

**Jomsky, Mark**

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**From:** Susan Adkins <susannaadkins@sbcglobal.net>  
**Sent:** Friday, July 19, 2019 8:28 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Dear Sir: I am a resident and registered voter in Pasadena... and realistic enough to understand we need to pursue income sources (e.g. property tax revenue) to maintain the strength and desirability of our town. But I am also realistic enough to know that this must NOT be at the expense of the actual desirability of our community (e.g. reasonable traffic, refreshingly natural views... to name only a few).

To this end, I strongly support Pasadena Heritage's appeal and request that the City Council NOT approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Sincerely,  
Susanna Adkins

**Jomsky, Mark**

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**From:** B R Ball <brandallball@hotmail.com>  
**Sent:** Friday, July 19, 2019 9:08 AM  
**To:** Jomsky, Mark  
**Cc:** Pasadena Heritage  
**Subject:** Please DO NOT approve

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Dear Mr Jomsky -

I support the Women's City Club, The Blinn House Foundation, and Pasadena Heritage's appeal and request that the Pasadena City Council NOT APPROVE the project at 127-141 N Madison as proposed. An environmental impact report is needed to intelligently evaluate the project while studying alternatives and proper mitigation.

*Thank you,*

BRB II  
Brent Randall Ball



**Jomsky, Mark**

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**From:** E. Beres <b3r3s3@att.net>  
**Sent:** Friday, July 19, 2019 10:23 PM  
**To:** Jomsky, Mark; Madison, Steve  
**Subject:** Appeal of 127-141 N. Madison

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Gentlemen:

I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

What makes Pasadena a city that I chose to live in for the past 25 years is its care for its design guidelines, historical architecture, and mature trees, even as the city has accommodated considerable growth and development during this last quarter century. I have participated in the citizen input opportunities to develop our city's general plan, and expect those who have been entrusted with the authority to lead our city to adhere to it, as well as to respect our zoning code.

Thank you for considering my comments.

Edward Beres  
160 Arlington Drive  
Pasadena, CA 91105

**Jomsky, Mark**

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**From:** lynn bienefeld <lynnab50@yahoo.com>  
**Sent:** Saturday, July 20, 2019 6:41 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N Madison, Pasadena

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I support Pasadena Heritage's appeal and request that the City Counsel NOT approve the project at 127-141 N. Madison as proposed.

An EIR is needed to fully and appropriately evaluate the project and to study alternatives.

Lynn Bienefeld.

## Jomsky, Mark

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**From:** suzie boyer <suzieboyer@att.net>  
**Sent:** Sunday, July 21, 2019 8:55 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 North Madison

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I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

I am horrified to think that the City would contemplate allowing a 5 story, 62' development to tower over what is truly one of the most charming and historic streets in Pasadena: the cul-de-sac on Oakland with the historic homes and Fuller. When I have visitors, I always drive them down that street as it's so beautiful and historic. You will ruin it by building a looming and towering massive building.

There is a rapidly growing number of citizens in Pasadena that are worried and angry about all of the development that is inconsistent with the character of Pasadena. People who before were not interested in city affairs are now discussing this growing threat to Pasadena's character with their neighbors, at coffees, etc. We had a record number of neighbors attend our Madison Heights Neighborhood Association annual meeting because of this concern and other neighborhood meetings are reporting the same overflowing crowds. We chose to live in Pasadena for specific reasons and not one of the nearby cities because of Pasadena's character. It appears that developers are calling the shots in Pasadena. The developers want to make money, and we don't understand why the City Council isn't following the General Plan and protecting the integrity and character of Pasadena. Not every development needs to be shoe-horned in by the Paseo, South Lake or Old Pasadena. There are other places in Pasadena that they could develop: North or East Pasadena. Or, there are other cities to put their developments. We are aware that there needs to be more housing in California, but not all of it needs to be in Pasadena, next to historic neighborhoods, or Old Pasadena, the Paseo or South Lake. Please protect the character and integrity of Pasadena and do not let our city be ruined. Thank you.

Suzie Boyer

## Jomsky, Mark

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**From:** JOYCE H BRESLIN <j.breslin@sbcglobal.net>  
**Sent:** Friday, July 19, 2019 12:42 PM  
**To:** Jomsky, Mark  
**Subject:** "Appeal of 127-141 N. Madison"

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Dear Mark,

I support Pasadena Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mediation.

This is a horrible mixed-use project . Shame on the City Council for even considering this abomination.  
Thank you,

Joyce Breslin  
245 S. Holliston Ave. #203  
Pasadena, CA 91106

## **Jomsky, Mark**

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**From:** ann burckle <amberurkle@hotmail.com>  
**Sent:** Monday, July 22, 2019 8:32 AM  
**To:** Jomsky, Mark  
**Cc:** ann burckle  
**Subject:** Appeal regarding 127-141 Madison Avenue

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**Please accept my support for the rebuttal to the proposed construction slated for the above referenced address presented by Pasadena Heritage.**

Additionally, I am a valuation expert, and I would be remiss if I did not share with the City of Pasadena the following.

The analysis provided by KMA does nothing but present questions rather than provide answers. As a result, the adoption of their presentation by the City of Pasadena, without the answers to the following questions, would be regrettable and, even, negligent. Please consider the following prior to the adoption of this proposed project:

- a) No analysis of absorption of the proposed property appears to have been performed. As a result, no allowance for premiums, concessions, market depth, and ultimate feasibility may be gleaned.
- b) Details of the proposed improvements (square footage, unit location) are not presented, and relying upon an average of sale activity (which appears to include resales) as indicated by the MLS may prove deceiving results.
- c) No study to determine if there is an adverse impact to the condominium sales activity as the result of four affordable rental units appears to have been performed.
- d) The rental rate assigned to the office component of the property does not appear to reflect market rental levels.
- e) No allowances appear to have been considered for any new condominium product in the development pipeline.

These apparent inefficacies only weaken the arguments presented by KMA. Consequently, the result of the valuation opinions, without addressing market supported evidence with regard to these issues, could render the analysis as unreliable. Rather, the presentation of the valuation argument suggests that a formulaic approach was relied, and that mirroring the market characteristics was of no concern.

"If you build it, they will come" sentiment has sunk many a proposed development. It appears that this is what is being presented with regard to this proposed project. While the City may not be concerned, initially, about the actual feasibility of the proposed property, I would like to remind the City where we are at in the economic cycle (appears to be down-trending) and the development time line suggested by KMA (or the developer), may be impacted by softened economic conditions. Does the City want to approve a pioneering project based upon a set of assumptions that do not address a thorough view of the market? Simply, this proposed development could be poised for significant economic challenges without the satisfactory answers to the reasonable questions presented.

Additionally, while outside of the missive of the KMA, has the city considered:

a) The impact on value to the surrounding properties? Specifically, the impact to value on residential development backing an office building may be less than the impact to value on backing a condominium project. Specifically, the activity of an office building is confined (generally) to regular business hours. As a result, it reasonable to assume that privacy to the surrounding residential development would not be impacted at night or weekends from the existing four story office building. However, with a condominium project, the insistent nuisance imposed upon the surrounding development, is accelerated. This could result in negatively impacting the value of surrounding development?

b) Additionally, damage to the historic real estate surrounding this proposed property is likely. I strongly suggest that a condition of the development, should you choose to proceed, involve the developer to secure a bond for two times the market value of the surrounding properties. Should damage be incurred by surrounding properties, it is strongly suggested that the developer agree to remediated the damage in a manner consistent with the "reproduction cost new," not the "replacement cost new?"

**Without these questions satisfactorily answered, proceeding with this proposed development is a "fool's folly."**

Thank you for considering the above concerns. Please do not hesitate to contact me should you require further explanation to these questions presented.

Ann Burckle



**Jomsky, Mark**

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**From:** Lina Calderon-Morin <linacald@usc.edu>  
**Sent:** Friday, July 19, 2019 10:17 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Dear City Council members, c/o Mark Jomsky,

As a Pasadena homeowner and resident, I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Considering our affordable housing crisis and continued family flight facing Pasadena, we do not need another development that offers 45 new market rate housing options and only 4 affordable units.

Sincerely,

Lina Calderon-Morin

**Jomsky, Mark**

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**From:** Mike Caveney <caveney@charter.net>  
**Sent:** Friday, July 19, 2019 1:25 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Please stop destroying our historical neighborhoods. Did it ever occur to you that perhaps our city is full.

How is it that we all agree that over-sized McMansions ruin our beautiful neighborhoods but somehow five story buildings are OK.

Building straight up causes more problems that it solves. I am tempted to come to the meeting just to hear the lawyer for the developer say, "there will be no impact on traffic." They always do and you guys just sit there nodding your heads. And why is it that the developers never propose buildings for the neighborhoods they live in.

For once, lets bring common sense into the conversation.

Mike Caveney

**Jomsky, Mark**

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**From:** Carol Anne Church <cchurch@usc.edu>  
**Sent:** Friday, July 19, 2019 4:08 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Dear City Counsel,

*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*Thank you,*

*Carol Church*

**Jomsky, Mark**

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**From:** Alice Clements <aliceclements2@gmail.com>  
**Sent:** Monday, July 22, 2019 12:03 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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***I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.***

**Jomsky, Mark**

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**From:** Jeff C <tongva4802@gmail.com>  
**Sent:** Monday, July 22, 2019 3:20 AM  
**To:** Jomsky, Mark  
**Subject:** 7/22/19 City Council Agenda Items 23 and 24

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Dear Mark,

If not sure if you all are still collecting correspondence for the council agenda tonight, but if you are, please add my e-mail to the list of correspondence for tonight's agenda items 23 and 24. Please reach out if you have any questions.

Thanks very much,  
Jeff Cyrulewski

Dear Mayor and Councilmembers,  
Unfortunately, I cannot be at tonight's council meeting, since I'm out of town for work, but I am a Pasadena resident, and I support having a full CEQA review of the properties at Los Robles and Madison.

Thank you,  
Jeff Cyrulewski

**Jomsky, Mark**

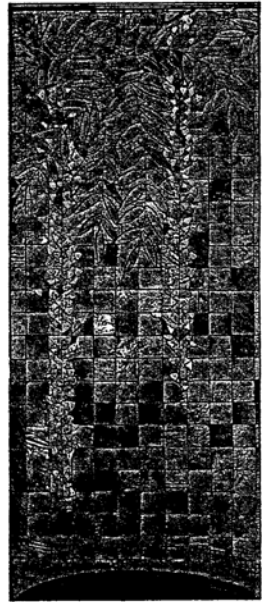
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**From:** Lance Davis <lance@parsonsnose.com>  
**Sent:** Friday, July 19, 2019 11:51 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*To whom it may concern,  
I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation. We must retain and support the historical and aesthetic values of the community.*

Lance Davis  
Producing Artistic Director  
Parson's Nose Theater  
626-403-7667



*The Blinn House  
Fireplace. Photo  
Credit Theodore  
Ellison.*

**Jomsky, Mark**

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**From:** Kathryn Dawson <kldawson60@gmail.com>  
**Sent:** Friday, July 19, 2019 1:35 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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To Whom It May Concern:

I support Pasadena Heritage's appeal and request that the City Council NOT approve the project at 127-141 N. Madison as proposed. This project needs further evaluation and study to be sure than historical landmarks are not disturbed.

Thank you,

Kathryn Dawson  
445 S. Santa Anita Ave.  
Pasadena, CA 91107

**Jomsky, Mark**

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**From:** Lynn DeLacy <lynndelacy@yahoo.com>  
**Sent:** Saturday, July 20, 2019 3:13 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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To the Pasadena City Council  
c/o Mr. Mark Jomsky

As a resident of Pasadena I am writing in support of Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as currently proposed. An Environmental Impact Report is needed to fully evaluate the project and study alternatives and proper mitigation.

Pasadena residents and visitors alike treasure the beauty and historical richness of the city. I believe a successful project could be developed at the site but it must comply with the Pasadena General Plan, Zoning Codes and Design Guidelines for a historic district.

Sincerely yours,  
Lynn DeLacy



## Jomsky, Mark

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**From:** Walter Dominguez <weavingthepast@yahoo.com>  
**Sent:** Friday, July 19, 2019 2:13 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Dear Mr. Jomsky and the Pasadena City Council;

Pasadena has some of Southern California's most precious and irreplaceable historic landmarks and historic districts. Historic districts need to receive extra consideration when looking to approve a project either adjacent to or very close to a historic landmark or a historic district. **The integrity of historic places is easily damaged by inappropriate developments adjacent to or near by that are much too large in scale and mass, and that are not in keeping architecturally with adjacent or close by historic structures and places.**

**FOR THESE REASONS I URGE THE PASADENA CITY COUNCIL TO DENY** the application for permits for this proposed multi-use building that this overly large and out-of-scale, and architecturally out-of-keeping.

