

ATTACHMENT D
APPEAL APPLICATION (NOVEMBER 15, 2018)



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REQUEST FOR APPEAL

APPLICATION INFORMATION



Project Address: 253 South Los Robles
Case Type (MCUP, TTM, etc.) and Number: AHCP 11869
Hearing Date: 11/7/18 Appeal Deadline: 11/19/18

APPELLANT INFORMATION

APPELLANT: Madison Heights Neighborhood Association Telephone: [626] 3195933
Address: 686 S. Arroyo Parkway, #199 Fax: []
City: Pasadena State: CA Zip: 91105 Email: foyfamily@sbcglobal.net
APPLICANT (IF DIFFERENT):

I hereby appeal the decision of the:

- Hearing Officer Zoning Administrator
- Design Commission Director of Planning and Development
- Historic Preservation 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 Attachments A and B

John Zatta
Signature of Appellant
MADISON HEIGHTS NEIGHBORHOOD ASSOCIATION
BY JOHN LATTA MHNHA PRESIDENT

10/13/18
Date

* OFFICE USE ONLY
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DESCRIPTION _____
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ATTACHMENT "A" TO APPEAL OF HEARING OFFICER DECISION

AHCP #11869

253 S. LOS ROBLES



The following errors or omissions by City Staff and/or the Hearing Officer are the reasons for this Appeal:

1. CEQA Determination is Incorrect. The City Staff and/or the Hearing Officer erred in determining that the proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA). The City Staff and/or the Hearing Officer also erred in failing to require an Initial Study under CEQA, particularly since the Project encompasses foreseeable and potentially significant environmental impacts under CEQA.

City Staff and the Applicant assert that the Project has been determined to be exempt from environmental review pursuant to CEQA Guidelines, Public Resources Code Sec. 21080(b)(9), Administrative Code, Title 14, Chapter 3, Sec. 15332, Class 32, In-Fill Development Projects. In fact, this determination is in error because several Exceptions apply pursuant to the CEQA Guidelines which make the claimed Categorical Exemption inapplicable.

(a) Historical Resources. CEQA Guideline 15300.2, Exceptions (to Categorical Exemptions) provides in Subsection (f): *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

Here, a two-story office building on the project site, which is slated for demolition as a result of the project, in fact, is an historical resource. Attached to this Attachment as Attachment B is an amended letter, the original of which was submitted to the Hearing Officer for the Administrative Record, outlining the historical significance of the office building located on the site. See also Public Resources Code Sec. 21084.

The historic Madison Heights neighborhood is located just south of the proposed Project. The Madison Heights Neighborhood is a mix of single family and multi-family neighborhoods. Madison Heights includes 4 historic landmarked streets within the district and the Madison Heights Neighborhood Association (MHNA) currently is in the process of obtaining landmark status for the entire area. The petitions for the new landmark district should be done before the holidays. Also, a number of individual homes within the Madison Heights neighborhood are eligible for, or have achieved,

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Pasadena historic status. The Project will cause a substantial adverse change in the significance of the historic Madison Heights neighborhood, including, but not limited to, traffic and traffic noise impacts. As stated by Pasadena Heritage in its letter to the Hearing Officer dated November 7, 2018: *We have great concern for the livability and longevity of the treasured historic Madison Heights neighborhood to the south of the project. It is very difficult to believe that the added auto trips and traffic generated by this project will not have serious negative impacts on the nearby historic resources. The conclusion of the traffic analyses does not appear to take cumulative impacts into account, on any level, that would include the new construction and adaptive re-use in the vicinity.*

Other actual or eligible historic resources are located directly across Los Robles Ave. in the same block of the project, including, but not limited to, an office building, the E. W Smith House by Greene and Greene (1910 - 272 S Los Robles) and Throop Memorial Unitarian-Universalist Church by Frederick Kennedy Jr. (1923 - 300 S Los Robles). The Project will cause substantial adverse changes in the significance of these historic resources, including, but not limited to, looming over these resources with such mass and height as to impact their setting and historic character. .

(b) Cumulative Impact and Significant Effect. CEQA Guideline 15300.2, Exceptions (to Categorical Exemptions) provides in Subsection (b): *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant.* CEQA Guideline 15300.2, Exceptions (to Categorical Exemptions) provides in Subsection (c): *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

Cumulative Impact. The applicable CEQA Guideline discussion of the In-Fill project exemption describes the applicability of the exemption to: *environmentally benign in-fill projects which are consistent with local general plan and zoning requirements.* This Project is anything but benign and consistent with Pasadena law. This Project is the third, successive project of the same type, i.e. housing, in the same place, i.e. the same block along Los Robles Ave., over a very short period of time. Each of these projects takes advantage of every possible Code and development standard advantage, including, but not limited to, concessions and bonuses available to developers to maximize numbers of units, building envelope including FAR and height, density, and reduced parking. The cumulative impact of these successive projects clearly is significant as opposed to benign, and, therefore, the In-Fill Exemption is inapplicable. All cumulative impacts of the proposed Project, including, but limited to,

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Historic Resources, Land Use and Planning, Traffic, Noise, and Air Quality, must receive environmental review and be fully studied and mitigated pursuant to CEQA.

