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Julianna Delgado, MArch, PhD, FAICP

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Professor Emerita of Urban and Regional Planning
Fellow, American Institute of Certified Planners
Commissioner, City of Pasadena Planning Commission
Chair and Commissioner, City of Pasadena Design Commission
Member, City of Pasadena Board of Zoning Appeals
Member, Pasadena Mayor's Housing Element Task Force

CITY CLERK
CITY OF PASADENA

June 6, 2024

RE: June 10th City Council Public Hearing: Appeal of the Board of Zoning Appeals' Decision Regarding a Determination that an Application for Concept Design Review (DHP2024-00099) Is Incomplete for a Project at 615 S. Catalina Avenue
Argument in Favor of Upholding the Boards's Decision

Honorable Mayor and Members of the City Council:

At its May 16, 2024, hearing the City's Board of Zoning Appeals (BZA), of which I am a member, unanimously upheld Staff's determination on all three grounds to deem incomplete for processing the Application from Victor Tang/615 S. Catalina Ave LLC ("the Applicant") for Concept Design Review (DHP2024-00099) for a multifamily residential development at 615 S. Catalina Avenue ("the Project"). This is to urge the Council to uphold the BZA's ruling based on the preponderance of the evidence and suspend any further processing of the Project as proposed. Until and unless the incomplete findings are reversed, there is no project.

To summarize, my reasoning was based on Staff's position, which was clear from the start. In flagrant disregard for the City's zoning, the Applicant is proposing to construct a 7-story apartment building with 49 units, 10 for low-income renters, on a single 14,100 sf. parcel (approx. 1/3 of an acre) zoned Low Density Residential (RS-6), 0-6 units per acre. By right two units plus two accessory dwelling units are permitted. The Applicant is proposing instead a density of 153 dwelling units per acre, close to twice the 87 du's/acre maximum Pasadena's General Plan allows citywide. This is egregious. The surrounding district has predominantly one- and two-story structures. Some of the neighboring homes are modest bungalows and face Polytechnic School across the street. The property to the north of the Project across Meneely Alley fronting California Blvd. is zoned RM-32, with three-story, multifamily residential buildings. The Applicant has the option to apply for a Zoning Map Amendment to change its zoning to be compatible with the adjacent multifamily use.

Instead, to game the system, on February 15, 2023, the Applicant filed an SB 330 Preliminary Application for a "Builder's Remedy," an enormously controversial and unclear provision of State housing law—soon to be amended—designed to motivate local governments who do not comply to adopt General Plan Housing Elements that will enable providing their fair share of California's housing need. Attached Appendix I., "615 S. Catalina Permit Processing Timeline," summarizes the sequence of the Applicant's filings and Staff's reviews. Also attached, Appendix II, "Pasadena Housing Element Certification Timeline," shows the City's timely progress towards substantial compliance.

Pasadena submitted its adopted Housing Element to the CA State Dept. of Housing and Community Development (HCD) on January 11, 2023, receiving confirmation of substantial compliance from HCD on March 10, 2023. The Applicant took advantage of the 60-day window and filed for the "Builder's Remedy," claiming the City was not in compliance during that time

and thus without a Housing Element per the statute. The Applicant thus applied to vest rights to build the Project without regard for the City's General Plan and zoning. Although recent non-binding trial court rulings in "Builder's Remedy" cases have favored developers, these are not precedent and are based on specific facts that do not apply to Pasadena. The City needs no rezoning to comply, exceeds the amount of residential zoning needed to meet its fair share of housing, already requires 20% of all new housing built to be affordable, and allows housing by right on religious-owned land. Thus, the "Builder's Remedy" does not apply and serves no purpose other than for the Applicant to 'buy low/sell high.' Despite arguments by the Applicant's counsel, the Applicant is not entitled to a "Builder's Remedy".

Furthermore, to thwart public knowledge of the Project and participation in the decision-making, the Applicant filed a Preliminary Plan Review (Phase 1 of the City's Design Review process) four months later, on June 15, 2023, for a 49-unit project, 1 less unit than the 50-unit threshold required for City Council review. Thus, the Project was reviewed only at the Staff level. The surrounding community was barred from officially commenting until the May 16th BZA hearing, 16 months after the Applicant filed for a "Builder's Remedy." If approved, residents might be subject to a lack of open space and light and an increase in noise and traffic generated by a neighboring project more than triple in height and more than 75 times denser than their home (which is colloquially being referred to as "Godzilla in My Backyard"). In addition to accusing the City of violating State housing law by rejecting the "Builder's Remedy" and requiring the Applicant to abide by City zoning, the Applicant claims it violated California's Permit Streamlining Act that sets deadlines for responding to applicants during the Design Review Process, which it did not.

Overturing both Staff's and the BZA's determinations—which I am urging the Council against--would grant special privileges to the Applicant. It would also result in de facto *spot zoning* for "the wrong project in the wrong place" entirely inconsistent with the zoning district without a compelling public benefit. Ultimately, overturning the determinations would erode further the City's *police powers*, its ability to protect the community's health, safety, and welfare through local land use regulation given the State's tendency of late to dictate 'one-size-fits-all' housing controls.

A more detailed discussion of the reasoning for my decision follows.

The First Two Grounds for Staff and BZA Determination – Failure to Comply

Staff's incomplete determination for the Project, which the BZA upheld, was based on three findings, any one of which would be grounds for a determination of incomplete: 1. failure to pay the required filing fees; 2. failure to submit a complete application for Concept Design Review; and 3. failure to propose a use consistent with the City's adopted zoning regulations, including exceeding excessively the density and height requirements.