While housing is always needed, it is better planning to keep size and mass, and architecture, in keeping with the existing neighborhoods, **ESPECIALLY WITH HISTORIC** districts and landmarks.

**There is also very serious and genuine concern about potential for damage to the foundation and subsoil, cracking of irreplaceable stain glass and hand painted tiles, and damage other features in the adjacent historic landmark.** Anyone who has had the misfortune to live adjacent to a large construction project knows that toxic dust, ground vibrations, earth shifts and cracks and other construction related hazards provide a real threat to the integrity of adjacent existing properties. **For a historic property, such damage is catastrophic.**

**I thank the City Council in advance for having the good sense to deny this project application.**

Best wishes,

Walter Dominguez

**Jomsky, Mark**

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**From:** N. Doner <nicoledoner@gmail.com>  
**Sent:** Friday, July 19, 2019 9:55 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Sent from my iPhone

**Jomsky, Mark**

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**From:** Heather Drake <drake.heather@rocketmail.com>  
**Sent:** Sunday, July 21, 2019 11:58 AM  
**To:** Jomsky, Mark  
**Subject:** Support of the Appeal Regarding permit numbers 11869 and 11879. We must protect our tree canopy!  
**Attachments:** City Council Trees July 22 (1).docx

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Dear Mr Jomsky,

I hope this email finds you well.

As a current Pasadena resident I am writing to let you know that we 100% fully support the attached letter.

We moved to Pasadena 25 years ago because of the uniqueness of the city and its extraordinary beauty and charm. There is no other city like Pasadena in the world!

Over the years we have watched the City of Pasadena continually make illogical decisions when it comes to balancing urban growth and maintaining the unique beauty of Pasadena. It has to stop!

The City of Pasadena is putting money before common sense. A mistake that will forever change the uniqueness of our wonderful city and before you know it Pasadena will look and feel like every other overdeveloped, congested, cement filled metropolis. According to the US Department of Agriculture, "robust urban forests or Green Infrastructure can reduce energy use, improve water quality and increase overall health and well being." This should be an important goal for our city!

The time to start using logic is now, especially with regard to our Urban Canopy! I read a quote recently that stated "drama starts where logic ends" and it fits this circumstance perfectly.

Thank you for listening.

With respect,

Heather and Josh Drake  
1475 Rutherford Dr.  
Pasadena, CA 91103  
(626)644-4166



July 22, 2019

Mayor Tornek, City Council, Planning Department  
City Clerk  
100 North Garfield Ave.  
Pasadena, CA 91101

Re: Appeal of Hearing Officer's Decision on Affordable Housing Concession Permit #11869 and #11879

Dear Mayor, City Council, and Planning Department,

The developers in both cases of 253 South Los Robles and 127 North Madison want to remove beautiful protected trees from their properties even though it seems as if they could easily be integrated into the proposed development. This 100ft canary pine at 253 South Los Robles is the only remaining protected tree left on the block. Its removal does not conform with the very first Guiding Principle of our General Plan which was developed through an extensive program of community outreach and input conducted over a six-year period. It says, "*Growth will be targeted to serve community needs and enhance the quality of life...New development will build upon Pasadena's tradition of strong sense of place, great neighborhoods, gardens, plazas, parks, and trees.*"

Our residents really want to understand the city process of our tree ordinance which allows this removal especially when we specifically asked our General Plan to include tree preservation? There are two other trees clustered next to the one tall protected tree at 253 South Los Robles to be removed and it doesn't make sense how they will be able to remain with the property line just a few feet from the remaining trees especially when design commission will not have a chance to scale back the building to make sure the trees stay healthy. How will they dig the subterranean garage and build massive walls just feet away from the trees that are to remain? Will we see another Kaiser wrongdoing? In fact, we have protections in place for this but it through the design commission.

If the design commission first had the opportunity to see how the development could be altered and minimized to save these trees as it says in our protection policy, we might see a completely different project. After these concessions are given though, you have put the design commission in a corner. They cannot save the tree by giving more incentives to the developer with height or reduced garden requirements because the project is already out of scope of the General Plan. The design commission has to choose between two evils to remove the last protected tree on the block or go even bigger which will not be consistent with our General Plan. What is happening with the city not following Goal 5, Policy 5.5 of our General Plan- "*Civic Open Space. Continue to protect the character of the Civic Center as defined by its landscaped open spaces and tree canopy. Locate and design new civic structures to respect this urban form, character, design and functionality.*"

The next big development coming to our city like these two must take our tree canopy into consideration just as our General Plan requires in Policy 5.5. It is the city's duty to protect its current residents from development that might hinder the livability of our city and protect us from a high urban heat index. In addition, our city is quickly losing what differentiates us from other cities: mature trees.

We must ensure that the city we pass down to our children isn't made of just parking lots and concrete developments. It is up to city staff and council to protect us from development that contradicts this fundamental imperative and follow

07/22/2019  
Items 23 & 24

our General Plan. While our city does have tree protections in place, it is clear it is not enough and you are not following it. The city needs to take a stronger stance on maintaining mature trees in the urban center. We must create a city that has strong urban forestry efforts with dense vegetation and a beautiful urban canopy. We need to band together and insist on stronger and more stringent views of our urban canopy.

Thank you,

**Jomsky, Mark**

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**From:** C EQUIHUA <cequihua@prodigy.net>  
**Sent:** Friday, July 19, 2019 3:33 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Please reconsider and ensure the local historical sites are given due consideration and safety measure. These treasures need to be saved for future generations and to maintain the unique profile the city of Pasadena enjoys due to its historical preservation!!

**Jomsky, Mark**

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**From:** Carol Farmer <cafarmerrun@gmail.com>  
**Sent:** Friday, July 19, 2019 12:21 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Thank you,  
Carol Farmer  
Pasadena resident

Sent from my iPhone



**Jomsky, Mark**

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**From:** Patricia Ferber <patriciaferber@hotmail.com>  
**Sent:** Friday, July 19, 2019 10:10 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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**Mark Jomsky, City Clerk,  
As we slowly destroy the historic beauty of our City.  
"Appeal of 127-141 N. Madison"  
Patricia Ferber - Sculptor, Educator**

**Jomsky, Mark**

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**From:** Judy Fisher <judyleefisher@gmail.com>  
**Sent:** Friday, July 19, 2019 10:12 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

Judy Fisher  
Supporter of keeping Pasadena a beautiful city!

## Jomsky, Mark

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**From:** Christina Folz <Christina.Folz@sce.com>  
**Sent:** Saturday, July 20, 2019 1:40 PM  
**To:** Jomsky, Mark  
**Cc:** Susan Adkins  
**Subject:** Appeal of 127-141 N. Madison

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I have lived in Pasadena for the last 30 years and have felt privileged to live in a city with charm - open spaces, trees, views of the mountains and a reasonable amount of traffic. In the past few years, with the introduction of high density housing developments I have seen the trees and open spaces disappear in favor of ugly, built-to-the-curb multi-level housing and commercial buildings. The traffic has moved from reasonable to a level that I escaped from when I left Santa Monica.

The charm and uniqueness of Pasadena is slipping away one development at a time, evolving into another densely populated, over-priced West Los Angeles. It's bad enough that Fuller was priced-out of Pasadena, but to have one of the institutions that made Pasadena so special be replaced by yet another massive, unappealing commercial building is a travesty.

***I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.***

***Chris Folz***

T. 626-372-9156

[Christina.Folz@sce.com](mailto:Christina.Folz@sce.com)



**Jomsky, Mark**

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**From:** Evelyn Gilmartin <hughev@att.net>  
**Sent:** Sunday, July 21, 2019 12:37 PM  
**To:** Jomsky, Mark  
**Subject:** 253 South Robles Appeal

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*We support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*We continue to be concerned about the overdevelopment of Los Robles around Colorado and the thorough disregard for the architectural heritage of our city. It appears that we cannot get sites built fast enough!!! How can this city supply the water demands of all these new buildings? . How can our streets handle all the extra traffic? We have to slow down development for awhile and take a breath and see what we have created or destroyed. The the small town beauty that made Pasadena a jewel may be gone before we realize it .*

*Evelyn and Hugh Gilmartin  
728 south los robles*

**Jomsky, Mark**

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**From:** Richard Henderson <rhenderson3944@gmail.com>  
**Sent:** Friday, July 19, 2019 4:52 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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I support the appeal of Pasadena Heritage, the Women's City Club and the Blinn House Foundation, and request that a full EIR be completed before considering approval of the proposed 127-141 N. Madison project  
Richard Henderson, 310 W.  
California #A

**Jomsky, Mark**

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**From:** Charles Hilliard <charleshilliard@gmail.com>  
**Sent:** Friday, July 19, 2019 10:33 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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**I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation. As a city, we also need to support a larger proportion of affordable units in all new permitted projects- we have to be proactive regarding diversity and the quality of life in our amazing city!!**

**Charles Hilliard  
35+ year Pasadena resident**

**Jomsky, Mark**

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**From:** Brian Karadizian <briank.opendoor@gmail.com>  
**Sent:** Friday, July 19, 2019 8:59 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Maddison

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Mr. Jomsky,

I support Pasadena's Heritage's appeal and request that the City Council not approve the project 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Thank you,

Brian Karadizian

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Open Door Inc.

[www.opendeye.com](http://www.opendeye.com)

[Briank.opendoor@gmail.com](mailto:Briank.opendoor@gmail.com)

Cell 626-644-3337

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**Jomsky, Mark**

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**From:** Lise Keen <lisekeen@att.net>  
**Sent:** Friday, July 19, 2019 12:07 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

*Mr. Jomsky,*

*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*I trust Pasadena Heritage's viewpoint when it comes to protecting our City's architectural legacy. The City is over developing. Let's take it slow.*

*Pasadena native,  
Lise Keen*



## Jomsky, Mark

---

**From:** andreakorpita@aol.com  
**Sent:** Friday, July 19, 2019 10:51 AM  
**To:** Jomsky, Mark  
**Subject:** "Appeal of 127-141 N. Madison"

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Dear Sir:

Please know, I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Thank you,  
Andrea Korpita-Dowd  
Villa San PASqual  
1000 San Pasqual Street, Unit T  
Pasadena, CA 91106  
T: 310.980.5287

**Jomsky, Mark**

---

**From:** Mark Liang <liangcmark@gmail.com>  
**Sent:** Saturday, July 20, 2019 9:22 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

***I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.***

***Furthermore, on a personal note, I support the increase of affordable housing of this project from the projected four units, as Pasadena's success in the future depends on access to housing and community resources.***

***Sincerely,***

***Mark Liang***

--  
Mark Liang  
Brown University - Class of 2019

# Allen Matkins

CITY CLERK

19 JUL 22 08:22AM

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
865 South Figueroa Street, Suite 2800 | Los Angeles, CA 90017-2543  
Telephone: 213.622.5555 | Facsimile: 213.620.8816  
www.allenmatkins.com

Emily L. Murray  
E-mail: emurray@allenmatkins.com  
Direct Dial: 213.955.5584 File Number: 235986-00015/LA1156915.05

## Via Email/U.S. Mail

April 1, 2019

Board of Zoning Appeals  
City of Pasadena  
100 N. Garfield Avenue  
Pasadena 91101

David Reyes  
Director of Planning  
City of Pasadena  
100 N. Garfield Avenue  
Pasadena 91101

**Re: Affordable Housing Concession Permit # 11879  
127 and 141 N. Madison Avenue**

Dear Commissioners and Mr. Reyes:

I write on behalf of Mill Creek Development, LLC ("Mill Creek") with regard to the proposed 72,000 square-foot, five-story mixed use project located at 127 and 141 N. Madison Avenue (the "Project") in the City of Pasadena (the "City"). On January 16, 2019, the Hearing Officer approved Affordable Housing Concession Permit No. 11879 for the Project, with conditions. The Hearing Officer further determined that the Project was exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") exemption for in-fill development projects (the "In-Fill Exemption"). (See 14 Cal. Code Regs. §15332.) Erika Foy of the Madison Heights Neighborhood Association ("Foy") timely filed an appeal of the Hearing Officer's determination; that appeal is set to be heard by the Board of Zoning Appeals ("BZA") on Wednesday, April 3, 2019.