Significant Effect. The California Supreme Court ruled in *Berkeley Hillside Preservation v. City of Berkeley*, 60 C4th 1086 (2015), that an agency must determine whether there are "unusual circumstances" based on a substantial evidence standard of review, and then determine whether there is a reasonable probability that those circumstances will cause a significant environmental impact. As to the proposed Project, there is substantial evidence that the proposed Project involves "unusual circumstances", and, further, there is a reasonable probability that these circumstances will cause, or have caused, a significant environmental impact requiring environmental review.

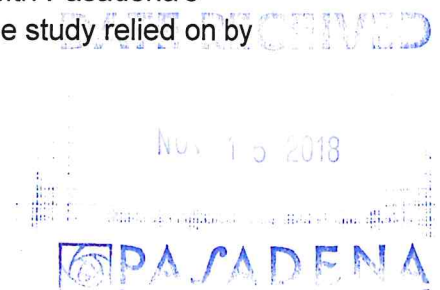
Such "unusual circumstances" include, but are not necessarily limited to, the following matters. First, there is an Historical Resource on site slated for demolition in connection with the proposed Project; there are Historical Resources across Los Robles immediately adjacent to the Project site; and, the historic Madison Heights neighborhood is located just south of the proposed Project. Second, the proposed Project is located on a lot that appears to have been intentionally created to "qualify" for the In-Fill Project CEQA Exemption. It appears that the portion of the subject block south of the Office to Housing conversion project on the northwest corner of Los Robles and Cordova very recently was acquired and then quickly subdivided in a manner designed to create this development site which the Applicant now argues is a lot on which a project is proposed which qualifies for the In-Fill Project CEQA Exemption.

There is a reasonable probability, as discussed elsewhere herein, that these unusual circumstances will cause, or have caused, significant environmental impacts requiring environmental review, including, but not limited to, significant environmental impacts with respect to Historic Resources, Land Use and Planning, Traffic, Noise, and Air Quality. Therefore, the claimed In-Fill Exemption is inapplicable.

2. Additional Bases for Appeal.

(a) Findings Cannot Be Made. The City Staff and/or the Hearing Officer erred in determining that required Findings 2 and 3, inclusive, can be made. Findings 2 and 3 cannot be made.

(b) Project is Inconsistent with Pasadena's General Plan. City Staff and/or the Hearing Officer erred in determining that the Project is consistent with Pasadena's General Plan. Specifically, the Traffic studies and Long-Term Noise study relied on by



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Staff are in error, and, the project is inconsistent with a number of General Plan Environmental Impact Report (EIR) analyses and determinations, and. General Plan Goals, Policies and Objectives.

General Plan EIR Considerations: Noise, Including Traffic Noise Impacts.

Page 5.9-23 of the draft General Plan EIR states that implementation of the proposed General Plan Update could potentially allow the development of land uses that would not be compatible with future noise environments. On the same page, the EIR points out that a 60 dBA noise contour would expose residents to noise levels above acceptable rates of 60 and would require a noise study through the development review process to determine the level of impacts and required mitigation (emphasis added).

As indicated in the Staff Report, the current level of traffic-related ambient noise level in the Project area is 68.9 dBA, an increase of 8 dBA above the EIR projected 2035 build-out level of 61.7 dBA with a traffic level of 12,900 car trips, and now at a level clearly requiring further noise studies and adoption of required mitigations. And, the present traffic level is already beyond General Plan projections before any of the proposed or permitted developments are completed in the Project area. Traffic noise impacts from the Project and the adjacent Project area will have a significant adverse environmental impact on the MHNA historic neighborhood, other adjacent historic resources, and residents in the Project area. Carefully considered, designed and implemented mitigations are required through CEQA.

