

ATTACHMENT C
Appeal Application to the BZA dated June 14, 2022



REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 141 South Lake Avenue
Case Type (MCUP, TTM, etc.) and Number: Concept Design Review Incomplete Letter - DHP2022-00231
Hearing Date: Not Applicable Appeal Deadline: Immediate Process

APPELLANT INFORMATION

APPELLANT: DC Lake Holdings, LLC Telephone: [626] 360-0688
Address: 150 East Colorado Boulevard, Suite 302A Fax: []
City: Pasadena State: California Zip: 91105 Email: jl.pillc@gmail.com
APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

- Hearing Officer
- Design Commission
- Historic Preservation
- Zoning Administrator
- Director of Planning and Development
- 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 Attached - Request For Appeal



Signature of Appellant

June 13, 2022

Date

* OFFICE USE ONLY		
PLN # _____	CASE # _____	PRJ # _____
DESCRIPTION _____		
DATE APPEAL RECEIVED: _____	APPEAL FEES: \$ _____	RECEIVED BY: _____

REQUEST FOR APPEAL

On June 9, 2022, Appellant received the attached letter (Notice of Incomplete Application, Application for Concept Design Review, 141 South Lake Avenue (DHP2022-00231), “Incomplete Letter”) from Rathar Duong, Senior Planner, Design & Historic Preservation Section which determined that the Appellant’s Concept Design Review Application was incomplete. The Concept Design Review Application was submitted for demolition of an existing 27,220 square foot restaurant and professional office building and development of a new mixed use density bonus project with 134 residential units, 3,954 square feet of commercial space and 281 parking spaces (the “Project”). The Incomplete Letter relies on several sections of the Pasadena Municipal Code that staff believes override California Government Code, i.e. California Government Code Section 65915, et. seq. (the State Density Bonus Law) and Senate Bill 330 (“SB 330”). Specifically, the Incomplete Letter ignores State Density Bonus Law and SB 330 as follows:

1. The Incomplete Letter suggests the application fees have not been received by the City of Pasadena. Despite the application being submitted to the City of Pasadena on May 10, 2022, the City of Pasadena did not invoice the applicant for these fees until 5:23 PM on June 7, 2022. The applicant paid the fees at 3:33 PM on June 9, 2022.

2. The Incomplete Letter requests information regarding incentives and concessions for the project. These incentives and concessions were submitted to the City of Pasadena as Affordable Housing Concession Permit #11949. The City of Pasadena initially deemed Affordable Housing Concession Permit #11949 incomplete. Upon appeal of the Affordable Housing Concession Permit incomplete letter, David Reyes, Director of the Pasadena Planning & Community Development Department, determined that the Department will no longer be requiring Affordable Housing Concession Permits, and the project at 141 South Lake Avenue may be submitted directly to the Design Commission.

3. The Incomplete Letter suggests the application can be considered incomplete for clarifications including but not limited to additional photographs, footprints of buildings on all properties on the block, locations of street lights and street trees, specifications of plants to be planted in landscape areas, labels on driveways and aisles in the parking areas, labels on units, clarification of use of commercial floor space, labels on the residential lobby, labels on mechanical and solar equipment, specification of window and door material, identification of lowest point of grade (shown on elevations but not the staff's apparently preferred location on the site plan), dimensions and application of FAR, setbacks, height, parking, community space, balconies, residential street frontage and other standards whereas the Project was submitted under provisions of SB 330 which prohibits local jurisdictions from deeming applications incomplete for processing due to clarification on matters listed above. For these types of clarifications under SB 330, the local jurisdiction must deem the application complete for processing and receive the clarifications during the process.

4. The Incomplete Letter suggests the allowed density is based on the Pasadena Zoning Code whereas State Density Bonus Law states that the maximum allowed residential density is based on the General Plan density.

5. The Incomplete Letter suggests the allowed floor area ratio (FAR) is based on the Pasadena Zoning Code whereas State Density Bonus Law defines development standards to include the General Plan which specifies the FAR used in the application.

6. The Incomplete Letter suggests the City of Pasadena will apply 20% Inclusionary Housing to exceed the required number of affordable units under State Density Bonus Law whereas whenever a local ordinance requires a developer to dedicate a larger percentage of its units to affordable housing than required by State Density Bonus Law, the ordinance is void.

7. The Incomplete Letter suggests that 20% Inclusionary Housing applies which was adopted under Ordinance #7353, effective December 4, 2019, whereas SB 330 was retroactively applied to January 1, 2018, and prohibits local agencies from adding any further burden on development of housing including but not limited to more restrictive land use policies and increase of fees which was the purpose of Ordinance #7353.

8. The Incomplete Letter deems the Concept Design Review application incomplete for the omission of a Climate Action Plan. However, SB 330 prohibits local jurisdictions from deeming an application incomplete for items not listed on the application checklist. A Climate Action Plan is not a required item listed on the Concept Design Review Application Checklist. Furthermore, the Climate Action Plan only request clarification on project details similar to those items prohibited under paragraph 4 of this appeal.

Accordingly, Appellant hereby files this Request for Appeal of the determination that the Concept Design Review application is incomplete as per Section 17.72.040A of the Pasadena Zoning Code so that these issues can be promptly heard by the City's Board of Zoning Appeals.