Regarding the first two grounds, to process further a development proposal once the applications for Preliminary Plan Review (PPR) and Preliminary Consultation (both the non-discretionary, Phase 1 of the Design Review process) have been completed and concluded--which has transpired for the Project--all applicants must pay the required filing fee and submit a complete application for Concept Design Review (Phase 2). The Applicant was notified in writing on April 3, 2024, of preliminary comments and that the application for Concept Design Review was incomplete along with the Submittal Checklist and an invoice for outstanding filing fees to proceed. At the time of the BZA hearing on May 16, 2024, no good faith effort had been

made to comply. Although the Applicant did pay the outstanding fees after the BZA hearing, to allow the Project to proceed without submitting a complete application for Concept Design Review would constitute a special privilege not afforded other applicants. Thus, like the BZA, the Council must uphold the original determination of incomplete and suspend processing. To accept the incomplete application and allow the Project to go forward, the Council would need to disregard the Project's inconsistency with the General Plan and zoning.

The Third Finding: The City's Zoning Must Stand

The Council's finding of inconsistency with the City's zoning is essential to the future of its local control. Making that determination upholds the City's right to adopt policies to protect the health, safety, and welfare of the community. These were first guaranteed in the 1926 landmark US Supreme Court case *Village of Euclid v. Ambler Realty Co.* upon which all land use regulation rests, the State has upheld, and all jurisdictions in California may abide (see California Constitution at XI, Section 7). The multiple amendments to the State's 1982 Housing Accountability Act (HAA) first included in 1990, the so-called "Builder's Remedy" provision under dispute here, and through the Housing Crisis Act of 2019 (SB330), the non-discretionary "preliminary application" to further streamline processing housing projects. However, the intent of these State housing law amendments is not to erase all zoning. The purpose is to compel local governments to contribute to resolving with urgency California's deficient housing supply. The primary aim of these measures is to ensure local land use regulations and processes facilitate achieving their fair share of projected housing needs.

The Applicant is claiming an exemption to local land use regulations based on its February 15, 2023, filing of an SB330 preliminary application. In doing so, the Applicant claimed the "Builder's Remedy" afforded to developers under the almost 30-year-old HAA provision. On its face, this grants developers the vested right at the time of submitting a preliminary application to bypass local zoning laws and build certain housing projects, even if those projects do not comply with the City's Zoning Ordinance or General Plan. This advantage is available only if the City's General Plan Housing Element is not in 'substantial compliance' with State housing law. The Applicant claimed this was true on the date of the February 15, 2023, filing but Staff disagreed and the BZA concurred.

According to CA Govt. Code 65589.5(d)(5) the "Builder's Remedy" does not apply when "...the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article...and has met or exceeded its share of the regional housing need allocation...." Per the letter of the law, the City Council adopted Pasadena's current Housing Element on July 18, 2022, and filed it with HCD. The City responded to final technical comments from HCD after several earlier pre-adoption rounds then resubmitted it on January 11, 2023. In its letter to the City on March 10, 2023, HCD concurred the January 11th Housing Element was substantially compliant with State law. Like all of California's 539 local governments submitting Housing Elements to HCD for review, Pasadena had no control over timing once it submitted its first draft on August 21, 2021 (per CA Govt. Code Section 65585(b)), or the number of rounds of reviews and resubmittals required by HCD, which the law gives up to 60 days to respond, until it would issue its certification. For Pasadena, the whole process was hampered and lengthened by the State's declared state-of-emergency and slowdown during the early days of the COVID-19 pandemic. Despite unprecedented circumstances the City made good faith efforts to submit its Housing Element in a timely manner. As of May 1, 2024, 58 jurisdictions of the 197 in the Southern California region were still not in compliance.

What is in dispute here is whether or not from January 11 to March 10, 2023—during which time, on February 15, 2023, the Applicant submitted for “Builder’s Remedy”—the City’s Housing Element was in ‘substantial compliance’ with State law and, thus, the City’s land use regulations would apply. Per the letter of the law, on January 11th the City had adopted a compliant Housing Element. Among its allegations and grounds for this BZA appeal, the Applicant’s counsel argues against strict application of the letter of the law and alleges the City violated the HAA. The Applicant cited three recent non-binding LA Superior Court decisions. These ruled in favor of developers’ use of the “Builder’s Remedy” based on generally similar but specifically distinct facts, and are not binding precedent (see *New Commune DTLA LLC v. City of Redondo Beach*, decided on February 8, 2024; *600 Foothill Owner, L.P. v. City of La Cañada Flintridge*, decided on March 4, 2024; and *Janet Jha v. City of Los Angeles*, decided on March 5, 2024). In these three cases, two heard by the same Judge James C. Chalfant, the facts involved failure to rezone and inconsistency among local land use regulations. The court considered the city’s progress toward compliance and ultimately decided that ‘substantial compliance’ may be interpreted not when the Housing Element is adopted but the date of HCD’s determination and certification, which HCD has claimed but is also non-binding. The gap period until State certification would put all substantially complying local governments at risk of losing local land use control, given the lack of clarity and controversy surrounding the “Builder’s Remedy.” Substantial compliance is ultimately based on facts, the contents of the Housing Element itself, which has not yet been fully tested at the appellate level. The facts in the cases cited differ significantly from those of Pasadena.

RHNA Allocation: The Metric That Drives Housing Elements

By way of background, since 1969, when California first adopted its Housing Element law (CA Govt. Code § 65880 et. seq.), the State has recognized an ever-growing need for additional homes. To strive for equitable distribution of them, in 1980, it adopted the Regional Housing Needs Assessment (RHNA) allocation process (CA Govt. Code § 65300 et seq.). Local governments receive their fair share of the regional RHNA allocation through the State’s regional planning agencies, which for Pasadena is the Southern California Association of Governments (SCAG). The current process drives housing production programs and policies for developing local government’s 6th Cycle 2021-2019 Housing Element. State law requires housing elements to show sufficient land zoned for residential use to meet its allocation over the eight-year period for four income categories: affordable to very low-, low-, and moderate, and above-moderate based on an adopted formula. Additionally, a local government is prohibited from enacting polices that impair the production of new housing through practices and processes, especially affordable units. The RHNA number for Pasadena is a total 9,429 new units, which is the metric that drives the City’s compliance with State Housing Element law.

