

ATTACHMENT A
BOARD OF ZONING APPEALS' DECISION LETTER
JUNE 21, 2021



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

June 21, 2021

DC Lake Holdings, LLC
150 East Colorado Blvd, suite 302A
Pasadena, CA 91105

**RE: Zoning Administrator's Determination #54
141 South Lake Avenue
Council District #7**

Dear Appellant:

The appeal of the **Zoning Administrator's Determination #54 at 141 South Lake Avenue** was considered by the **Board of Zoning Appeals on June 17, 2021.**

ZONING ADMINISTRATOR DETERMINATION #54: Appeal of a determination by the Zoning Administrator that an affordable housing concession or incentive cannot be granted for use restrictions.

At the conclusion of the public hearing, a motion was made to **overturn** the Zoning Administrator's Determination that Section 17.30.030.C.2 regulates a use restriction. The Board of Zoning Appeals determined that Section 17.30.030.C.2 regulates a development standard and therefore an affordable housing concession or incentive can be requested to deviate from Section 17.30.030.C.2, and the appellant may proceed with Affordable Housing Concession Permit #11097. The motion resulted in a 3-1 vote of the members present. As a result, action was taken to **overturn** Zoning Administrator Determination #54.

You are hereby notified that this decision by of the Board of Zoning Appeals is not subject to appeal. However, a member of the City Council may stay the decision and request that it be called for review to the City Council. A request for a call for review of this decision shall be within ten days, the last day to file a request for a call for review is **Monday, June 28, 2021**. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **Tuesday, June 29, 2021**.

For further information regarding this case please contact **Bellin Yu** at **(626) 744-6726** or byu@cityofpasadena.net.

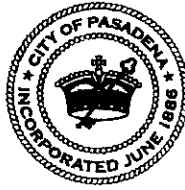
Sincerely,


Luis Roona
Zoning Administrator

Enclosure: Attachment A (Zoning Administrator Determination #54)

xc: City Manager, City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Design and Historic Preservation, Department of Transportation, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
ZONING ADMINISTRATOR'S DETERMINATION #54



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

September 26, 2019

Odyssey Development Services
Attn: Burke Farrar
141 South Lake Avenue, Ste. 105
Pasadena, CA 91101

**RE: Affordable Housing Concession Permit #11907 (PLN2019-00310)
141 S. Lake Avenue**

Dear Mr. Farrar,

According to the Affordable Housing Concession Permit application you submitted in June 2019 for the proposed project at 141 South Lake Avenue, you are requesting a concession from the requirements of **Section 17.30.030.C.2.b** of the Zoning Code, which read as follows:

***Lake Avenue.** Ground-floor housing is prohibited, and housing shall not occupy more than 50 percent of total building floor area along Lake Avenue from Green Street south to California Boulevard, to maintain the commercial retail and service character of the South Lake Shopping Area. Housing is allowed on upper floors and adjacent parcels to stimulate and activate the area.*

Please note that Section 17.30.030 (CD District Land Uses and Permit Requirements) specifically governs land uses within the Central District; whereas, Section 17.30.040 (CD General Development Standards), specifically governs development standards applicable to projects within the Central District. Accordingly, the regulations in Section 17.30.030.C.2.b, for which you are requesting a concession, are classified as use regulations and not development/building standards.

Section 65915 of California Government Code Section Chapter 4.3 (Density Bonus and Other Incentives) defines "concessions or incentives" as reductions in development standards or modifications of zoning code requirements related to building standards. The provisions in Section 17.30.030 of the Zoning Code are neither development standards nor are they zoning code requirements related to building standards. Therefore, state law does not require that the City grant a use concession or incentive, and further the Pasadena Zoning Code prohibits you from requesting a concession from the use regulations in Section 17.30.030.C.2.b. Nor may you seek a Variance from this regulation, as Section 17.60.080.A.2.a of the Zoning Code provides that "the power to grant Variances does not extend to allowable land uses and the notes on the land-use tables. In no case shall a Variance be granted to allow a use of land or structure not otherwise allowed in the zoning district in which the subject property is located."

This letter serves to notify you that your proposed project does not comply with the Code requirements of Section 17.30.030.C.2.b of the Zoning Code. Therefore, you may either revise the proposed project to comply with the use regulations in Section 17.30.030.C.2.b of the Zoning Code or you may withdraw your application and seek a refund of fees.

You may contact me directly with any questions regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Talyn Mirzakhani', written in a cursive style.

Talyn Mirzakhani
Zoning Administrator