While Mill Creek is not the appellant, Mill Creek supports the Foy appeal. Mill Creek is the owner of the Olivewood Village North project located at 99-121 N. Madison Avenue ("Olivewood"). Olivewood is located in close proximity to the Project; so close, in fact, that two protected trees and six other trees within the Olivewood property have been identified in the Project's arborist report. Olivewood will be negatively impacted by the proposed Project, including impacts to the protected trees, views, and the neighborhood character. As a developer, Mill Creek understands the advantages of working with City Staff to develop a project that benefits not only the developer but also the City and surrounding community as well. This proposed Project fails in this regard.

Mill Creek believes that the evidence in the record before the Hearing Officer and the BZA does not mandate the granting of an Affordable Housing Concession Permit, and that the In-Fill

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Exemption was wrongly applied. Specifically, while Mill Creek acknowledges the benefits density bonus concessions provide, there are numerous issues with the Project that were not adequately considered, or addressed at all, and accordingly the approval of the Project and the Affordable Housing Concession Permit fails to comply with Cal. Gov. Code § 65915(d)(1), CEQA Guidelines § 15332, and CEQA Guidelines § 15300.2. These deficiencies are addressed in turn.

**I. The City May Deny the Concessions Under Cal. Gov. Code § 65915(d)(1).**

The statute authorizing density bonus concessions, Cal. Gov. Code § 65915(d), states the following:

(1) ... The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) *The concession or incentive does not result in identifiable and actual cost reductions*, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) *The concession or incentive would have a specific, adverse impact*, as defined in paragraph (2) of subdivision (d) of Section 65589.5, *upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and* for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

Cal. Gov. Code § 65915(d), emphasis added.

Here, the evidence in the record supports denial of the requested concessions. First, the evidence demonstrates that the concessions do not result in identifiable and actual cost reductions as demonstrated by the Keyser Marston Associates analysis. (Cal. Gov. Code § 65915(d)(1)(A).) Second, the concessions would have a specific, adverse impact upon the physical environment and there is no feasible method to mitigate or avoid the impact without rendering the development

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unaffordable to low-income and moderate-income households. (Cal. Gov. Code § 65915(d)(1)(B).) Finally, the concessions would have a specific, adverse impact upon real property that is listed in the California Register of Historical Resources, and there is no feasible method to mitigate or avoid the impact without rendering the development unaffordable to low-income and moderate-income households. (Cal. Gov. Code § 65915(d)(1)(B).)

**A. The Concessions Do Not Result in Identifiable and Actual Cost Reductions as Demonstrated by the Keyser Marston Analysis.**

The analysis provided by Keyser Marston Associates ("KMA") on November 20, 2018 to the City to support granting the Affordable Housing Concession Permits ("AHCPs") for 127-141 N. Madison Avenue is predicated upon data errors such that the City has the right to deny these AHCPs. Using faulty data, the KMA model provides scant evidence why the City could not reject the AHCP applications, and in fact, a proper analysis of the data fully supports the opposite conclusion: that the applications do not meet the letter or spirit of section 65915(d)(1)(A). KMA even acknowledged in an email to the City on August 27, 2018, that "... the Madison project is actually borderline on whether or not it (meets) the specific concessions being requested."

The developer is asking to substantially exceed both the City's FAR and height zoning restrictions by providing only one additional affordable housing unit above the number required by the City's affordable housing statute. The magnitude of such excess, as measured against the benefit, requires a more diligent analysis in order for the City to adopt the plan.

The KMA analysis evaluates a Base Project allowable by right and a Concession Project allowable upon the granting of the two AHCPs. The most important (but erroneous) conclusion of the report is that the Concession Project (49 units, FAR of 2.25 and a height of 62 feet) will be less expensive to build on a per-unit basis than the "as-right" or Base Project (36 units, FAR of 1.5 and a 50 foot height limit with height averaging to 65 feet), thus resulting in identifiable and actual cost reductions in the production of four affordable housing units. In construction cost terms, KMA concludes that the Concession Project will have a per-unit cost of \$474,000 versus the Base Project's construction cost of \$478,000 per unit, a very slight advantage found using faulty modeling data.

The report also concludes that the developer is deriving only \$314,000 in benefits in excess of the net cost to provide the four affordable units. While not a reason to deny concession permits, the failure to properly analyze the magnitude of the private benefits associated from these concessions potentially misleads policymakers regarding the feasibility of the developer to achieve bonus densities without incurring the high cost of the requested AHCPs.

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**1. First Conclusion Error: The Concession Project Actually Produces Cost Increases, Not Cost Reductions.**

KMA's first conclusion is indefensible when a proper analysis of the data is undertaken. The conclusion was derived through the use of incorrect data, thereby invalidating the results. There are two significant areas of incorrect data.

First, the model uses the same percentages to allocate the site purchase price, demolition costs and grading/landscaping costs in both the Base and Concession Projects for the residential portion and the commercial portion of this mixed use project. This is simply a modeling error. The percentage of residential and commercial should change in each project, given the respective size of each use to the whole Project as measured in gross buildable square footage. The Concession Project correctly allocates 92% residential and 8% commercial gross square footage. In the smaller Base Project, however, when the commercial square footage stays the same but the residential component of the mixed use project shrinks, the appropriate allocation is actually 87.5% and 12.5% respectively, not 92% and 8% as the model presents. The failure to account for this change results in a significant modeling error.

Case	Office Sq. Ft.	Resi Sq. Ft.	Total Sq. Ft.	% Office	% Resi
Base	6,002	41,830	47,832	12.5%	87.5%
Concession	6,002	65,998	72,000	8.3%	91.7%

The BZA Staff Report issued March 29, 2019 ("BZA Staff Report") states on page 9 that "The residential component consumed the remaining costs and therefore, was similarly held constant. KMA has provided an addendum (to be provided as a separate attachment on April 1, 2019) further explaining the rationale." As of this writing, the public has not been seen any rationale addendum from KMA provided to the City that explains this modeling error.

While such a change may seem small, these numbers flow through the model in other line items, such as direct cost contingency, indirect costs and financing costs. When proper percentages are used, the Base Project's construction costs are reduced to \$472,147 per unit. Thus, a single error in calculations improperly elevated the Base Project's cost above the Concession Project's costs of \$474,000. With this correction, the Base Project's construction costs per unit are lower than the Concession Project's costs. This demonstrates that the Concession Project costs actually rise above the Base Project through the granting of the concessions. (See Exhibit A.)

The second error becomes quite clear when thinking about the dynamics of the two projects. In the Concession Project, the developer is building significantly larger condo units than in the Base Project. Since construction costs are near-linear in KMA's set of assumptions (i.e. costs increase

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relative to the amount of square feet built), it is highly unlikely or even impossible that the Concession Project will produce identifiable cost savings. By building larger units, construction costs on a per-unit basis must increase. In fact, this is the actual result for this Project, as explained below.

The average unit size in the Base Project is 1,096 square feet. The average unit size in the Concession Project is 1,288 square feet, or 18% larger. If all inputs stay linear or proportionate to construction square footage, as characterized by KMA, building larger units would naturally cost more to build on a per-unit basis. So how did KMA come to the opposite conclusion? It relied on erroneous data for a single line item: "Public Permits & Fees." KMA assumed, incorrectly, that the cost per square foot for the Base Project units was \$45.90, while the costs for the Concession case dropped to \$32. A review of all Public Permits & Fees suggests that such fees would be around \$38 per foot in the Base Project and \$34 per foot in the Concession Project. (*See Exhibit B.*) In another KMA analyses for a project around the corner, at 711 E. Walnut Street, KMA concluded that Public Permits & Fees were \$31.79 per foot for the Base Project and \$36 for the Concession Project which is far more accurate and consistent with the calculations shown in Exhibit B. (*See Exhibit C.*)

Where did the erroneous numbers come from? The KMA report notes that these were inputs provided by the developer, but the numbers literally do not add up<sup>1</sup>. Most municipal or public fees are based on project valuation, which is nearly proportional to a project's gross square footage – even Residential Impact Fees ("RIFs") are fairly proportionate to a project's square footage. In this specific example, the RIFs are not completely linear because the unit sizes grow from the Base project to the Concession Project, hence the number of units shrinks proportionately and the RIFs are slightly lower proportionately. Even then, the non-linearity of the RIFs does not affect the overall linearity of Public Fees.

Perhaps the developer or KMA included an affordable housing in-lieu fee in its Base case scenario for Public Fees, but this is inconsistent with KMA's stated modeling purpose and all other KMA reports submitted to the City. These "Public Permits & Fees" in base cases are intentionally analyzed exclusive of any in-lieu fee for affordable housing requirements, so that decision makers can make an apples-to-apples comparison. As KMA's own analyses correctly articulate, it would not make sense for the only circumstance for a Concession Project to produce "identifiable and actual cost reductions" to be result from the reduction of an in-lieu fee payment for affordable housing.

When this error is corrected, contingency and financing costs are decreased, and the Base Project construction cost per unit is reduced once again to \$462,103. The Concession Project cost

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<sup>1</sup> KMA even notes on page 14 that the data provided "should be verified" – but apparently was not.

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increases slightly to \$476,415. (See **Exhibit D.**) In other words, by correcting the two errors, it is clear that no actual cost reductions are found in the Concession Project, *and in fact, the actual cost increases.*

By adding land acquisition to the analysis, unit costs slightly decrease in "Total Cost" from the Base Project to the Concession Project, from \$620,169 to \$598,109. But the applicable statute requires "actual" cost reductions. This property was acquired four years ago – building the Concession Project in no way reduces the actual cost for the land, a fact any developer knows well. The land acquisition is a "sunk cost" that is factored in at the beginning, whether or not the developer builds a "base" or "concession" project. It should not be considered with regard to the statute's requirement to reduce actual costs, i.e. those related to the actual, future production of housing.

The more appropriate land price to be included, if any, would be a newly calculated land cost based on a Residual Land Value calculation typically used in such circumstances, the difference between the future value of the project and the future costs of the project after including a market return on equity. Residual land "cost" would most certainly climb substantially in the Concession Project compared to the Base Project because more units create greater profitability.

As defined by one economist, "Residual land value is a method for calculating the true value of development land. This is done by subtracting from the total value of a development, all costs associated with the development, including profit but excluding the cost of the land. The amount left over is the residual land value, or the amount the developer is able to pay for the land given the assumed value of the development, the assumed project costs, and the developer's desired profit." Residual value would go up with a larger entitlement envelope and down with a smaller one, but would not affect "identifiable and actual costs" of producing housing.

When the modeling errors are accounted for, it is clear that the Project as designed does not result in actual cost reductions as required by statute.

**2. Second Conclusion Error: The Developer Does Not Need Both Concessions to Build Affordable Units Under the Permissible Bonus Density.**

The second conclusion is also counterintuitive when the model's data is analyzed. Unsurprisingly, it was also achieved only by KMA's acceptance developer's unverified data.

KMA concludes that the developer is scarcely making a profit by providing four affordable units in the Concession Project – a sum of \$314,000, over the social value the City derives. However, KMA arrives at this number by relying on the developer's assertion that all condominium units with the same number of bedrooms will sell at the same price, regardless of square footage. This notion is totally refuted by an analysis of market data.



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In this particular case, KMA's model uses prices for condo sales in the Base Project and Concession Project at exactly the same price, even though the condos in the Concession Project are 18% larger. In other KMA analyses, KMA determined that condo sales prices in this neighborhood are consistent with their square footages, which is the generally accepted valuation method realtors employ when analyzing the sale pricing of units. (See **Exhibit E, Exhibit F.**) The data not only shows that the developer's estimates for his Concession Project sales prices are considerably inconsistent with the market, but that other projects only anticipate a slight variation in their sales price per foot based on the square footages of the units, in fact in both directions.

In the Base Project, the developer assumes \$673 as the average sales price-per-foot. In the Concession Project, which has the same proportionate number of units in each bedroom category, the average sales price-per-foot drops to \$582, which is simply unrealistic: no developer would build larger units and spend more construction costs to get the same per-unit sales results. If accurate metrics were used in the Concession Project using the same per-foot sales price, upwardly adjusting the Concession Project even within \$20 per foot of his Base case, KMA's model would show that the developer was making a profit of over \$4 million in the Concession Project – not \$314,000. While the intent of the affordable housing statute is to encourage developers to provide more affordable units through market incentives, it is not the obligation of the City to grant Concessions simply to increase a developer's profitability. The point of this metric is to determine whether the City is getting social benefit relative to the private benefits the developer is getting through the concessions. That is not demonstrated here.