Pasadena’s General Plan Housing Element and Land Use Element Consistency

Pasadena’s current ‘RHNA number’ for its Housing Element is consistent with the City’s General Plan Land Use Element adopted in 2015. Pursuant to State law, General Plans shall be internally consistent. Pasadena’s Land Use Element was adopted in compliance with the State’s Planning and Zoning Law (CA Govt. Code §65300 et seq.), by identifying a land use designation for each parcel of land within the City and provides the basis for ensuring that an adequate number of parcels are zoned for residential use to meet its fair share. Based on the number of sites, their use, and density identified in the Land Use Element, the City’s implementing Zoning Code also ensures against any regulatory roadblocks to meeting its RHNA target. If the courts were to consider, as in the non-binding decisions cited above, that

Pasadena's adopted July 18, 2022, Housing Element (submitted in final form to HCD on January 11, 2023) was not in 'substantial compliance' with State law for non-certification by HCD until March 10, 2023, it might also find its Land Use Element was nonetheless in full force and effect on February 15, 2023, when the applicant's preliminary application was filed. The court might also find the City's Land Use Element consistent with its RHNA allocation, thus negating the intent and usefulness of the 'Builder's Remedy' provision or its interpretation--not as yet fully tested in court—and that vested rights at the time of preliminary application filings includes provisions of the Land Use Element upon which the Housing Element relies.

Three additional sets of distinguishing facts would support the same conclusion and the Staff's and BZA's determination that the application is incomplete for inconsistency with the City's land use regulations.

1. Pasadena Exceeds its RHNA Allocation. Since first adopted on July 18, 2022, Pasadena's Housing Element shows that based on the number of sites and allowed density the City's residential zoning as shown in its Land Use Element, not only meets but also exceeds its RHNA allocation by over 1,000 housing units, including for multifamily affordable ones. Unlike the city of La Canada Flintridge at the time of *600 Foothill* that had not completed required rezoning to be compliant and does not yet have a HCD-certified House Element, Pasadena had adopted a compliant Housing Element one month before the Applicant's Feb. 15th filing and it was deemed by HCD to be substantially compliant about one month later. No rezoning was needed in Pasadena since the July 18, 2022 adoption to ensure adequate sites and density. In May 2022, the City had already adopted a text amendment to remove building caps for development in compliance with SB330. Thus, the "Builder's Remedy" has no impact on forcing the City's compliance by providing its fair share of units. The provision would solely provide the Applicant advantages as to land cost and certainty by erasing all land use regulation. However, selecting its 'lower-cost' parcel in an RS-6 zone, the Applicant had the option to apply for discretionary actions to change the zoning: a Zoning Map Amendment for compatible density with the nearby RM-32 zone, which would if approved allow minimally 10 units and possibly the 49 units proposed if the Project were 100% affordable and State Density Bonus measures were applied; or the Applicant could apply for a Variance. More importantly, the Applicant could choose from an ample array of other available sites, far in excess of the RHNA allocation, that meet the City's residential zoning if its motivation were to develop multifamily housing and with more certainty (see Housing Element Appendix Table C6, "Currently Available Sites.")

2. Pasadena Requires Affordable Units. The intent of the "Builder's Remedy" provision is also to ensure a percentage of new units are affordable in noncompliant cities that have inadequate zoning for each income category. To take advantage of a "Builder's Remedy" relief from zoning requires an applicant to propose a minimum of 20% of the new units be affordable to low-income residents. On September 10, 2001, well before any related statewide requirement, Pasadena adopted its Inclusionary Housing Ordinance (see PMC Section 17.42.040.A.). It mandates that all new housing projects with 10 units or more include a percentage of affordable units, at first 15% and then increased to 20% in December 2019. Thus, proposing 20% affordable units to take advantage of the "Builder's Remedy," which the Applicant has done, again does nothing to advance the State's intent of forcing production of affordable units in noncompliant jurisdictions, because it is already a requirement in Pasadena.

3. Pasadena Allows Housing on Religious Land (further exceeding its RHNA number). In *600 Foothill*, the developer proposed to build a mixed-use development with 80 mixed-income dwelling units on former religious land inconsistent with the City's zoning and thus relied on the

"Builder's Remedy" loophole to further the Project. La Canada Flintridge, a small bedroom community with limited available sites and a challenging topography, had not adopted the required rezoning for Housing Element compliance at the time its Council denied the project as incomplete for inconsistency with its zoning. Hence, its Land Use and Housing Elements were not internally consistent. In contrast, at the time of the *600 Foothill* decision, neighboring Pasadena, a full-service city and established regional center, had not just achieved internal consistency in its General Plan but already adopted on September 19, 2022, an ordinance amending its Zoning Code to allow the construction of affordable units on land owned by religious institutions. The density is set at 36 dwelling units per acre with up to 75 units "by right" and more with approval of a minor conditional use permit (see PMC Section 17.50.230.F.). Buildout based on this provision would result in further exceeding the RHNA allocation by about 3,000 additional affordable units without a density bonus. Thus, if a project similar to *600 Foothill* on religious property were proposed in Pasadena it could have been consistent with its General Plan and there would be no need to apply for a "Builder's Remedy." Thus, the facts do not apply.

