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CITY OF PASADENA
CITY CLERK'S OFFICE

April 26, 2021

City Council

c/o Mark Jomsky

City Clerk
100 North Garfield Ave. Pasadena, CA 91101

Re: Fair Oaks Specific Plan Zoning Code Amendment for 590 South Fair Oaks

Dear Mayor Gordo and City Council members:

Livable Pasadena believes that the proposed project, located at 590 South Fair Oaks, was prematurely approved, and that the approval was based upon inaccurate and inadequate information and notice. Only projects that have gone fully through the approval steps and that are in alignment with the current Specific Plan should be approved. We therefore request review of the project's approval and denial of the zoning code amendment.

This project did not complete all necessary steps before approval can be granted. First, the public was given inadequate notice of the discussion of this proposed project. The Brown Act requires to the City to provide a brief description of the item to be discussed. It is the City's standard practice to include the address of a project when it is listed on the agenda and thus, the public relies on the listing of a project's address when reviewing what items are listed on an agenda. Despite this, the agenda for the City Council meeting on March 8, 2021 did not provide the address to the project. This prevented the public from understanding which project was up for discussion, and therefore the public did not have full opportunity to comment. I have spoken to several residents that did not realize this project would be heard at the March 8 City Council meeting because the address was not listed. Had they been provided adequate and standard notice, they would have participated in the City Council hearing for the project. For a project this big, and outside of our current regulations, public comment is a crucial component of the approval process. That is missing here.

Secondly, the developer submitted an addendum to an earlier EIR for this project, which did not reflect the new size of the revised project. As a result, the EIR does not evaluate the land use impacts from a project of this size – the revised project is much bigger and the area has substantially changed since the original EIR was submitted. We have serious concerns about the impact this project would have on the safety of the surrounding intersections and believe that those impacts need to be more carefully explored. The developer should have been required to submit a new EIR specific to this project. In a very similar situation, the court in *Ventura Foothill Neighbors v. County of Ventura* (2014) 232 Cal.App.4th 429 found that an increase in height of a county medical building from 75 feet to 90 feet was a substantial change requiring a supplemental EIR, rather than an EIR addendum.

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Finally, the developer relied on an unfinished and unapproved draft of the South Fair Oaks Specific Plan to justify height and building size. The draft specific plan is just that – a draft. It has not completed the review process, has not undergone public comment, and is still in the drafting stages. A project should be judged by the Specific Plan currently in place, not on a possible Specific Plan. We can't remember any other projects approved based on theoretical standards. That is likely because courts have found that it is improper to rely on a draft land use plan in assessing the impacts of a project. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 950.) If the developer would like to rely upon a revised Specific Plan, the proposed project should be withdrawn until the Specific Plan is revised and adopted.

Moreover, to revise the zoning code to provide rights to project site not provided to the surrounding properties, where the existing height and FAR restrictions remain in place, is illegal spot zoning. (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1311.) The developer of this project should not be granted special rights not afforded to others. The zoning code amendment here should be continued or denied until the additional environmental review and project corrections take place.

Livable Pasadena believes that the proposed project should be redesigned to comply with the current Specific Plan and with the current maximum height standard. We also believe that a project of this size should comply with all steps of the approval process. The public should be given adequate notice to be able to provide comments, and the full scope of the impact of the project should be explained. The proposed zoning code amendment therefore should be denied

Thank you,

Megan Foker
On behalf of Livable Pasadena



**M A D I S O N H E I G H T S
N E I G H B O R H O O D A S S O C I A T I O N**

686 South Arroyo Parkway Suite 199 Pasadena, CA 91105 www.mhnepasadena.org

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2021 APR 26 AM 8:45

April 23, 2021

Anita Cerna
Community Planner
City of Pasadena
100 North Garfield Ave.
Pasadena, CA 91101

Re: South Fair Oaks Specific Plan

The board of Madison Heights Neighborhood Association is pleased to participate in the planning and shaping of the South Fair Oaks Specific Plan. This area, which is adjacent to our boundaries, is very important because it functions as a "blank slate" for future development.

We take the opportunity to shape the look and feel of our city seriously, and are committed to getting the planning right in terms of adding additional housing, trees, community areas, and unique shopping destinations to this zone. Ideally this plan will compliment and continue to support what we love about Madison Heights: walkable streets, tree-lined sidewalks, a friendly neighborhood community, and historic touches.