The BZA Staff Report continues to compound this erroneous line of thinking by stating on page 10 that "Comparable data used by KMA in the analysis was based on a search of closed sales for condominiums located in zip codes 91101, 91105 and 91106." It goes on to say that "The average price per square foot of saleable area was identified for one-, two- and three-bedroom units," as though that responds to the issue. However, averages do not tell the story. Attached in **Exhibit F** is a more precise analysis of the data the BZA Staff Report says KMA analyzed, closed sales in Pasadena for the last six months using data provided from the MLS to Sotheby's International. Mill Creek is also a developer and seller of condominiums in the Pasadena area and has been tracking local data for the last 14 years. The data for the last decade is consistent with the data results reflected of the most recent six months of sales: sales prices track square-foot sizes of condos.

By using a correlation analysis (known as R<sup>2</sup> or R-squared computation of regression data) to isolate what drives sales prices, it becomes clear that square footages have a vastly higher impact than simply the number of bedrooms, particularly in the same project. On a scale of 0 to 1.0, bedrooms in the analysis only account for 18% of the variance in the relationship between price and number of bedrooms, where square footage accounts for 82% of the variance between square footage and sales price. In other words, statistically, square footage drives sales price.

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When the real profitability is taken into account of the Concession Project with its 18% larger units, KMA's statement on pages 17 and 18 of its report is neither reasonable nor defensible:

... the City does not have sufficient evidence to deny the Applicant's request for Height and FAR Concessions for the following reasons:

The City may not be able to demonstrate that a project with a 35% density bonus can be physically accommodated on the Site without the requested concessions; and

The value created by the proposed density bonus and the requested concessions is estimated to exceed the net cost associated with providing four Very Low income units by \$314,000. However, given that this represents approximately 1.2% of the Proposed Project's estimated construction cost, the excess amount should be considered insignificant.

The second statement is completely inaccurate: the value created is over \$4 million, or 18% of construction costs, which is quite significant.

Regarding the first statement, the KMA analysis presents no logical foundation to support its assertion. The City is quite easily capable of demonstrating that a 35% density bonus project could be achieved without either the Height or the FAR concession. It is possible both physically and financially.

The key design components driving this Project's concession requests are its commercial office space and its parking stalls on the ground floor (notwithstanding the fact that subterranean parking in this area is directed by the Specific Plan and generally accomplished in projects nearby). Collectively these ground floor elements elevate the building higher than need be, exceeding the 50 foot height limit or the potential use of height averaging. The commercial space is included in the calculation of the FAR of the project, and if removed, reduces the amount of the FAR density required under a concession permit. The above-grade parking is not included in the FAR of the project, but it adds to its massing and bulk, elements noted in the initial Design Review hearing that require remedying.

Without both the commercial space and the additional parking, it is unquestionable that the project would not need a concession permit for height: it could stay within the 50 foot limit with 65 foot height averaging as required under the General and Specific Plan for the neighborhood.

A Concession permit for FAR is similarly not required to achieve a 35% bonus density to 49 units. The Zoning Code allows for a 10% increase from the current level of 1.5 FAR permissible in

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the neighborhood, or 1.65. This results in a 52,800 square foot project for this property. Using the developer's metrics, 49 units at an average size of 1,016 square feet would fit into such a project from an FAR standpoint, and at four stories evenly distributed would create a footprint of only 13,200 square feet, or 41% of the lot. Such a low lot coverage ratio would allow for the more interesting architectural sculpturing and massing required under the General Plan and Specific Plan, with ample room for ground floor open space.

This alternative density bonus project, at 52,800 square feet and 1,036 square feet per unit, is comparable to the developer's current Base Project of 1,096 square feet per unit. Unit sizes in the Base project are driven up by the disproportionate number of two and three-bedroom units in the project compared to the market at large and the specific neighborhood. By changing the allocation very slightly, converting two three-bedroom units to one-bedrooms and six two-bedroom units to one-bedrooms, the developer is still able to achieve the sizes per unit. The large condo sizes are highly unusual in this neighborhood, and the intent of the affordable housing law is not to guarantee developers the right to build large products with larger profits simply by producing a single additional very low income affordable unit.

For a comparison to the surrounding condo market, the two nearby projects that were granted concessions, 711 E. Walnut and 253 S. Los Robles, have average square-foot unit sizes of 565 square feet and 987 square feet respectively, suggesting that this Project is only seeking an FAR concession permit to develop larger units, not actually to provide affordable housing. As discussed earlier, the creation of larger units actually increases the identifiable and actual per-unit construction costs rather than reduces them, thus eliminating the project's eligibility for a concession permit in the first place.

It is completely erroneous to state, on page 10 of the BZA Staff Report, that this Project's average square footage of 1,288 "falls within the range in new construction projects in the area," unless the "area" is defined as all of Pasadena including its most suburban neighborhoods. The recent KMA analyses of projects at 711 E. Walnut and 253 S. Los Robles reflect condo square footages in the urban core of Pasadena for new construction; the older Barcelona Apartments on Madison, just south of this project 300 feet, average less than 700 feet per unit.

It is sometimes argued that a developer needs variances or concessions such as height and increased FAR for financial reasons, as he cannot allegedly make a profit without the exceptions. However, in this case, using the developer-supplied data in the KMA analysis, it is easy to see that a 49-unit development employing the 35% bonus density, but staying within the height and FAR constraints of the property, would still be highly profitable to the developer. Even using KMA's own model, it is estimated that the developer would make a profit of \$3 million on a 49-unit bonus density project that includes three on-site affordable units and stays within the current zoning laws.

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### 3. Conclusion.

The City is well within its rights to deny both AHCPs because the developer and KMA have not shown that the Project, as proposed, produces "identifiable and actual cost reductions." The developer is completely capable of building a project incorporating his 35% bonus density within current General Plan and zoning regulations. If the developer must build a larger project with larger units, seeking an FAR variance would be far more appropriate than using faulty data to receive AHCPs.

#### B. The Concession Would Have a Specific, Adverse Impact Upon the Physical Environment.

##### 1. The Project Would Have a Specific, Adverse Impact on Protected Trees.

As stated in the City's Municipal Code, "Pasadena is graced by the presence of thousands of mature trees that contribute long-term aesthetic, environmental, and economic benefits to the city." (Pasadena Municipal Code § 8.52.015.) The City of Pasadena expressly protects mature trees, which are integral components of historic sites and contribute to the site's historic and cultural significance. (*Id.*) The Hearing Officer erred in approving the recommendation of staff for the Project at 141 N. Madison Avenue on January 16, 2019 because of the failure to consider the Project's impact on neighboring trees, several of which are protected under Section 8.52 of the City of Pasadena Municipal Code. The Staff Report for the January 16, 2019 Hearing Officer evaluation of the Project ("Planning Staff Report") fails to reference a single mitigation measure to ensure these off-site mature trees are not injured, and the Project's Arborist report itself includes no proposed mitigation measures. The Project has a high likelihood of violating the Municipal Code's express prohibition of any act that would injure a mature tree. (Pasadena Municipal Code § 8.52.085.)

The Project's subterranean garage extends from the property's north property line to its south property line for almost the entirety of the property's 200 foot depth, and abuts the property's western property line in its entirety. (*See Exhibit G*, p. 1.) Virtually all neighboring trees close to these property lines, and some actually straddling property lines, are under threat of destruction by the subterranean garage, as noted in the developer's report from his Arborist, Carlberg Associates, dated Revised March 5, 2018. (*See Exhibit G*, pp. 2-8.) Four of these 16 trees are specifically protected trees under Municipal Code section 8.52.060, but all of them are subject to protection as separate property belonging to another property owner. The Hearing Officer acted beyond its authority before addressing, or addressing at the same time, the protection of all of these trees.

The Project's Arborist specifically notes that the developer must seek the approval of the neighbors regarding these threatened trees. Yet despite multiple calls to the developer requesting a meeting to discuss this potential conflict, and despite the City and the Hearing Officer's awareness

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of this conflict, the Project's design came before the Hearing Officer for ratification with no adjustments made. Further, in anticipation of the destruction of these trees, the developer began radically trimming five of them (belonging to the property immediately to the south of his land), OS9 – OS13, in September, 2018, without any consultation with the owner and prior to any approvals to remove them.

**Exhibit G** displays the Project's intended subterranean garage and the report from the Arborist outlining the problem, including the specific directive from the Arborist on the first page of the report to the developer requiring that accommodation must be made for these neighboring trees. The developer has made slight changes in his subterranean garage for OS7 and OS8, although the latter is a tree already approved by the City for the neighbor to remove. The City has also granted permission for the removal of OS14-16. However, for the protection of all of other neighboring trees, OS1 through OS6 and OS9-OS13, the developer's garage must be set back a minimum 20 feet from the neighboring property line to enable these trees to live.

Without adequate protection for the impacted off-site trees, the Project's concessions would have a specific and adverse impact upon the surrounding physical environment. Neither the City nor the Project owners have put forth a feasible method to mitigate or avoid this impact to date, and it is likely none exists when taking into account the concessions regarding height and increased FAR. Moreover, the Project is inconsistent with the intent of the Municipal Code. The Project does not attempt to account for the inevitable impact such a large development will have on the surrounding trees, including the protected trees located on the Olivewood property. No analysis has been performed regarding the possible nuisance and/or trespass that may result from the Project's development. The Project's size and density make it highly likely that it will negatively impact its surroundings, yet an analysis or mitigation plan has not been put forth.

## **2. The Project Will Have Significant Adverse Impacts on the Aesthetic of the Surrounding Area.**

The Project, as planned with concessions, will be visually unattractive and completely out of place in the surrounding community. The Project proposes a five-story, 72,000 square foot development, with 4,210 square feet of leasable commercial space, and a parking garage. One of the concessions sought will allow the Project to exceed the zoning's height limit, to allow for a 62-foot building. Additionally, the Project appearance, as designed, does not correspond with the surrounding properties, including Olivewood and the properties listed on the National Register of Historic Districts. Furthermore, the Project will impair views from the surrounding properties, as well as result in excessive shade and shadow in the surrounding area.

The Planning Staff Report includes no mention of the aesthetic impact of the Project with concessions, nor its resulting degradation of character and quality of the neighborhood. The City

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should have studied the effect the Project will have on the neighborhood, including the negative impacts from an incompatible design, over-massing, and increased shade and shadow. Its failure to do renders the Project un-approvable. Such an analysis is even more important considering the close proximity of the Project to several historical properties.

**C. The Concessions Would Have a Specific, Adverse Impact on Historic Properties.**

The Project is in immediate proximity to two National Register Historic Districts, the Ford Place Historic District and the Pasadena Playhouse District. The Ford Place Historic District includes the Fuller Theological Seminary. Ten separate buildings and one grouping of landscape features are contributors to the Ford Place Historic District. The Ford Place Historic District was listed on the National Register under the following criteria:

- The Property is associated with events that have made a significant contribution to the broad patterns of our history.
- The Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

The Planning Staff Report states that the Ford Place Historic District would continue to be able to "convey its significance." However, the Planning Staff Report and the underlying Cultural Analysis fail to take into account the predominant character of this District is low-rise residential, not high-density, high-rise residential far more appropriate for an intense urban setting. The intensive nature of the Project would result in a substantial adverse impact upon the Ford Place Historic District and its significance in the community.

The Ford Place Historic District, particularly, is characterized by an urban design plan of a low Lot Coverage Ratio – the percentage of ground floor built space (including covered patio or balcony areas) divided by the overall property square footage. The ratio is below 50% for the entire District. Even at adjacent historically designated properties, such as the Barcelona Apartments, or adjacent new projects such as Olivewood, the Lot Coverage Ratio is below 60%, which maintains an important element of the historic urban design feel of this neighborhood.

The Project however, proposes a ratio in excess of 75%, an enormous shift in character to the neighborhood. The height, on its own, is not necessarily out of character with such historic buildings as the Medical Office building located at 65 N. Madison, the Scottish Rite Cathedral, or the First National Bank building on Madison a block to the south. But the overall intensive massing of the Project relative to the available land and the lack of visual and actual open space is

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inconsistent with the historic character of the neighborhood, and only detracts from and minimizes the unique historical character of the Ford Place Historic District.