Unintended Negative Consequences to Overturning the Staff's and BZA's Determinations: The Wrong Project in the Wrong Place

The Applicant has relied on a loophole in State law, the "Builder's Remedy," solely for its own benefit and unjust enrichment. By erasing zoning, the Applicant is able to buy property zoned for single-family residential use at a far lower price than that of a comparably-sized lot zoned for multifamily or mixed use. The Applicant can then develop the property at far greater intensity for sale than the adopted zoning allows and realize a greater profit or valuation than all other developers who comply with City zoning. If its scope is interpreted and applied largely, the "Builder's Remedy" would enable a developer to submit a global application for all properties in the City (except industrial or agricultural) and then wait for the best real estate deal to proceed regardless of the existing use or context with substantial negative consequences for adjacent uses. Most homes in Pasadena are modest single-family ones affordable to low- and moderate-income owners and renters. While the impact might be to incentivize more housing units anywhere in the short run by stimulating greater profit, it would also have the cumulative negative effect in the long run of decreasing the character of the city's neighborhoods and historic resources and thus its land values. This is one argument that may be used to allege irrational, discriminatory, and unjustified 'spot zoning' in the case of this Project. As proposed, it is the wrong project in the wrong place.

In California, the appellate court has allowed 'spot zoning'—which would occur *de facto* if the Applicant were allowed a "Builder's Remedy"—only in special cases. 'Spot zoning' occurs when an 'island' of property is granted more or less rights than those surrounding it, such as granting a multifamily residential use within a zone otherwise designated for single-family. Although historically a prohibited practice especially with respect to relatively small lots such as this one on about 1/3 of an acre, spot zoning may be permissible when there is a compelling public benefit that furthers the purposes of the General Plan (see *Foothill Communities Coalition v. County of Orange*, decided by CA Court of Appeals, January 13, 2014). The "Builder's Remedy," which supersedes spot zoning, is designed to ensure there is adequate land zoned to allow the City's fair share of housing, a compelling Statewide benefit. However, there is no compelling public benefit from the proposed Project given the actions Pasadena has taken to increase its housing supply as noted: further exceeding its RHNA allocation by zoning more than adequate available land for higher-density housing (appropriately along arterials and within specific plan areas), allowing multifamily affordable housing by right on religious lands and

further exceeding the number of buildable sites for RHNA purposes, and requiring 20% of all new units to be affordable. Furthermore, the State mandates that its RHNA Allocation Plan also advance its climate change goals, fostering multiple public benefits in addition to housing. The Project is also inconsistent in this regard with the Plan, in that it is neither mixed-use nor transit-oriented, proposes extensive surface parking contributing to the heat island effect of the district, and does nothing to reduce vehicle trips, emissions, or use of non-renewable resources, which cumulatively is neither a public benefit nor in the public interest.

In conclusion, based on findings of fact and the intent of State law, the Council must uphold Staff's and the BZA's determination of Application DHP2024-00099 as incomplete for processing until the Applicant meets the City's filing and zoning regulations and the Project shows consistency with the Zoning Code and General Plan.

Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script that reads "Julianna Delgado". The signature is written in black ink and is positioned above the printed name.

Julianna Delgado

Attachments:

Appendix I, "615 S. Catalina Permit Processing Timeline"

Appendix II, "Pasadena's Housing Element Certification Timeline"

Appendix I: 615 S. Catalina Permit Processing Timeline

January 11, 2023	City submits revised Housing Element to HCD
February 15, 2023	Applicant submits Preliminary Application per SB330 requesting 'Builder's Remedy' to build a 49-unit seven-story apartment building in an RS-6 zone
March 10, 2023	HCD confirms January 11 th Housing Element substantially compliant and certified
June 15, 2023	Applicant submits for Preliminary Plan Review (nondiscretionary)
July 13, 2023	Applicant submits for Concept Design Review; Staff notifies Applicant in writing (email) that it must <u>first</u> complete Preliminary Plan Review process (Design Review Phase 1) and rejects application
July 25, 2023	Applicant submits for Preliminary Consultation (nondiscretionary).
February 8, 2024	City informs Applicant Preliminary Consultation application complete.
March 4, 2024	Applicant resubmits Concept Design Review application (Design Review Phase 2)
March 14, 2024	City notifies Applicant in writing that Preliminary Plan Review process is complete after meeting with and alerting Applicant that Project is inconsistent with Zoning Ordinance and General Plan
April 3, 2024	After review with submittal checklist, City sends "Incomplete Letter" to the Applicant for incomplete Concept Design Review submittals, failure to pay applicable filing fees, and inconsistency with the Zoning Code; includes invoice for fee; gives Applicant 120 days to comply or project will be deemed withdrawn; City meets Permit Streamlining Act 30-day requirement for responding
April 9, 2024	Applicant submits for Board of Zoning Appeals (BZA) hearing
April 25, 2024	City notifies Applicant that Preliminary Consultation process is complete; provides written comments
May 16, 2024	BZA holds appeal hearing and upholds Staff's determination of incomplete
May 21, 2024	City notifies Applicant in writing of outcome of BZA hearing and deadline to appeal for City Council hearing

Appendix II: Pasadena's Housing Element Certification Timeline



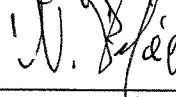
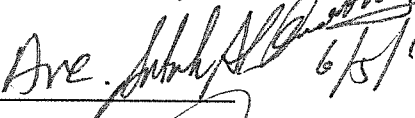

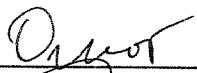
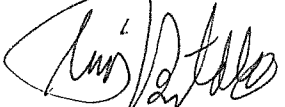