As a board representing over 1700 Pasadena residents living near South Fair Oaks, we would like you to consider the following points to improve upon the draft you have presented:

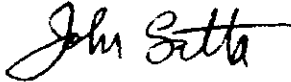
- 1) Parks, trees, and open space are imperative to creating a great neighborhood. As far as we can tell, there are no parks or significant open green space within the plan. The opportunity to use park and traffic impact fees from the future developments to create open green space should be seriously considered. While some mitigation fees can go to the General Fund, we believe most of the acquired resources should be spent in the immediate area to address quality-of-life issues.

- 2) The setbacks on Raymond Avenue of 0-3 ft are of considerable concern for our association. This minimal-to-zero setback does not allow for in-ground trees around the periphery of new buildings. We would like to see all setbacks increased to 10-15 ft. This adjustment will improve walkability, allow for in-ground tree plantings, and add an overall neighborhood feel, especially on the western side of Arroyo Parkway. By allowing for more foresting of trees, we will create an environmentally friendly community, add beauty and shade, and honor our reputation as a tree city.
- 3) Structure height on both sides of Arroyo Parkway at Fillmore should be zoned identically to the area east of Arroyo Parkway in order to avoid tall buildings looming over adjacent neighbors. A drastic, disjointed increase in height and density is currently drafted for Fillmore and Arroyo Parkway and would be damaging to the Madison Heights historic neighborhood as well as the smaller multi-family units to the east. Overall, substantial increases in density and height would be more appealing if the transition from single-family homes to multi-family complexes was less extreme. On a similar note, we also believe the FAR on western Arroyo should be 2.0, which is similar to other areas within the plan that are adjacent to single-family neighborhoods.
- 4) We support reducing parking up to $\frac{1}{3}$ of typical allotments, but want to ensure residents in new developments will **not** be allowed to park overnight on streets in our district, especially along Marengo Avenue, which currently has an exception to accommodate for older units with no parking garages. No permanent, on-street parking permits should be issued to future residents of these projects.
- 5) A walkable greenway or bikeway from Art Center to Old Pasadena would be a nice way to alleviate the use of cars, especially for students and younger tenants of these new developments.

We are disappointed to learn that only 20 people attended the last open house, considering that the massive changes being considered with the planning of this area could potentially alter the shape, movement, and design of our historic city. We must work together to urge more residents to provide input on this high-growth, high-density model for the South Fair Oaks Specific Plan. We also are very concerned that the council has already approved zoning changes to projects like 590 South Fair Oaks based on a DRAFT of the South Fair Oaks Plan, for which we are just now contributing to the conversation.

We would be pleased to meet with you, David Reyes, and other appropriate city staff and officials to discuss our proposed improvements to this specific plan.

Thank you,

A handwritten signature in black ink, appearing to read "John Latta". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Latta".

John Latta

Cc: David Reyes, Jennifer Paige, Mayor Victor Gordo, Vice Mayor Andy Wilson, Councilmember Steve Madison, Taka Suzuki and Pam Thyret

Martinez, Ruben

From: Nina Chomsky
Sent: Monday, April 26, 2021 1:18 PM
To: PublicComment-AutoResponse
Subject: City Council Meeting 4/26/2021; Agenda Item 18; Fair Oaks Specific Plan Zoning Code Amendment

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Mayor Gordo and Councilmembers
c/o public comment/City Clerk

Re: City Council Meeting 4/26/2021; Agenda Item 18; Fair Oaks Specific Plan Zoning Code Amendment

Mayor Gordo and Councilmembers,

I am writing in my personal capacity in reaction to the Livable Pasadena letter to you regarding this proposed Zoning Code Amendment.

The letter is comprehensive, compelling and persuasive as to many relevant legal issues. But, more than that occurs to me. I wonder how the Fair Oaks Specific Plan update, and all the other Specific Plan updates, have any legitimacy going forward from a public participation perspective. Why participate as a member of the public in these updates, including spending significant time to attend and express public comments and views, when a developer can "intervene" and convince the City to change a Specific Plan for its particular project and its particular site in the middle of the update process?

Before taking this final project approval step, I agree that you should reconsider approving this Zoning Code amendment in order, in part, to preserve the Specific Plans public participation process.

Thank you,

Nina Chomsky

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