appeals on May 2, 2018, and a timely appeal to the City Council was filed.

The applicant, DC Hudson Holdings, LLC, has submitted an application for an Affordable Housing Concession Permit requesting one affordable housing concession to facilitate construction of a new 49,000 square-foot, 5-story, mixed-use building containing 42 residential units (including three "very low income" units), 5,835 square feet of commercial space, and 78 parking spaces within three levels of subterranean parking. The affordable housing concession requested would allow the proposed building to exceed the maximum allowable floor area ratio (FAR).

Environmental Determination: The City Council will be asked to consider whether the proposed project is categorically 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, §15332, Class 32, In-Fill Development Projects); and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15332 exempts from environmental review in-fill development where: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services.

NOTICE IS HEREBY GIVEN that the City Council will hold a public hearing on the appeal and environmental determination. The meeting is scheduled on:

Does not address specific detriment to quality of life and reduced us for adjacent properties.

Monday, July 16, 2018
7:00 p.m.
Council Chamber, Pasadena Room S249
100 North Garfield Avenue,

Public Information: If you challenge the matter in court, you may be limited to raising those issues you or someone else raised at this public hearing, or in written correspondence delivered to the City Council at, or prior to, the public hearing. The file can be reviewed at the Permit Center, 175 North Garfield Avenue by appointment only. Any written correspondence must be addressed to the City Clerk, 100 North Garfield Avenue, Room S-228.

For more information about the project and the related environmental documentation or to schedule an appointment:

Contact Person: Belin Yu
Phone: (626) 744-6726
E-mail: byu@cityofpasadena.net
Website: ww5.cityofpasadena.net/planning

Mailing Address:
Planning & Community Development Department
Planning Division, Current Planning Section
175 North Garfield Avenue, Pasadena, CA 91101

ADA: In compliance with the Americans with Disabilities Act (ADA) of 1990, listening assistive devices are available with a 24-hour advance notice. Please call (626) 744-4009 or (626) 744-4374 (TDD) to request use of a listening device. Language translation services may be requested with 48-hour advance notice by calling (626) 744-4009.