

Molinar, Tess

From: Frank Acevedo <frankacevedo12@gmail.com>
Sent: Wednesday, September 16, 2020 12:58 AM
To: Molinar, Tess; Stone, Rhonda (CTW); Madison, Steve; Suzuki, Takako; Rosie Acevedo; Van Patten, Jason
Subject: MV #11908: 1388 W. COLORADO BOULEVARD
Attachments: Proposed Alternative Findings 1388 W. Colorado.docx

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

My name is Frank Acevedo and we (my wife and San Rafael Elementary children) reside at 45 Glen Summer Rd, Pasadena, CA 91105. We are across the street from the subject property.

We wish to forward these comments, findings in the contrary, and important points for your review and consideration. The tentative decision to grant the appeal will be the cause for a the very serious jeopardizing of public safety and welfare brought upon by this (**not minor**) variance. I have over 25 years of experience in real estate development and proudly served as a Planning Commissioner for over a decade for the City of Los Angeles. I say this respectfully as I comment from a position of understanding for both the needs of community and the economic motivations of the applicant.

1. The staff report demonstrates an abuse of discretion.
2. The San Rafael community deserves better. The variance should be opposed on several grounds but most importantly the findings fail to consider key factors that have not been adequately studied, surveyed, or researched by the City of Pasadena and its many departments. Such additional studies *would* yield findings to the contrary.
3. The grant of multiple "minor impacts" needs to consider the cumulative and compounded effect of such grants and the **potential impact** resulting from such grants. I will touch on the potential impacts in the findings.
 - a. The general purpose of the findings review is to identify compliance with the Zoning Code and General Plan: *of which there is none,*
 - b. Whether exceptional or extraordinary circumstances exist: *which are clearly self-imposed or were known by the applicant as the existence of any claimed extraordinary circumstances with easements were present at acquisition*
 - c. Whether the application is necessary for the preservation and enjoyment of property rights. *The application does not limit the preservation or enjoyment of property rights as all rights acquired are present today including the right to build "by right" without the need of any variance.*
 - d. To ensure no detriment or injury to surrounding properties. *No finding can be made that demonstrates that the safety and hazards brought upon the surrounding residential and open space/park uses are not increased by the subject grant.*
4. Granting the adjustment is not necessary to accommodate the proposed construction. This is erroneous. The applicant has every right to build...by right and within the envelope expected by the applicant from original purchase. In fact, litigation may yield appraisals for such original purchase that will demonstrate that the value of purchase was reduced as a result of the expected required development rights to build by right and not by right with variances and testimony from original sellers will yield testimony to that effect.
5. The other "alternatives" to building were not adequately researched by the applicants. Specifically, there is no "hardship" that is not self-imposed. The alternative development possibilities could have included requests for parking variances to mitigate staff's findings that the developments would "impact or limit parking".

6. The suggested "adjustment" to the property **fails** to provide open areas around structures for visibility and traffic safety.
- a. A review of City of Pasadena Police Department complaints and calls will demonstrate that Colorado, Melrose, and Avenue 64 have become the preferred route for fast drivers and this particular corner has become the epicenter for reckless driving includes "donuts" which are consistently seen and heard by all neighbors. Although the commercial uses are not responsible for this behavior, the expected lack of visibility on this particular corner will only drastically increase the potential for community harm, impacts, and god-forbid death.
 - b. The sight lines for the vehicles turning right onto Melrose from Colorado are severely impacted by the presence of the development and grant in question. In fact, your own staff reports confirms a greater desire to create neighborhood uses and pedestrian friendly commercial uses while miserably incapable of accounting for the failure to prevent future death from limited traffic sight lines due to your grant.
 - c. The front and corner setbacks are required at this corner lot **more than any other adjacent or similar corner lots in this community because the subject property is directly across the street from a public park.** You know what happens to a vehicle that loses control from a speedy right turn onto Melrose when they are unable to see what's around the corner? It goes straight into the public park. This is notice that you have been warned that a dangerous condition will have been caused by your grant here and any death or injury that occurs as a result of this abuse of discretion will fall upon the City of Pasadena and ultimately its taxpayers.
7. Should the request be granted we would request a condition or applicant volunteered condition to not sell, lease to, or permit the use by any dispensary or methadone clinic.
8. I would ask our elected officials to instead permit the subdivision of this property so that eminent domain may be utilized to acquire this property as it clearly serves a public good while ensuring the easement and utilities are easily accessible for purposes of health and safety of the community at large.

Respectfully,
Frank Acevedo Sr.

applicable goals and policies that include Goal 25 (Vital Districts and Corridors), Policy 25.2 (Compact Infill Development). The denial of the adjustment to the front setback does not limit infill development adjacent to existing commercial uses, will contribute to a more active, prosperous corridor, while maintaining compatibility with residential uses in the immediate area. The denial of adjustment to the front setback does not constitute a grant of special privilege. The applicant is still required to comply with all other applicable requirements in order to develop the site.

5. Cost to the applicant of strict compliance with a regulation shall not be the primary reason for denying the Variance. Cost to the applicant has not been considered a factor at any time throughout the review of this application.