General Plan Land Use Element: Inconsistencies. The Project is inconsistent with a significant number of Land use Element Goals and Policies, including, but not limited to, the following: Policy 1.1 (accommodate growth consistent with unique residential neighborhoods); Policy 1.7 (coordination of capital infrastructure, land use and economic development); Goal 3 (distribution of land uses characterized by compatibility); Policy 3.1 (avoid concentration of uses and in any neighborhood or district where their intensities, operations, and/or traffic could adversely impact the character, safety, health, and quality of life); Policy 4.11 (require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, visibility, privacy, automobile and truck access, impacts of noise and lighting, infrastructure, and aesthetics); Policy 4.12 (require scale and massing of new development in higher-density centers and corridors provide appropriate transitions in building height and bulk and are sensitive to the physical and visual character of adjoining lower-density neighborhoods); Policy 6.2 (preserve, protect, and enhance established residential neighborhoods by providing appropriate transitions between these and adjoining areas. Require new development to complement and respond to existing physical characteristics that contribute to the overall character and livability of the neighborhood);

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Goal 8 (preservation and enhancement of Pasadena's cultural and historic buildings); Policy 8.1 (identify and protect historic resources that represent significant examples of the City's history); and Policy 18.5 (manage vehicle traffic volumes and speeds to improve their compatibility with the character of adjacent land uses).

General Plan Noise Element: Inconsistencies. The Project is inconsistent with a significant number of Noise Element Objectives and Policies, including, but not limited to, the following: Objective 2 (The City will work to reduce the effects of traffic-generated noise from major roadways on residential and other sensitive land uses); Policy 2a: (The City will encourage noise-compatible land uses along major roadways). Policy 2b: (The City will encourage site planning and traffic control measures that minimize the effects of traffic noise in residential zones).

(c) Significant Errors and Omissions. The decision of the Hearing Officer is invalid in that the record includes numerous and significant errors, omissions, inaccuracies, contradictions and inconsistencies in the description and analyses of the proposed Project, and, in applying and executing proper administrative procedures to the proposed Project.

(d) Failures to Consider Evidence. The Hearing Officer's decision ignored and failed to consider significant, substantial and relevant evidence submitted concerning the proposed Project.

(e) Decision Not Supported by Substantial Evidence. The Hearing Officer's decision is not supported by substantial evidence.

(f) Decision is Arbitrary and Capricious. The Hearing Officer's decision is arbitrary and capricious and is in error, and, constitutes a breach of both administrative discretion and quasi-judicial procedure and process.

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 PASADENA
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

November 13, 2018 (amended version of Nov 7, 2018, letter)
To: Hearing Officer

Regarding: 253 S. Los Robles

This building, designed in 1970 by architect Peter J. Holdstock working for the O. K. Earl Corporation, is potentially eligible at least as a City of Pasadena Landmark, perhaps also for listing in the National Register of Historic Places.

It is the work of Peter J. Holdstock, who while working for O.K. Earl, a major local builder, designed the building for the Marble Mortgage Co. Holdstock is also the architect of Ambassador Auditorium which is listed as a City Landmark and eligible for listing on the National Register of Historic Places. Holdstock also designed three other buildings on the Ambassador Campus: the Fine Arts Building, the Science Building and the Administration Building. Further research on Holdstock is likely to uncover additional potentially significant buildings in his body of work. Born in England in 1929, Holdstock came to the United States in 1948, where he received his architectural training. He lived in Pasadena from the mid-1950s through the 1970s, becoming a citizen in 1956. He later moved to Canada, where he was active in the 1970s and 1980s as the City Architect of Saskatoon, Saskatchewan. He died in 2002. A room in the Saskatoon Library/Community Center is dedicated to him, indicating his importance in that city.

O. K. Earl has been an important builder in Pasadena since the 1950s, responsible for many buildings exhibiting a design quality not usually associated with a building firm, including most recently the Munger Research Center at the Huntington Library.

The building at 253 S. Robles exhibits unusual characteristics of the late Modern period, including stark white walls contrasting with the black window frames, curved corners, and brick cladding set *vertically*. Most unusual is the south-facing entrance, oriented toward the landscaped parking lot that originally served the building. The design is unusually elegant for a utilitarian office building. Further study of the building and its contemporaries would probably demonstrate more clearly its high-quality design.

The building is also significant for the history of the client, Marble Mortgage, which during the process of construction became Interstate Mortgage, and later First Interstate Bank, a leading Los Angeles firm that is known for its office tower that dominated the downtown Los Angeles skyline and was once the tallest building in the city and the region. Pasadena's first city-wide elected mayor, Bill Bogaard, served for many years as chief counsel for the company.

The Marble Mortgage Building meets the criteria for City Landmark status for its association with persons and institutions that have made a significant contribution to the history of the City, region and State.

It is also significant as the work of a building firm and an architect whose work is of significance to the City and the region, and in the case of Holdstock of international significance for his contribution to the heritage of our neighbor, Canada.

To proceed with the demolition of this building without appropriate study to determine its historic status would be a clear violation of CEQA.

Sincerely,

Ann Scheid

Former Senior Planner, Cultural Heritage Commission and Design Commission, City of Pasadena

Former Architectural Historian for the State of California

Curator of the Greene & Greene Archives, The Gamble House, Pasadena

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