Additionally, the Project is located next to the Pasadena Playhouse Historic District. The Pasadena Playhouse District encompasses a large protected area, consisting of 30 building contributors, and includes the Scottish Rite Cathedral, which has been determined to be individually eligible for listing on the National Register. The Pasadena Playhouse District was listed on the National Register under the same criteria as the Ford Place Historic District – it is associated with events that made a significant contribution, and embodies distinctive architectural and engineering methods.

The Planning Staff Report states that the Scottish Rite Cathedral and Playhouse District would not be indirectly impacted by the Project, due to the distance between the two. However, Planning Staff Report's conclusion is not backed by any analysis or study on the aesthetic impact the Project could have on the Playhouse District. Indeed, the Scottish Rite Cathedral is located directly across the street from the Project site. Such proximity to a District listed on the National Registry warrants a far more detailed analysis than provided in the Planning Staff Report. As proposed, the Project would have significant adverse impacts on the Playhouse District, and the Scottish Rite Cathedral in particular.

Nor are any mitigation measures discussed in the Planning Staff Report for either Historic District, such as a change in Project design to conform with the surrounding area. As such, the Planning Staff Report is woefully inadequate to ensure no adverse impacts to the Historic Districts will result from the Project as designed with the concessions.

**II. Even if the City Does Not Deny the Concessions, the CEQA In-fill Exemption Does Not Apply.**

Even if the City does not deny the Project's concessions under the analysis above, the Project does not fall under the protections of the CEQA In-Fill Categorical Exemption as outlined in CEQA Guideline § 15332:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

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(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

Because the Project does not meet the criteria of the In-Fill Exemption, a complete CEQA analysis – in the form of a Mitigated Negative Declaration or Environmental Impact Report, depending upon the impact conclusions – must be prepared before the Project may be approved.

**A. The Project is Not Consistent With All Provisions of the General Plan and Zoning.**

In *Wollmer v. City of Berkeley* ("*Wollmer II*"), the court upheld application of the In-Fill Exemption, notwithstanding non-compliance of the Project with height, FAR, and setback limitations, because the waived zoning standards were not applicable. (*Wollmer II*, 193 Cal.App.4th 1329, 1348.) That is not the case here. Consistent with the holding in *Wollmer II*, consistency with the General Plan and Zoning must be required for all standards not expressly waived for the concessions granted for the Project. Here, the City is inappropriately recommending a determination that the project at 141 N. Madison is categorically exempt from environmental review pursuant to Category 32 of the California Environmental Quality Act ("CEQA"), the In-Fill Exemption.

The In-Fill Exemption is applicable only to projects that are consistent with both the General Plan and the City's "zoning designation and regulations." The City has taken the position that only quantifiable elements in each document, zoning designation or development standard need to be assessed for a determination of consistency. But both the General Plan and zoning regulations include many non-quantifiable regulations, and the Municipal Code provides a method for determining a project's consistency with those elements. Without exploring these potential inconsistencies, a recommendation of a Category 32 exemption is premature.

In taking this position, the City recommends the In-Fill Exemption because it states that the only General Plan or Zoning Code inconsistencies of the Project are the variances of the AHCP applications themselves – the exceptions to the FAR and height restrictions. Relying on an interpretation the *Wollmer* case addressing the use of an In-Fill Exemption for affordable housing concessions, the City has examined only these easily quantifiable development standards. But the General Plan and the Zoning Code incorporate a host of other standards that should be considered for determining whether the Project is inconsistent with the General Plan and Zoning Code. The



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lack of findings and an affirmative determination by the Hearing Officer or the Board of Zoning Appeals that all other aspects of the General Plan and the City's zoning regulations have been met effectively negates the use of the In-Fill Exemption.

**1. Specific Plan Guidelines are Part of the Municipal Code.**

Pasadena's General Plan has numerous non-quantifiable regulations in Section 1 "Land Use Element Goals and Policies" that must be addressed when considering whether a proposed project is eligible for an In-Fill Exemption. Similarly, the Zoning Code has numerous interpretive elements that require a consistency finding, particularly since under 17.68.020, "An adopted Specific Plan shall replace the base zoning district ... and the development standards and design guidelines adopted in the Specific Plan shall take precedence over the development standards and design guidelines contained in this Zoning Code."

This latter provision opens the discussion of what are the appropriate design guidelines for the Central Business District ("CBD") for the Project, and if the appropriate authority (the Design Commission) has made any definitive decision about the Project's consistency with the Specific Plan. While referenced only as guidelines, any Specific Plan guidelines applicable to the CBD are, by reference, part of the Zoning Code. If any guidelines are ambiguous or open to interpretation, section 2.80.110.B.5 allows the Design Commission to act as the authorized decision maker for the City to decide consistency of design matters under the Zoning Code.

Therefore, no project should be recommended as eligible for the In-Fill Exemption until the Design Commission has made its final findings and determination regarding the project's consistency with the General Plan and the CBD Specific Plan guidelines. Here, the process is reversed: the Design Commission only initially reviews an AHCP project with recommendations to be incorporated into the Concept Design Review submission for a later decision. But these evaluations are not pursued until after the AHCP is adopted, and if that adoption is predicated on a CEQA In-Fill Exemption decision, it is by definition an inadequate or incorrect decision.

There are numerous non-quantifiable regulations of the General Plan and CBD Specific Plan guidelines that are likely tripped by the project at 141 N. Madison. Multiple problems with the Project were noted by the Design Commission in its preliminary review on October 10, 2017. Among them are the project's massing and bulk, its monolithic height, its lack of contextual consistency with the neighborhood, and its surface parking component. The Design Commission, however, was not requested to provide a thorough analysis of the consistency of the project with General Plan and CBD Specific Plan Design Guidelines. The following areas, at a minimum, appear inconsistent and are clearly appropriate for Design Commission's determination of consistency prior to the adoption of the In-Fill Exemption:

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1. Contextual Development in Historic Districts. The General Plan's second Guiding principle states, "New construction that could affect the integrity of historic resources will be compatible with ... the existing resource(s)." Under 31.4, the City is specifically required to insure that "new development within *and adjacent to* (emphasis added) historic districts ... be compatible with the scale, density and urban design features of existing historic buildings and districts." This Project is located immediately adjacent to two historic districts: Ford Place on the west and the Playhouse District on the east. It literally sits between two historic districts, meeting the General Plan intent of adjacency. It remains a significant concern whether this Project is compatible with the scale, density and urban design features of the historic buildings in these districts, particularly the buildings on the same block. Without an affirmative decision by the Design Commission, it is ineligible for the In-Fill Exemption.

2. Context and Compatibility. Under 4.11 of the General Plan, the City must insure that the "development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing" and other elements. Under 7.3 of the General Plan, the City requires that projects "respect and complement the defining built form, massing, scale, modulation and architectural detailing of their contextual setting." Without further review, this Project is likely in violation of the General Plan, particularly since the Design Commission has already questioned whether "the proposed height and massing are contextually appropriate and will not visually overwhelm adjacent properties, including nearby and adjacent historic resources."

3. Scale and Massing. Under Section 9 of the CBD Private Realm Design Guidelines, BD1, BD2 and BD9 all require that a project "should fit with its surroundings." Sub requirement BD1.2 requires new development be integrated "with its surroundings, emphasizing functional and visual continuity." Sub-requirement BD2.1 requires that "building volumes ... maintain a compatible scale with their surroundings" and that larger buildings "break down the scale and massing" of the building. Sub-requirement BD2.4 requires developers "employ simple yet varied masses" and avoid "monolithic vertical extrusions of a maximum building footprint." Sub-requirement BD2.6 requires developers to "vary three dimensional character as a building rises skyward." The Project complies with none of these requirements. Instead, it has one large footprint with massing that rises one-dimensionally to its 62 foot height, essentially forming a cube that is out of proportion to its surroundings. Again, it appears that the City has failed to appropriately evaluate regulation consistency before granting an In-Fill Exemption.



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property is being removed. In addition, 16 additional trees on neighboring properties will be destroyed by the subterranean garage plan, as noted by the developer's Arborist, because of the lot-to-lot subterranean garage coverage, which will destroy 50% of the root system of these 16 neighboring trees – including four protected trees. Under the Zoning Code, Section 17.44.090, subsections D.3, D.4 and D.5, any modification of this requirement must first have certain findings:

- "The project includes a well-integrated and thoughtful design solution that enhances the property and its surrounds
- "The project is not injurious to adjacent properties or uses, or detrimental to environmental quality, quality of life, or the health, safety and welfare of the public; and
- "The project is consistent with the objectives and policies of the applicable Design Guidelines and the Citywide Design Principles in the General Plan."

No such findings have been made by the City. The BZA Staff Report notes that the trees on the property to the south of the project, Olivewood Village North, were "approved for removal in 2018." However, the BZA Staff Report fails to continue the story, that after consultation with neighbors and Mill Creek's arborist, and as recommended by the Design Commission, five of these eight trees have been retained by Mill Creek pursuant to Olivewood Village North's Final Design Review in August, 2018.

Under Section 10.13 of the General Plan, the City is required to maintain trees "in private developments to ... sequester GHG emissions and contribute to the reduction of the urban heat island," in addition to preserving and developing "urban open spaces" under section 10.12. The Project as designed cannot achieve this goal, given the near complete concrete massing over the entire lot, except for a small interior courtyard and front setback. The importance of preserving mature canopy trees is mentioned throughout other applicable Design Guidelines, such as Section UR3 of the CBD Specific Plan.

Further, with respect to the Project's proposed courtyard and requirements under the Zoning Code for open space, SP4.1 of the Design Guidelines requires a developer to make courtyards "comfortable for human activity and social interaction," as opposed to bordering a ground floor parking facility. Further, they must have "access to winter sunlight" under SP4.2, which would not happen in this project given the courtyard's interior nature, surrounded on all sides by 62 foot high walls. It has not been confirmed that the proposed tree species in such a setting would grow without light, again calling into question whether the project meets all the General Plan and zoning regulations necessary to qualify for an In-Fill Exemption.

### **III. The Categorical Exemption Exceptions Bar the Use of the In-Fill Exemption.**

The CEQA Guidelines include several exceptions to Categorical Exemptions, including the In-Fill Exemption. CEQA Guideline § 15300.2, Exceptions to Categorical Exemptions states:

(a) Location. ...

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. ...

(e) Hazardous Waste Sites. ...

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Here, the Project will have a significant effect on the environment due to unusual circumstances, specifically the location of the Project in proximity to the offsite protected trees is an unusual circumstance barring the application of the In-Fill Exemption. The In-Fill Exemption is also barred due to the fact that the Project may cause a substantial adverse change in the significance of a historical resource.

#### **A. The Project Will Have a Significant Effect on the Environment Due to Unusual Circumstances.**

A Categorical Exemption may not be used if there is a reasonably possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines, § 15300.2(c).) A significant effect is defined as a "substantial, or potentially substantial, adverse change," that "has the potential to degrade the quality of the environment." (Pub. Resources Code §§ 21068, 21083.) As described above, the Project includes no mitigation measures to ensure that the impacts to the off-site mature trees will not result in a "substantial, adverse" change in the quality of the environment.

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As set forth above, the Planning Staff Report failed to consider the project's impact on neighboring trees whatsoever; similarly no analysis has been performed regarding the possible nuisance and/or trespass that could result from the Project's development. An agency that has failed to conduct an adequate initial study cannot "hide behind its own failure to gather relevant data" in granting a Categorical Exemption. (*Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th, 1165, 1199.) The Hearing Officer erred in approving the recommendation of staff for the Project.

**B. The Project May Cause a Substantial Adverse Change in the Significance of a Historical Resource.**

As explained above, the Project will have substantial adverse impacts on nearby historical resources, including the Ford Place Historic District and the Pasadena Playhouse Historic District. Both Districts are listed on the National Registry of Historic Districts and are located immediately adjacent to the Project. As proposed, the Project would result in a high-rise, high-density development that includes commercial uses directly between the two Historic Districts. The location of the Project, on its own, is unusual in that it is surrounded by these Historic Districts.

Under the exceptions to the Categorical Exemptions, there are three relevant historical resource categories: (1) mandatory resources; (2) presumptive historic resources; and (3) discretionary historical resources. (*Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039, 1051.) To qualify as "mandatory" or "presumptive," the structure must be identified as historically significant in a historical resources survey. (*Id.* at 1051-1054.) There is a high likelihood that the Project will have a substantial adverse change in the significance of not one, but two, historical resources in the City. These Districts are nationally recognized historical resources and thus bring the Project within this exception's scope. As described more fully above, the Project's design and height are likely to result in adverse aesthetic and shade and shadow impacts. In addition, the overall design of the Project directly clashes and detracts from the surrounding environment. As such, the Project as proposed cannot qualify for the In-Fill Exemption.