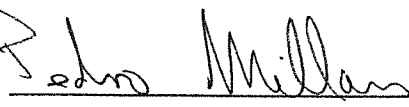
October 15, 2019	HCD adopts RHNA Allocation Plan and notifies SCAG of its regional allocation
March 4, 2021	SCAG adopts its RHNA Allocation Plan and notifies City; amends Plan 7/1/21
May 2021	Mayor appoints citizen Housing Element Task Force to work with City Staff
August 12, 2021	City submits DRAFT Housing Element to HCD
October 11, 2021	HCD sends comments to City on August 2021 DRAFT
October 15, 2021	Deadline for submitting all DRAFT Housing Elements to HCD in SCAG Region
December 29, 2021	City resubmits DRAFT Housing Element
January 12, 2022	HCD notifies City per SB330 Housing Crisis Act that development caps are illegal
February 25, 2022	HCD sends comments to City on December DRAFT; must remove building caps
April 27, 2022	Planning Commission recommends City Council adopt General Plan Amendment to remove text regarding development caps
May 23, 2022	City Council amends 2015 Land Use Element and removes development caps
June 29, 2022	Planning Commission recommends City Council approve DRAFT Housing Element with amendments
July 18, 2022	City Council adopts 6 th Cycle 2021-2029 Housing Element and submits to HCD
October 14, 2022	HCD sends final comments to City
January 11, 2023	City resubmits amended adopted July Housing Element to HCD
March 10, 2023	HCD confirms to City that adopted January 11 th Housing Element is substantially compliant and certified

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To: Pasadena City Council

2024 JUN -7 AM 11: 20

We the undersigned residents of Pasadena, CA respectfully request that the Pasadena City Council uphold the decision of City Staff and the Board of Zoning Appeals decision to deny the Application for Concept Design Review (DHP2024-00099).

Name (print)	Address	Signature and date
Mikela Bjork	75	 6/5/24
Elsy Butrago	=	 6/5/24
Wicofán Peñaléz	T30	 6/5/24
Sabah Alquaddoomi	775	 6/5/24
Maria Alquaddoomi	775	 6/5/24
Dewise Bilotta	1111	 6/5/24
Tim Bilotta	1111	 6/5/24
Wilhi P. Rly	1111	Pasadena CA
	1111	PASADENA CA.
CRISTINA BARRANTES	1111	Pasadena CA
	1111	Pasadena CA

To: Pasadena City Council

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Name (print)	Address	Signature and date
Virginia Austin		Virginia Austin 6/2/24
Lea Grantham		Lea Grantham 6/2/24
ROBERT A. GRANTHAM		Robert A. Grantham 6/2/24
Robert A. Grantham		Robert A. Grantham 6/2/24
Nune Martirosian		Nune Martirosian 6/3/24
Alex Nikolian		Alex Nikolian 6/3/24
Ralph Setian		Ralph Setian June 2024
Karine Barikyan Setian		Karine Barikyan Setian 3 June 2024
Kathryn Boyle		Kathryn Boyle 6/3/24
Jason Lee		Jason Lee 6/3/24
Patricia Kirkfish		Patricia Kirkfish 6/5/24
Camille Paton		Camille Paton 6/5/24
Carol L Paton		Carol L Paton 6/5/24





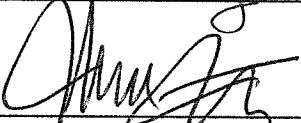
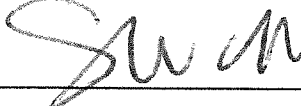
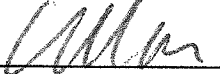



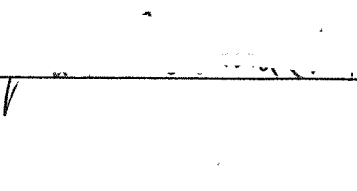
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Name (print)	Address	Signature and date
MEHRDAD JALALI		4211 Field 6/1/24
Bob Nessori		6/1/24
Henry A. Lester		Henry A. Lester 6/1/24
GARY Nikolian		GARY Nikolian 6/1/24
Garrett Collins		Garrett Collins 6/1/24
MATT MCINTYRE		Matt McIntyre 6/1/24
ERIN MORPHY		Erin Morphy 6/1/24
Ellen Santochi		Ellen Santochi 6/2/24
KEW PETERSON		Kew Peterson 6/2/24
YI CHEN		Yi Chen 6/2/24
CORDELLA WILSON		Cordella Wilson 6/2/24
William Andrew Austin		6/2/24 William Andrew Austin





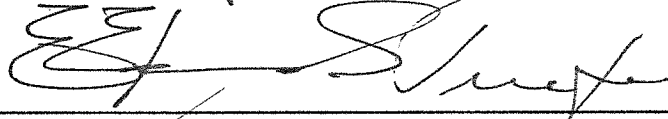
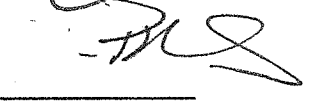
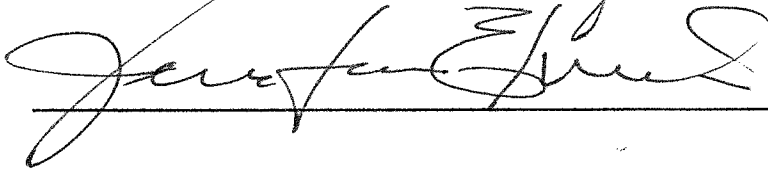
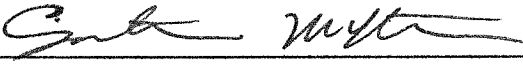



To: Pasadena City Council

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Name (print)	Address	Signature and date
Kathleen Ipekjian		
JAMES IPEKJIAN		
JOHN IPEKJIAN		 5/30/24
ROBERT VARGAS		
KIM VARGAS		Kim Vargas
Michael Stangl		 6/1/2024
Shari Meredith		 6/1/2024
Christy Morrison		 6/1/24
ANNA AGUILERA		 6/1/24
FRIED WILSON		 6/1/24
DAVID WORRELL		
James Schimmoller		

