

**Linda Vista-Association
Pasadena, CA**

December 6, 2023

Paul Novak, Hearing Officer
City of Pasadena
c/o Planning Staff

Re: Hearing 12/6/2023; HDP #7007; 1260 Wellington Ave.

Mr. Novak:

The Board of Directors of the Linda Vista-Annandale Association (LVAA) has reviewed and discussed the proposed project at 1260 Wellington Ave., and LVAA has the following comments.

LVAA **opposes** the requested Minor Variance, the requested Hillside Development Permit, and the claimed California Environmental Quality Act (CEQA) Exemption.

Minor Variance. In LVAA's opinion, there is one significant issue with this proposed project which is the foundation of our opposition: the size and placement of the proposed rooftop deck to the rear of the second floor. This large second story rooftop deck, apparently designed for use by a large number of people, abuts the adjacent Linda Vista Park which is a public Pasadena Neighborhood Park operated and maintained by the City of Pasadena on a shared-use basis with the Pasadena Unified School District (PUSD). The Linda Vista Park is heavily used by neighborhood families including a large number of children of various ages, and by a number of other members of the public from other parts of the City. The significantly raised second-story deck looms over the park and lines up directly over the children's play equipment providing direct sight lines from the Deck to the Park, and from the Park to the deck. The proposed deck is unacceptable to LVAA in its proposed configuration and design as a significant public safety issue exposing families and children in the park, as well as others in the park, to unpredictable and unknown observation and surveillance and to an actual or perceived lack of security.

In LVAA's opinion, the deck feature of the project can be easily redesigned to significantly mitigate the public safety issue described and discussed above. The entire area of the proposed deck that abuts the park should be reduced in size by one-third (1/3) thereby setting the deck back away from the park and the property line. In

addition, the originally proposed decorative screening wall along the entire part of the deck abutting the park, which we understand was removed from the deck design for some reason, should be added back to the deck design.

Unless these design changes are made to the deck, our opinion is that all required Findings for the requested Variance cannot be made, and the Variance should be denied. Specifically, Findings 9, 10, 11 and 12 cannot be made. As to Finding 9, there are no exceptional or extraordinary circumstances that apply to the site because the deck easily can be redesigned to mitigate the public safety issue.

As to Finding 10, granting the application is not necessary for the preservation or enjoyment of a substantial property right or to prevent unreasonable property loss or unnecessary hardship, again because the deck easily can be redesigned to mitigate the public safety issue. As to Finding 11, granting the application as to the deck will be injurious to the public health, safety and general welfare.

As to Finding 12, granting the application is not consistent with the General Plan and the purposes of the Zoning Code and will constitute the grant of a special privilege. The General Plan includes a number of Policies that encourage and require safe neighborhoods and parks, including Policies 2.7, 2.13, and 6.7. Of particular importance is Policy 6.7 which requires that neighborhoods and parks be designed to enhance public safety. To approve the deck as currently designed ignores the overriding importance of public safety in Pasadena and in the General Plan and is a grant of a special privilege when the situation can be mitigated through redesign.

In that all required Findings cannot be made, LVAA requests that you deny the Variance.

Hillside Development Permit. Similarly, all required Findings for the Hillside Development Permit, or HDP, cannot be made unless the deck is redesigned and the HDP request should be denied. Specifically, Findings 3, 4 and 5 cannot be made.

As to Finding 3, and the deck, the proposed use is not in conformance with the goals, policies, of the General Plan which stresses public safety in both parks and neighborhoods in Pasadena. As to Finding 4, the establishment, maintenance and operation of the proposed deck use would under the circumstances of this case be detrimental to the health, safety and general welfare of the residents of our neighborhood. As to Finding 5, the deck use as described and proposed for approval would be detrimental or injurious to the general welfare of the City.

CEQA Determination. In LVAA's opinion, the Exemption determination cannot be made, and an Initial Study should be prepared. LVAA requests that you deny the exemption and direct the preparation of an Initial Study.

There are features that distinguish the proposed project, particularly the proposed deck, from others in the exempt class, and, most importantly, there are unusual circumstances involving the proposed additions, namely the size and location of the proposed deck, that remove this project from exempt status, and result in this proposed project being environmentally sensitive.

Conclusion. For all the reasons set forth above, LVAA requests that you deny the Minor Variance request, the requested Hillside Development Permit, and the claimed California Environmental Quality Act (CEQA) Exemption. Further, we request that you direct redesign of the proposed deck to mitigate the public safety issues or send the proposed project back to staff for redesign and reconsideration of the proposed deck portion of the project.

Thank you for your attention to our comments, concerns, and suggestions.

Sincerely,

Nina Chomsky

Nina Chomsky, LVAA


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