**IV. Conclusion.**

Mill Creek appreciates the City's desire to work with developers in granting project-specific concessions where appropriate. However, the proposed Project runs afoul of the density bonus concession regulations, as well as the regulations for a categorical exemption from CEQA.

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

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Therefore, Mill Creek requests the BZA grant the Foy appeal, and direct further proceedings before the Hearing Officer in accordance with the arguments set forth herein and presented by Foy.

Very truly yours,

*/s/ Emily L. Murray*

Emily L. Murray

ELM:alb  
Enclosures

cc: Jennifer Paige, Deputy Director of Planning  
Talyn Mirzakhani, Zoning Administrator

***EXHIBIT A***



ATTACHMENT I - EXHIBIT A - TABLE 1

FIRST ADJUSTMENT, SITE AREA ALLOCATION

ESTIMATED DEVELOPMENT COSTS BASE CASE:  
 36 MARKET RATE UNITS 127-141 NORTH  
 MADISON AVENUE DENSITY BONUS ANALYSIS  
 PASADENA, CALIFORNIA

I.	Property Acquisition Costs	<sup>1</sup>	87.5% Site Area		\$5,687,500
II.	<u>Direct Costs</u>				
	Demolition	<sup>2</sup>	87.5% Site Area		\$1,898,750
	Grading / Landscaping	<sup>2</sup>	87.5% Site Area		588,000
	Parking				
	Surface		10 Spaces	\$5,000 /Space	50,000
	1st Level Subterranean		57 Spaces	\$30,000 /Space	1,710,000
	Building Costs		41,830 Sf of GBA	\$130 /Sf of GBA	5,438,000
	Contractor/DC Contingency Allow		20% Other Direct Costs		1,936,950
	<b>Total Direct Costs</b>		<b>41,830 Sf of GBA</b>	<b>\$282 /Sf of GBA</b>	<b>\$11,621,700</b>
III.	<u>Indirect Costs</u>				
	Architecture, Engineering & Consulting		8.0% Direct Costs		\$929,736
	Public Permits & Fees	<sup>2</sup>	41,830 Sf of GBA	\$45.90 /Sf of GBA	1,920,000
	Inclusionary Housing In-Lieu Fee	<sup>3</sup>	39,447 Sf of NSA	\$0.00 /Sf of NSA	0
	Taxes, Insurance, Legal & Accounting		3.0% Direct Costs		348,651
	Marketing		36 Units	\$5,000 /Unit	180,000
	Developer Fee		3.0% Gross Sales Revenue		797,000
	Soft Cost Contingency Allowance		5.0% Other Indirect Costs		208,769
	<b>Total Indirect Costs</b>				<b>\$4,384,156</b>
IV.	<u>Financing Costs</u>				
	Interest During Construction	<sup>4</sup>			\$770,000
	Loan Origination Fees		60.0% Loan to Cost	2.0 Points	242,000
	<b>Total Financing Costs</b>				<b>\$ 991,450</b>
V.	<b>Total Construction Cost</b>		<b>36 Units</b>	<b>\$472,147 /Unit</b>	<b>\$16,997,306</b>
	<b>Total Development Cost</b>		<b>36 Units</b>	<b>\$630,133 /Unit</b>	<b>\$22,684,806</b>

<sup>1</sup> The costs are pro rated based on the GBA's of the residential and office components. The costs are based on the Applicant's stated acquisition costs, as verified using LA County Assessor's records. The total acquisition costs equal \$6.5 million.

<sup>2</sup> Based on the estimates provided by the Applicant. The costs are pro rated based on the GBA's of the residential and office components.

<sup>3</sup> For analysis purposes, the Base Case does not include an Inclusionary in-lieu fee.

<sup>4</sup> A 5.0% interest cost for debt; an 18 month construction period; an 8 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

ATTACHMENT III - EXHIBIT A - TABLE 1

ESTIMATED DEVELOPMENT COSTS  
 PROPOSED PROJECT: 45 MARKET RATE UNITS & 4 VERY-LOW INCOME RENTAL UNITS  
 127-141 NORTH MADISON AVENUE  
 DENSITY BONUS ANALYSIS  
 PASADENA, CALIFORNIA

I.	Property Acquisition Costs	<sup>1</sup>	92% Site Area		\$5,963,000
II.	<b>Direct Costs</b>				
	Demolition	<sup>2</sup>	92% Site Area		\$1,989,000
	Grading / Landscaping	<sup>2</sup>	92% Site Area		628,000
	Parking				
	Surface		10 Spaces	\$5,000 /Space	50,000
	1st Level Subterranean		81 Spaces	\$30,000 /Space	2,430,000
	Building Costs		65,998 Sf of GBA	\$130 /Sf of GBA	8,580,000
	Contractor/DC Contingency Allow		20% Other Direct Costs		2,735,000
	<b>Total Direct Costs</b>		65,998 Sf of GBA	\$249 /Sf of GBA	\$16,412,000
III.	<b>Indirect Costs</b>				
	Architecture, Engineering & Consulting		8.0% Direct Costs		\$1,313,000
	Public Permits & Fees	<sup>2</sup>	65,998 Sf of GBA	\$32 /Sf of GBA	2,141,000
	Inclusionary Housing In-Lieu Fee	<sup>3</sup>	63,112 Sf of NSA	\$0 /Sf of NSA	0
	Taxes, Insurance, Legal & Accounting		3.0% Direct Costs		492,000
	Marketing		49 Units	\$5,000 /Unit	245,000
	Developer Fee	<sup>4</sup>	49 Units	\$22,139 /Unit	1,085,000
	Soft Cost Contingency Allowance		5.0% Other Indirect Costs		264,000
	<b>Total Indirect Costs</b>				\$5,540,000
IV.	<b>Financing Costs</b>				
	Interest During Construction	<sup>5</sup>			\$951,000
	Loan Origination Fees		60.0% Loan to Cost	2.0 Points	311,000
	<b>Total Financing Costs</b>				\$1,262,000
V.	<b>Total Construction Cost</b>		49 Units	\$474,000 /Unit	\$23,214,000
	<b>Total Development Cost</b>		49 Units	\$595,000 /Unit	\$29,177,000

<sup>1</sup> The costs are pro rated based on the GBA's of the residential and office components. The costs are based on the Applicant's stated acquisition costs, as verified using LA County Assessor's records. The total acquisition costs equal \$6.5 million.

<sup>2</sup> Based on the estimates provided by the Applicant. The costs are pro rated based on the GBA's of the residential and office components.

<sup>3</sup> The proposed very-low income units fulfill the City's on-site inclusionary housing requirement. No in-lieu fee is due.

<sup>4</sup> Based on the Developer Fee per unit generated by the BASE CASE: 36 MARKET RATE UNITS.

<sup>5</sup> A 5.0% interest cost for debt; a 18 month construction period; a 9 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

***EXHIBIT B***

## Public Fees Worksheet: Base Case 141 N. Madison Avenue

### Drivers for Fee Calculations

Project Valuation (excludes flat fee demolition)	\$ 9,722,950
Project GBSF	41,830
Residential LSF (including common space)	39,447
Retail LSF	-
Office LSF	-
Total Units	36
Studios - Market	-
One Bedrooms - Market	10
Two Bedrooms - Market	19
Three Bedrooms - Market	4
Total Bedrooms - Market	60
Applicable In-Lieu Units LSF	-

### Plan Check/Permit

Planning Division Plan Check	\$ 9,776
Design & Historic Preservation Plan Check	\$ 9,655
Building Plan Check	\$ 88,573
Building Permit	\$ 59,050
Fire Dept Plan Check	\$ 19,630
Public Works Plan Check	\$ 9,868

**Subtotal Plan Check/Permit \$ 196,551**

### Other Fees Collected by City

Records System Charge	\$ 5,897
General Plan Maintenance Fee	\$ 29,525
Technology Fee	\$ 29,525
Public Art	\$ 97,230
SMIP Tax/California	\$ 2,722
Buildings Standards Fund/California	\$ 389
Construction Tax	\$ 186,681
C&D Plan	\$ 10,000
C&D Deposit	\$ 10,000
Traffic Improvement Fee	\$ 124,039
Residential Impact Fee	\$ 705,909
In-Lieu Affordable Housing Fee	\$ -
PUSD Construction Fee - Residential	\$ 88,361
PUSD Construction Fee - Commercial	\$ -
Sewer Facility Charge (Public Works)	\$ 36,936
County Sanitation District	\$ 30,000
MEP permits	\$ 17,715

**Subtotal Other Fees Collected by City \$ 1,374,928**

### Fees Collected by Others & Miscellaneous

Gas Company, Cable, WRBC, etc.	\$ 18,000
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**Subtotal Fees Collected by Others \$18,000**

**Total City Fees & Permits \$1,589,479**

**Total City Fees & Permits per GBSF \$38.00**

## Public Fees Worksheet: Concession Case 141 N. Madison Avenue

### Drivers for Fee Calculations

Project Valuation (excludes flat-fee demolition)	\$ 14,423,000
Project GBSF	65,998
Residential LSF (including common space)	63,112
Retail LSF	-
Office LSF	-
Total Units	49
Studios - Market	-
One Bedrooms - Market	13
Two Bedrooms - Market	26
Three Bedrooms - Market	6
Total Bedrooms - Market	83
Applicable In-Lieu Units LSF	-

### Plan Check/Permit

Planning Division Plan Check	\$ 14,476
Design & Historic Preservation Plan Check	\$ 14,355
Building Plan Check	\$ 130,873
Building Permit	\$ 87,250
Fire Dept Plan Check	\$ 29,030
Public Works Plan Check	\$ 14,568

**Subtotal Plan Check/Permit** \$ 290,552

### Other Fees Collected by City

Records System Charge	\$ 8,717
General Plan Maintenance Fee	\$ 43,625
Technology Fee	\$ 43,625
Public Art	\$ 144,230
SMIP Tax/California	\$ 4,038
Buildings Standards Fund/California	\$ 577
Construction Tax	\$ 276,922
C&D Plan	\$ 15,000
C&D Deposit	\$ 15,000
Traffic Improvement Fee	\$ 161,605
Residential Impact Fee	\$ 965,747
In-Lieu Affordable Housing Fee	\$ -
PUSD Construction Fee - Residential	\$ 141,371
PUSD Construction Fee - Commercial	\$ -
Sewer Facility Charge (Public Works)	\$ 50,274
County Sanitation District	\$ 45,000
MEP permits	\$ 26,175

**Subtotal Other Fees Collected by City** \$ 1,941,905

### Fees Collected by Others & Miscellaneous

Gas Company, Cable, WRBC, etc.	\$ 27,000
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**Subtotal Fees Collected by Others** \$27,000

**Total City Fees & Permits** \$2,259,457

**Total City Fees & Permits per GBSF** \$34.24

***EXHIBIT C***

ATTACHMENT I - EXHIBIT A - TABLE 1

ESTIMATED DEVELOPMENT COSTS  
 BASE CASE 85 MARKET RATE UNITS  
 711 EAST WALNUT STREET  
 DENSITY BONUS ANALYSIS  
 PASADENA, CALIFORNIA

I.	Property Acquisition Costs	1	94% Pro Rata Share Based on GBA		\$9,052,000
II.	<b>Direct Costs</b>				
	Demolition	2	94% Pro Rata Share Based on GBA		\$190,000
	Grading / Landscaping	2	94% Pro Rata Share Based on GBA		661,000
	Parking				
	Surface Spaces		12 Spaces	\$2,500 /Space	30,000
	1st Level Subterranean		114 Spaces	\$25,000 /Space	2,850,000
	2nd Level Subterranean		0 Spaces	\$40,000 /Space	0
	Building Costs		90,684 Sf of GBA	\$140 /Sf of GBA	12,696,000
	Contractor/DC Contingency Allow		20% Other Direct Costs		3,285,000
	<b>Total Direct Costs</b>		90,684 Sf of GBA	\$217 /Sf of GBA	\$19,712,000
III.	<b>Indirect Costs</b>				
	Architecture, Eng & Consulting		6.0% Direct Costs		\$1,183,000
	Public Permits & Fees	2	90,684 Sf of GBA	\$31.79 /Sf of GBA	2,883,000
	Inclusionary Housing In-Lieu Fee	3	81,929 Sf of NSA	\$0.00 /Sf of NSA	0
	Taxes, Ins. Legal & Accounting		3.0% Direct Costs		591,000
	Marketing		85 Units	\$3,000 /Unit	255,000
	Developer Fee		3.0% Gross Sales Revenue		1,664,000
	Soft Cost Contingency Allowance		5.0% Other Indirect Costs		329,000
	<b>Total Indirect Costs</b>				\$6,905,000
IV.	<b>Financing Costs</b>				
	Interest During Construction	3			\$992,000
	Loan Origination Fees		60.0% Loan to Cost	2.0 Points	428,000
	<b>Total Financing Costs</b>				\$1,420,000
V.	<b>Total Construction Cost</b>		85 Units	\$330,000 /Unit	\$28,037,000
	<b>Total Development Cost</b>		85 Units	\$436,000 /Unit	\$37,089,000

<sup>1</sup> The acquisition costs are allocated on a pro rata basis based on the gross building areas of the residential and commercial components of the project. The costs are based on the Applicant's stated acquisition costs. The total acquisition costs equal \$9.6 million.