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Name (print)	Address	Signature and date
Alice McIntosh		 6-2-24
Heather Dundas		 6/3/24
Patrick Jackson		 6/3/24
ERIN CALIA WATSON		 6/3/24
		
		6/4/24
	Cynthia McIntosh	
L ELIZABETH BERTANI		L. Elizabeth Bertani 6/5/24
NIKLAS BERTANI		 6/5/24
LILY NICKELSON		Lily Nickelson 6/5/24
KRISTEN HACKER		 6/5/24
CHARLS HACKER		 6/5/24

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Name (print)	Address	Signature and date
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Steven Woodruff		Steven Woodruff 6/2/2024
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JAMIE NICHOLS		JAMIE NICHOLS 6/4/2024
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Steva Amato		Steva Amato 6/4/2024
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Susan Herron		Susan Herron 6/2/2024
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Eleanor Pott		Eleanor Pott 6/3/2024
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Andrea Pott		Andrea Pott 6/3/2024
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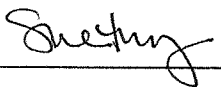
Eda Englund		Eda Englund 6/5/2024
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Cozy Fishbeck		Cozy Fishbeck 6/5/2024
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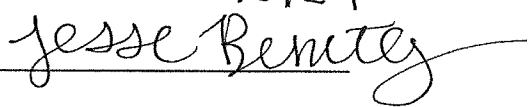
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Name (print)	Address	Signature and date
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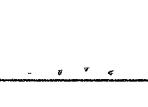



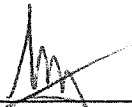


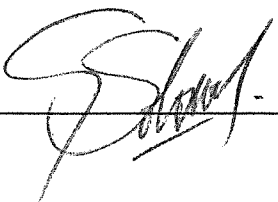
Shannon Thyme	Pasadena, CA 91106	 6/3/24
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Chris Benitez		 6/3/24
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Jesse Benitez		6/3/24 
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To: Pasadena City Council

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Name (print)	Address	Signature and date
Bruno Sene	11111111111111111111	 6/5/2024
Mari Louve Goepfer	11111111111111111111	 6/6/2024
Zhao Huang	11111111111111111111	 6/6/24
Rong Lu	11111111111111111111	 6/6/24
Martina Murray	11111111111111111111	 6/6/24
RuthAnne Bevier	11111111111111111111	 6-6-24
H. AlSaraf	11111111111111111111	 6/6/24
Marco Rago	11111111111111111111	 Marco Rago 6.6.24
Acyntya Sihprawerthi	11111111111111111111	 6.6.24
Vetos Vila	11111111111111111111	 VV 6.6.24
Laura Solomon	11111111111111111111	 Laura Solomon 6/4/24
Gavin Solomon	11111111111111111111	 Gavin Solomon 6/5/24

To: Pasadena City Council

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Name (print)	Address	Signature and date
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CAROL THOMSON		Carol Thomson June 6 2024
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Jennifer Fleischer		[Signature] June 6, 2024
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ROSE EHLER		[Signature] June 6, 2024
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SECIL BAYSAL		[Signature] June 7, 2024
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Benjamin Jones		[Signature] June 7, 2024
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Hoyt Hilsman		[Signature] June 7, 2024
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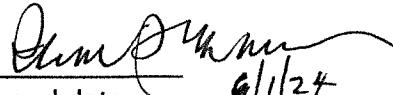
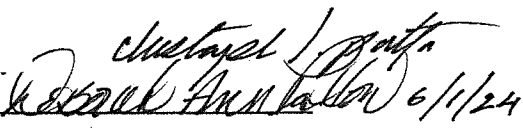
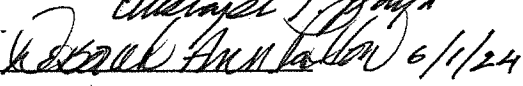
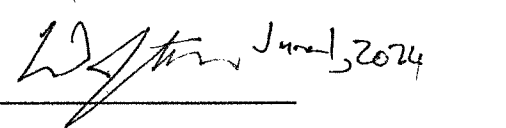
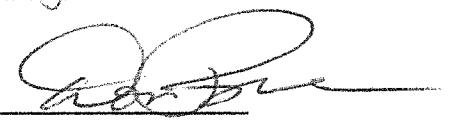
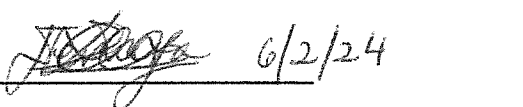
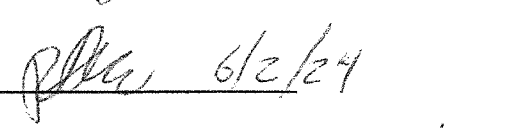
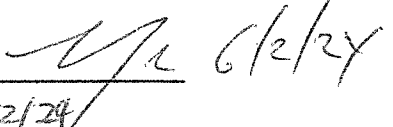
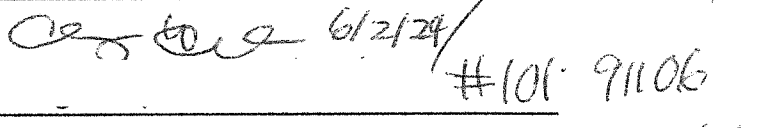
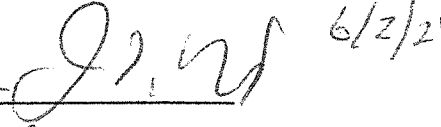


