

**ATTACHMENT C  
ZONING ADMINISTRATOR'S DETERMINATION  
SEPTEMBER 26, 2019**



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 Mirzakhania', written in a cursive style.

Talyn Mirzakhania  
Zoning Administrator