<sup>2</sup> Based on the estimates provided by the Applicant.

<sup>3</sup> Based on the in-lieu fee schedule adopted by the City for 2016.

<sup>4</sup> A 5.0% interest cost for debt; a 12 month construction period; a 11 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

ATTACHMENT III - EXHIBIT A - TABLE 1

ESTIMATED DEVELOPMENT COSTS

PROPOSED PROJECT: 105 MARKET RATE UNITS & 10 VERY-LOW INCOME RENTAL UNITS

711 EAST WALNUT STREET

DENSITY BONUS ANALYSIS

PASADENA, CALIFORNIA

I.	Property Acquisition Costs	1	91% Allocated Share of Site Area		\$8,753,000
II.	<b>Direct Costs</b>				
	Demolition	2	91% Allocated Share of Site Area		\$184,000
	Grading / Landscaping	2	91% Allocated Share of Site Area		878,000
	Parking				
	Surface Spaces		0 Spaces	\$2,500 /Space	0
	1st Level Subterranean		71 Spaces	\$25,000 /Space	1,775,000
	2nd Level Subterranean		107 Spaces	\$40,000 /Space	4,280,000
	Building Costs		116,519 Sf of GBA	\$140 /Sf of GBA	16,313,000
	Contractor/DC Contingency Allow		20% Other Direct Costs		1,423,000
	<b>Total Direct Costs</b>		116,519 Sf of GBA	\$213 /Sf of GBA	\$24,853,000
III.	<b>Indirect Costs</b>				
	Architecture, Eng & Consulting		6.0% Direct Costs		\$1,491,000
	Public Permits & Fees	2	116,519 Sf of GBA	\$36 /Sf of GBA	4,247,000
	Inclusionary Housing In-Lieu Fee	3	104,196 Sf of NSA	\$0 /Sf of NSA	0
	Taxes, Ins. Legal & Accounting		3.0% Direct Costs		746,000
	Marketing		115 Units	\$3,000 /Unit	345,000
	Developer Fee	4	115 Units	\$19,576 /Unit	2,251,000
	Soft Cost Contingency Allowance		5.0% Other Indirect Costs		454,000
	<b>Total Indirect Costs</b>				\$9,534,000
IV.	<b>Financing Costs</b>				
	Interest During Construction	5			\$1,236,000
	Loan Origination Fees		60.0% Loan to Cost	2.0 Points	518,000
	<b>Total Financing Costs</b>				\$1,754,000
V.	<b>Total Construction Cost</b>		115 Units	\$314,000 /Unit	\$36,141,000
	<b>Total Development Cost</b>		115 Units	\$390,000 /Unit	\$44,894,000

<sup>1</sup> The acquisition costs are allocated on a pro rata basis based on the gross building areas of the residential and commercial components of the project. The costs are based on the Applicant's stated acquisition costs. The total acquisition costs equal \$9.6 million.

<sup>2</sup> Based on the estimates provided by the Applicant.

<sup>3</sup> The proposed very-low income units fulfill the City's on-site inclusionary housing requirement. No in-lieu fee is due.

<sup>4</sup> Based on the Developer Fee per unit generated by the BASE CASE: 85 MARKET RATE UNITS.

<sup>5</sup> A 5.0% interest cost for debt; a 12 month construction period; a 14 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.



***EXHIBIT D***

ATTACHMENT I - EXHIBIT A - TABLE 1

FIRST & SECOND ADJUSTMENTS, SITE AREA ALLOCATION  
& PUBLIC PERMITS & FEES

ESTIMATED DEVELOPMENT COSTS BASE CASE: 36 MARKET  
RATE UNITS 127-141 NORTH MADISON AVENUE DENSITY  
BONUS ANALYSIS PASADENA, CALIFORNIA

I.	Property Acquisition Costs	<sup>1</sup>	87.5% Site Area		\$5,687,500
II.	<b>Direct Costs</b>				
	Demolition	<sup>2</sup>	92% Site Area		\$1,898,750
	Grading / Landscaping	<sup>2</sup>	92% Site Area		588,000
	Parking				
	Surface		10 Spaces	\$5,000 /Space	50,000
	1st Level Subterranean		57 Spaces	\$30,000 /Space	1,710,000
	Building Costs		41,830 Sf of GBA	\$130 /Sf of GBA	5,438,000
	Contractor/DC Contingency Allow		20% Other Direct Costs		1,936,950
	<b>Total Direct Costs</b>		41,830 Sf of GBA	\$282 /Sf of GBA	\$11,621,700
III.	<b>Indirect Costs</b>				
	Architecture, Engineering & Consulting		8.0% Direct Costs		\$929,736
	Public Permits & Fees	<sup>2</sup>	41,830 Sf of GBA	\$38.09 /Sf of GBA	1,593,305
	Inclusionary Housing In-Lieu Fee	<sup>3</sup>	39,447 Sf of NSA	\$0.00 /Sf of NSA	0
	Taxes, Insurance, Legal & Accounting		3.0% Direct Costs		348,651
	Marketing		36 Units	\$5,000 /Unit	180,000
	Developer Fee		3.0% Gross Sales Revenue		797,000
	Soft Cost Contingency Allowance		5.0% Other Indirect Costs		192,434
	<b>Total Indirect Costs</b>				\$4,041,126
IV.	<b>Financing Costs</b>				
	Interest During Construction	<sup>4</sup>			\$770,000
	Loan Origination Fees		60.0% Loan to Cost	2.0 Points	242,000
	<b>Total Financing Costs</b>				\$ 975,773
V.	<b>Total Construction Cost</b>		36 Units	\$462,183 /Unit	\$16,338,599
	<b>Total Development Cost</b>		36 Units	\$620,169 /Unit	\$22,326,099

<sup>1</sup> The costs are pro rated based on the GBA's of the residential and office components. The costs are based on the Applicant's stated acquisition costs, as verified using LA County Assessor's records. The total acquisition costs equal \$6.5 million.

<sup>2</sup> Based on the estimates provided by the Applicant. The costs are pro rated based on the GBA's of the residential and office components.

<sup>3</sup> For analysis purposes, the Base Case does not include an Inclusionary in-lieu fee.

<sup>4</sup> A 5.0% interest cost for debt; an 18 month construction period; an 8 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

ATTACHMENT III - EXHIBIT A - TABLE 1

FIRST & SECOND ADJUSTMENTS, SITE AREA ALLOCATION & PUBLIC PERMITS & FEES

ESTIMATED DEVELOPMENT COSTS

PROPOSED PROJECT: 45 MARKET RATE UNITS & 4 VERY-LOW INCOME RENTAL UNITS 127-141 NORTH MADISON AVENUE

DENSITY BONUS ANALYSIS

PASADENA, CALIFORNIA

I.	Property Acquisition Costs	1	92% Site Area			\$5,963,000
II.	<u>Direct Costs</u>					
	Demolition	2	92% Site Area			\$1,989,000
	Grading / Landscaping	2	92% Site Area			628,000
	Parking					
	Surface		10 Spaces	\$5,000 /Space		50,000
	1st Level Subterranean		81 Spaces	\$30,000 /Space		2,430,000
	Building Costs		65,998 Sf of GBA	\$130 /Sf of GBA		8,580,000
	Contractor/DC Contingency Allow		20% Other Direct Costs			2,735,000
	<b>Total Direct Costs</b>		65,998 Sf of GBA	\$249 /Sf of GBA		<b>\$16,412,000</b>
III.	<u>Indirect Costs</u>					
	Architecture, Engineering & Consulting		8.0% Direct Costs			\$1,313,000
	Public Permits & Fees	2	65,998 Sf of GBA	\$34.24 /Sf of GBA		2,259,772
	Inclusionary Housing In-Lieu Fee	3	63,112 Sf of NSA	\$0 /Sf of NSA		0
	Taxes, Insurance, Legal & Accounting		3.0% Direct Costs			492,000
	Marketing		49 Units	\$5,000 /Unit		245,000
	Developer Fee	4	49 Units	\$22,139 /Unit		1,085,000
	Soft Cost Contingency Allowance		5.0% Other Indirect Costs			269,939
	<b>Total Indirect Costs</b>					<b>\$5,664,711</b>
IV.	<u>Financing Costs</u>					
	Interest During Construction	5				\$951,000
	Loan Origination Fees		60.0% Loan to Cost	2.0 Points		311,000
	<b>Total Financing Costs</b>					<b>\$1,267,638</b>
V.	<b>Total Construction Cost</b>		49 Units	\$476,415 /Unit		<b>\$23,344,349</b>
	<b>Total Development Cost</b>		49 Units	\$598,109 /Unit		<b>\$29,307,349</b>

<sup>1</sup> The costs are pro rated based on the GBA's of the residential and office components. The costs are based on the Applicant's stated acquisition costs, as verified using LA County Assessor's records. The total acquisition costs equal \$6.5 million.

<sup>2</sup> Based on the estimates provided by the Applicant. The costs are pro rated based on the GBA's of the residential and office components.

<sup>3</sup> The proposed very-low income units fulfill the City's on-site inclusionary housing requirement. No in-lieu fee is due.

<sup>4</sup> Based on the Developer Fee per unit generated by the BASE CASE: 36 MARKET RATE UNITS.

<sup>5</sup> A 5.0% interest cost for debt; a 18 month construction period; a 9 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

***EXHIBIT E***

## KMA Sales Price Per Square Feet Used in Recent Condo AHCP Applications

Project	Set Sellable Square Feet	Market Units	Average Unit Size	Gross Sales	Average Sales Price per SF
<u>711 E. Walnut</u>					
Base Case	81,929	85	964	\$ 55,454,600	\$ 677
Concession Case	95,135	105	906	\$ 64,958,600	\$ 683
<u>253 S. Los Robles</u>					
Base Case	61,199	71	862	\$ 44,861,700	\$ 733
Concession Case	66,275	84	789	\$ 49,517,000	\$ 747
<u>141 N. Madison</u>					
Base Case	39,447	36	1096	\$ 26,657,000	\$ 676
Concession Case	57,950	45	1288	\$ 33,714,000	\$ 582