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Name (print)	Address	Signature and date
Jack Lampley	106	Jack Lampley 5/30/24
Douglas Venturilli		Douglas Venturilli 5/31/2024
TERESA O'NEAL-PAYNE	107	Teresa O'Neal Payne 5/31/24
Jamie Lizi		Jamie Lizi 5/31/24
Beverly Eng		Beverly Eng 6-1-24
Mahmoud Kalae		M. Kalae 6-1-24
Laleh Beni		Laleh Beni 6-1-24
Deborah Echeverria	17	Deborah Echeverria 6/1/24
PEDRO B. ECHEVERRIA,		Pedro B. Echeverria D. Pasadena, CA 91107
Molly Rottapel,		Molly Rottapel 6/1/24
Bret Levine,		Bret Levine 6/1/24
Daphne Brusso,		Daphne Brusso 6/1/24
LUIS SAN PEDRO DIAZ		Luis San Pedro Diaz 6/1/24
Bill McMillin		Bill McMillin 6/1/24






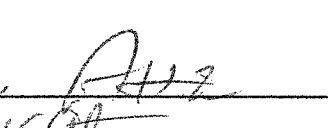
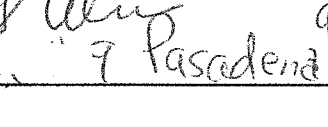

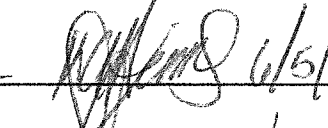

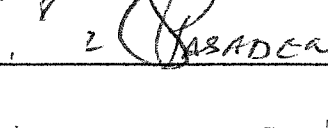
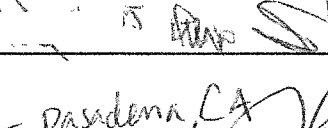


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Name (print)	Address	Signature and date
Irene S. Nakamura	Pasadena	 6/1/24
Christophor Patton		 6/1/24
Deborah Patton	Pasadena	 6/1/24
David Stevenson		 June 1, 2024
Lee Kuo		Lee Kuo 6/2/24
Ona J Welder		Ona J Welder 6/2/24
Don Payne		
Denisse Diaz		 6/2/24
Pedro Diaz		 6/2/24
MATTHEW BRAAR		 6/2/24
CHARITY HUME		 6/2/24 #101 91106
James Neill		 6/2/24
Joelle Khawli		 6/4/24
Leslie Khawli		 6/4/24

To: Pasadena City Council

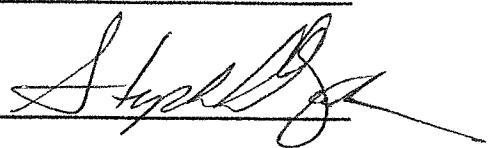
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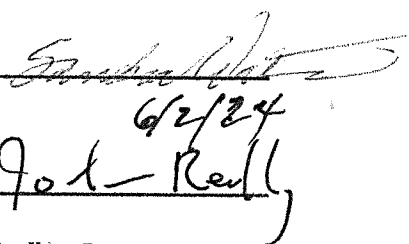
Name (print)	Address	Signature and date
Michelle Khawli		 6/4/2024
Carole Khawli		 6/4/2024
Ben Pham		 6/5/24
Lanow Lim		 6/5/24
Anhanna Pham		 6/5/24
Athias Pham		 6/5/24
Gregory Atrian	91106 Pasadena CA	 6/5/24
Tibor Balint		 6/5/24
KETH A. HARRIS		 6/5/24
Azzed Elouadi		 6/5/24
Sonya Mensink	Pasadena, CA	 6/5/2024
Dylan VanDyke	Pasadena, CA	 6/6/24
Tiffany Chung	Pasadena, CA	 6/6/24
William Loitz	Pasadena, CA	 6/6/24

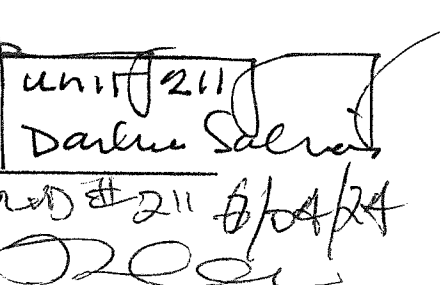
To: Pasadena City Council

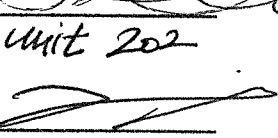
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Name (print)	Address	Signature and date
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Stephen Douglas Gooch #204		
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Sandra Watson JOANNA REILLY for her Reilly	#308 6/2/24 901 Reilly	
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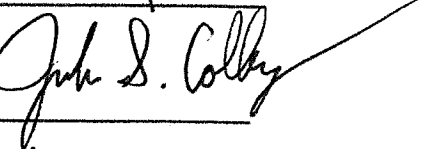
ROMAN NYKOLSHYU Darlene Salinas Darlene Salinas Richard Cohen	PASADENA CA 91106 Pasadena, CA 91106 PASADENA CA 91106	Unit 211 Darlene Salinas Unit #211 6/14/24 
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CHAEWON KIM	Pasadena, CA 91166	Unit 202 
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Jen Hsiang Du	Pasadena, CA 91106	Unit 210 6/2/24
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BARBARA H. KERSEY	PASADENA CA 91106	Unit #104 Barbara H Kersey
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Sharon Bobford	Unit 103 Pasadena, CA 91106	S. Bobford
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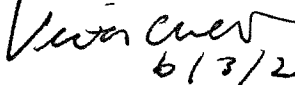
Jordan Colley	Pasadena, CA 91106	
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Hillary Colley	Pasadena, CA 91106	Hillary Colley
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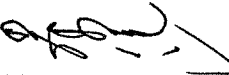
To: Pasadena City Council

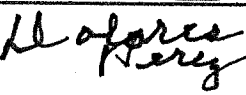
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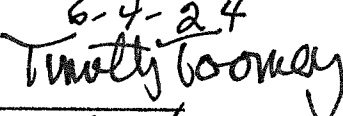
Name (print)	Address	Signature and date
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Victor Cuevas	ave	 6/3/24
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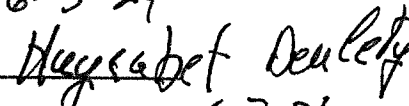
LISI WEI	Pasadena	 6/3/24
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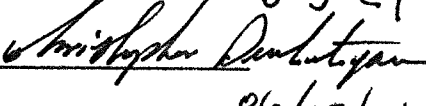
FNU Batubagon	Pasadena	 6/3/24
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Dolores Perez DOLORES PEREZ	Pasadena	 6-3-24
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Timothy Toomey	Pasadena, CA 91106	 6-4-24
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Lucin Derletyan	Pasadena Ca 91106	 6/5/24
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Hayrabet Derletyan	Pasadena Ca 91106	 6-5-24
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Christopher Derletyan	Pasadena, Ca 91106	 6-5-24
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Peter Derletyan	Pasadena, CA 91106	 06/05/24
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Lung Chi Chang	Pasadena CA 91106	 06/05/2024
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To: Pasadena City Council

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Name (print)	Address	Signature and date
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Franca Braatz	Pasadena, CA	Franca Braatz 6/7/24
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VANESSA ANTHONY

PASADENA

6/7/24

McMillan, Acquanette (Netta)

From: Nina Chomsky
Sent: Monday, June 10, 2024 11:10 AM
To: PublicComment-AutoResponse
Subject: City Council Meeting 6/10/2024; Agenda Item #22; Appeal of BZA Decision Re 615 S. Catalina Ave.

[⚠] **CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. For more information about the Phish Alert Button view article "KB0010263" on the DoIT portal.

Linda Vista-Annandale Association Pasadena, CA

June 10, 2024

Re: City Council Meeting 6/10/2024; Agenda Item #22; Appeal of BZA Decision Re 615 S. Catalina Ave.

Mayor Gordo and Councilmembers,

The Linda Vista-Annandale Association (LVAA) appreciates this opportunity to comment on this Appeal.

At the LVAA Annual Meeting several weeks ago, the main topic was Loss of Local Control including the question "Are California's Single-Family Neighborhoods an Endangered species"? The answer is Yes, and you have a terrible example of the situation before you with this Appeal.

Here, the developer is proposing a new 7-story building on a relatively small lot with 49 residential dwelling units in the RS-6 single-family residential zone. To move the project forward, the developer is incorrectly relying on State Housing law mandates, primarily the appalling "Builder's Remedy" and attempting to "game" the system and thereby avoid application by the City of what little Local Control we have left including, primarily, our General Plan and Zoning Code plus our fully legal Design and related entitlement processes. The efforts of this developer to destroy this single-family residential area are unacceptable for all the reasons stated by the Board of Zoning Appeals and the Staff Report before you, particularly the fact that the State-mandated Builder's Remedy does not apply to this project because Pasadena has a fully and timely adopted Housing Element of the City's General Plan.

Therefore, LVAA urges you to accept the Staff's recommendation and uphold the Decision of the Board of Zoning Appeals and deny the Appeal before you.

Further, as a matter of good Public Policy, it is time for the City to face the impacts of State-mandated Housing laws on single-family neighborhoods in Pasadena, particularly since Pasadena is a Charter City. Pasadena should take note of the recent lower Court decision overturning SB 9 on the basis of Local Control rights granted to California Charter Cities by the California Constitution. Pasadena should consider joining with our sister Charter Cities which brought this lawsuit to uphold this court decision through the upcoming appeal process. Note that this point of view is NOT an attack on Pasadena's excellent record of producing and supporting the production of Affordable Housing. Pasadena should continue to support producing Affordable Housing with the right projects in the right places, including well-designed projects, while defending and protecting Pasadena's extraordinary single-family neighborhoods that make up so much of this City's history and character.

Thank you for your consideration of our comments and concerns.

Sincerely,

Nina Chomsky, LVAA
cc: LVAA Board of Directors



June 7, 2024

Mayor Victor Gordo and Members of the City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, California 91101

**RE: Support for Staff Recommendation to Uphold the Board of Zoning Appeals decision
for 615 S. Catalina Avenue project
(Agenda Item 22)**

Dear Mayor Gordo and Council Members:

Pasadena Heritage strongly supports and urges the City Council to support the staff recommendation to uphold the Board of Zoning Appeals decision and its determination that the Concept Design Review application is incomplete. We believe staff's documentation clearly shows, and the Board of Zoning Appeals' rightly concluded, that the application was not complete and that it did not comply with staff's direction.

Pasadena Heritage consistently supports the creation of affordable housing within the City and has consulted and assisted with numerous housing projects over many years, working with Heritage Housing Partners and other developers to achieve excellent results. We strongly object to this proposal as inconsistent with Pasadena's vision for housing that fits into our urban form and fabric. This is an historic neighborhood of smaller-scale, largely single-story homes, and the proposed project would be grossly out of scale with the neighborhood. In addition the site is across the street from an elementary school (Polytechnic lower school), also an historic resource designed by noted architect Myron Hunt. We would anticipate that traffic, circulation, pedestrian safety and infrastructure impacts of such a project would be highly significant.

We urge the City Council to uphold the Board of Zoning Appeals decision. Thank you for your consideration of our comments on this important matter.

Sincerely yours,

Susan N. Mossman
for Pasadena Heritage