***EXHIBIT F***

# MLS Pasadena Area Condo Sales 6 months thru 3/28/19

Source: Sotheby's International/MLS

**Correlations:**  
**R-squared: 0.18 Sales Price/# of Bedrooms**  
**R-squared: 0.82 Sales Price/Square Footage**

Listings as of 03/29/19 at 2:32 PM

MLS #	Address	City	Yr Blt	Sold Date	Sold Price	BD	Bth	Approx SqFt	Lot Sq Ft	List Price	Original LP	LP/SP	SP/SqFt	LP/SqFt
PF-190167	80 N Raym	Pasadena	1996	3/11/2019	\$ 500,000		0 1(1)	545	16,128	\$500,000	\$ 500,000	\$ 100.00	\$917.43	\$917.43
					\$ 1,287,050		3 4	2,233	471,427	1,285,000	\$ 1,368,000		\$ 917.43	\$ 917.43
8.18E+08	139 S Los f	Pasadena	2010	10/2/2018	\$ 580,000		1 1(1 0 0 0)	760	15,318	\$579,000	\$ 579,000	\$ 100.17	\$763.16	\$761.84
8.18E+08	80 N Raym	Pasadena	1996	11/15/2018	\$ 700,000		2 2(2 0 0 0)	953	16,128	\$690,000	\$ 690,000	\$ 101.45	\$734.52	\$724.03
18373536	125 HURLf	Pasadena	2018	10/26/2018	\$ 899,000		2 2(2 0 0 0)	1,237		\$928,000	\$ 928,000	\$ 96.88	\$726.76	\$750.20
8.18E+08	965 E Del f	Pasadena	1986	12/3/2018	\$ 569,000		2 2(1 0 1 0)	786	12,396	\$569,000	\$ 569,000	\$ 100.00	\$723.92	\$723.92
18355216	125 HURLf	Pasadena	2018	10/17/2018	\$ 828,000		2 2(2 0 0 0)	1,160		\$829,000	\$ 829,000	\$ 99.88	\$713.79	\$714.66
8.18E+08	395 S Mari	Pasadena	2017	1/8/2019	\$ 685,000		2 2(1 1 0 0)	963	38,768	\$699,000	\$ 699,000	\$ 98.00	\$711.32	\$725.86
8.18E+08	840 E Gree	Pasadena	2006	2/6/2019	\$ 668,000		1 1(1 0 0 0)	987	53,506	\$668,000	\$ 688,000	\$ 100.00	\$676.80	\$676.80
AR-18177f	250 S De L	Pasadena	2007	12/28/2018	\$ 1,150,000		2 3(3)	1,710	24,962	\$1,180,000	\$ 1,368,000	\$ 97.46	\$672.51	\$690.06
8.18E+08	700 E Unic	Pasadena	2006	12/7/2018	\$ 1,170,000		2 3(2 0 1 0)	1,740	26,870	\$1,199,000	\$ 1,199,000	\$ 97.58	\$672.41	\$689.08
AR-19019f	313 Arlingf	Pasadena	1969	2/22/2019	\$ 948,800		2 3(3)	1,462	60,953	\$948,800	\$ 948,800	\$ 100.00	\$648.97	\$648.97
8.18E+08	840 E Gree	Pasadena	2006	10/9/2018	\$ 588,000		1 1(1 0 0 0)	914	53,506	\$588,000	\$ 610,000	\$ 100.00	\$643.33	\$643.33
2.18E+08	825 Magnf	Pasadena	1985	1/28/2019	\$ 665,000		2 3(2 0 1 0)	1,035	10,103	\$675,000	\$ 675,000	\$ 98.52	\$642.51	\$652.17
8.18E+08	1000 San F	Pasadena	1954	3/26/2019	\$ 591,000		1 1(1 0 0 0)	923	33,977	\$589,000	\$ 589,000	\$ 100.34	\$640.30	\$638.14
8.18E+08	111 S De L	Pasadena	2007	12/17/2018	\$ 971,000		2 2(2 0 0 0)	1,530	23,692	\$899,000	\$ 899,000	\$ 108.01	\$634.64	\$587.58
PF-18222f	80 N Euclid	Pasadena	1926	10/25/2018	\$ 700,000		1 1(1)	1,106	11,773	\$675,000	\$ 675,000	\$ 103.70	\$632.91	\$610.31
AR-18225f	111 S De L	Pasadena	2007	12/14/2018	\$ 860,000		2 2(2)	1,360	23,722	\$899,000	\$ 925,000	\$ 95.66	\$632.35	\$661.03
8.18E+08	286 N Mac	Pasadena	2003	12/14/2018	\$ 510,000		1 1(1 0 0 0)	807	34,547	\$515,000	\$ 499,000	\$ 99.03	\$631.97	\$638.17
8.19E+08	286 N Mac	Pasadena	2003	1/31/2019	\$ 510,000		1 1(1 0 0 0)	807	-	\$505,000	\$ 505,000	\$ 100.99	\$631.97	\$625.77
8.18E+08	168 S Sierr	Pasadena	2018	11/16/2018	\$ 1,046,000		3 3(1 1 1 0)	1,668	-	\$1,046,000	\$ 1,046,000	\$ 100.00	\$627.10	\$627.10
PW-18247	543 S Mari	Pasadena	1985	11/13/2018	\$ 695,000		2 3(3)	1,116	10,852	\$697,000	\$ 697,000	\$ 99.71	\$622.76	\$624.55
18391896	509 S MAR	Pasadena	2006	10/9/2018	\$ 910,000		2 3(3 0 0 0)	1,470	11,226	\$889,000	\$ 889,000	\$ 102.36	\$619.05	\$604.76
AR-18282f	155 Cordo	Pasadena	2010	3/26/2019	\$ 1,200,000		2 2(2)	1,950	16,350	\$1,249,000	\$ 1,249,000	\$ 96.08	\$615.38	\$640.51
8.18E+08	168 S Sierr	Pasadena	2018	11/30/2018	\$ 896,000		3 2(1 1 0 0)	1,457	-	\$896,000	\$ 896,000	\$ 100.00	\$614.96	\$614.96
AR-18278f	111 S De L	Pasadena	2007	1/31/2019	\$ 835,000		2 2(2)	1,360	23,692	\$839,000	\$ 839,000	\$ 99.52	\$613.97	\$616.91
8.19E+08	790 E Calif	Pasadena	1988	3/15/2019	\$ 705,000		2 3(2 0 1 0)	1,151	42,163	\$679,000	\$ 679,000	\$ 103.83	\$612.51	\$589.92
8.18E+08	1040 S Orf	Pasadena	1963	1/14/2019	\$ 982,000		2 2(1 1 0 0)	1,604	94,799	\$998,000	\$ 1,049,000	\$ 98.40	\$612.22	\$622.19
8.19E+08	168 S Sierr	Pasadena	2018	3/21/2019	\$ 1,027,000		3 3(2 0 1 0)	1,686	-	\$1,027,000	\$ 1,027,000	\$ 100.00	\$609.13	\$609.13
8.18E+08	400 S Orar	Pasadena	1955	2/12/2019	\$ 1,099,000		2 2(1 1 0 0)	1,806	19,898	\$1,099,000	\$ 1,099,000	\$ 100.00	\$608.53	\$608.53
8.18E+08	27 S Granc	Pasadena	1920	12/31/2018	\$ 1,075,000		1 2(1 1 0 0)	1,770	92,023	\$1,175,000	\$ 1,175,000	\$ 91.49	\$607.34	\$663.84
8.19E+08	126 S Cata	Pasadena	1994	3/27/2019	\$ 560,000		2 2(2 0 0 0)	925	10,565	\$559,000	\$ 559,000	\$ 100.18	\$605.41	\$604.32
8.18E+08	1066 San F	Pasadena	1962	10/23/2018	\$ 527,000		1 1(1 0 0 0)	875	57,698	\$499,000	\$ 499,000	\$ 105.61	\$602.29	\$570.29
PW-18186	238 S Arro	Pasadena	2008	10/1/2018	\$ 750,000		2 2(2)	1,250	33,874	\$759,000	\$ 759,000	\$ 98.81	\$ 600.00	\$607.20
8.18E+08	840 E Gree	Pasadena	2006	1/17/2019	\$ 890,000		2 2(2 0 0 0)	1,485	53,506	\$915,000	\$ 915,000	\$ 97.27	\$599.33	\$616.16

8.18E+08 840 E Gree Pasadena	2006	1/3/2019	\$ 585,000	1 1(1 0 0 0)	987	53,506	\$585,000	\$ 585,000	\$ 100.00	\$592.71
8.18E+08 480 S Orar Pasadena	1972	11/1/2018	\$ 1,250,000	3 2(1 0 0)	2,110	67,030	\$1,285,000	\$ 1,285,000	\$ 97.28	\$592.42
8.19E+08 238 S Arro Pasadena	2008	2/14/2019	\$ 621,000	1 1(1 0 0 0)	1,050	-	\$629,000	\$ 629,000	\$ 98.73	\$591.43
8.18E+08 246 Alpine Pasadena	1987	10/10/2018	\$ 615,000	3 2(2 0 0 0)	1,051	21,049	\$589,000	\$ 589,000	\$ 104.41	\$585.16
AR-182562 128 N Oak Pasadena	2004	3/24/2019	\$ 648,000	2 2(2)	1,110	42,801	\$658,000	\$ 718,000	\$ 98.48	\$583.78
8.18E+08 730 S Mari Pasadena	2017	10/5/2018	\$ 780,000	2 3(2 0 1 0)	1,349	11,220	\$798,000	\$ 798,000	\$ 97.74	\$578.21
8.19E+08 950 S Orar Pasadena	1954	3/11/2019	\$ 1,287,050	3 3(2 0 1 0)	2,233	103,901	\$1,265,000	\$ 1,265,000	\$ 101.74	\$576.38
IG-182068 931 E Wali Pasadena	2007	10/12/2018	\$ 600,000	1 1(1)	1,045	-	\$647,898	\$ 647,898	\$ 92.61	\$574.16
Avg			\$ 756,092	2.07 2.31	1,342	43,978	761,831.13	\$ 770,573	\$ 97.81	\$569.43
AR-182137 634 E Wali Pasadena	2000	12/20/2018	\$ 625,000	2 2(2)	1,106	38,963	\$639,000	\$ 649,000	\$ 97.81	\$565.10
18415846 121 ARLIN Pasadena	1974	2/8/2019	\$ 669,000	2 3(3 0 0 0)	1,184	103,669	\$669,000	\$ 669,000	\$ 100.00	\$565.03
8.18E+08 1138 E Uni Pasadena	2007	12/6/2018	\$ 615,000	2 3(2 0 1 0)	1,090	10,061	\$549,000	\$ 549,000	\$ 112.02	\$564.22
8.18E+08 840 E Gree Pasadena	2006	11/8/2018	\$ 907,000	2 2(2 0 0 0)	1,613	53,506	\$919,000	\$ 919,000	\$ 98.69	\$562.31
8.18E+08 484 S Eucli Pasadena	1982	1/10/2019	\$ 646,900	2 2(2 0 0 0)	1,155	25,160	\$638,000	\$ 675,000	\$ 101.39	\$560.09
AR-182462 230 S Mad Pasadena	1981	12/3/2018	\$ 590,000	2 2(2)	1,055	-	\$549,990	\$ 549,990	\$ 107.27	\$559.24
8.18E+08 837 Magn Pasadena	1966	1/2/2019	\$ 535,000	2 1(1 0 0 0)	958	20,230	\$535,000	\$ 549,000	\$ 100.00	\$558.46
WS-18199 209 S Oak Pasadena	1979	10/18/2018	\$ 916,000	3 3(2 1)	1,641	26,088	\$838,000	\$ 838,000	\$ 109.31	\$558.20
BB-181606 978 S Mari Pasadena	2007	10/11/2018	\$ 880,000	3 3(2 1)	1,580	23,173	\$880,000	\$ 880,000	\$ 100.00	\$556.96
8.18E+08 307 Rosen Pasadena	1975	11/21/2018	\$ 711,000	2 2(2 0 0 0)	1,278	471,427	\$675,000	\$ 675,000	\$ 105.33	\$556.34
8.18E+08 1088 S Ma Pasadena	2004	9/28/2018	\$ 790,000	3 3(3 0 0 0)	1,420	17,501	\$780,000	\$ 780,000	\$ 101.28	\$556.34
Med			\$ 694,500	2	1,250	24,962	679,000	\$ 688,000	\$ 97.22	\$556.34
LG-190002 141 S Hud: Pasadena	2006	3/14/2019	\$ 1,225,000	3 3(3)	2,230	11,606	\$1,260,000	\$ 1,330,000	\$ 97.22	\$549.33
8.18E+08 840 E Gree Pasadena	2006	1/4/2019	\$ 979,000	2 2(2 0 0 0)	1,793	53,506	\$978,000	\$ 978,000	\$ 100.10	\$546.01
8.18E+08 295 Arling Pasadena	1969	1/8/2019	\$ 1,110,000	3 3(2 1 0 0)	2,037	60,953	\$1,100,000	\$ 1,100,000	\$ 100.91	\$544.92
AR-182042 730 S Mari Pasadena	2017	1/8/2019	\$ 685,000	2 2(1 1)	1,262	11,220	\$709,000	\$ 789,000	\$ 96.61	\$542.79
WS-18264 1128 Las B Pasadena	1974	12/14/2018	\$ 1,005,000	2 3(3)	1,866	197,764	\$989,000	\$ 989,000	\$ 101.62	\$538.59
8.18E+08 1052 Seco Pasadena	1983	1/7/2019	\$ 600,000	2 3(1 1 0)	1,121	113,180	\$598,000	\$ 598,000	\$ 100.33	\$535.24
WS-18198 125 N Rayi Pasadena	2009	12/12/2018	\$ 920,000	2 2(1 0 1 0)	1,720	30,542	\$925,000	\$ 998,000	\$ 99.46	\$534.88
8.18E+08 657 S Mari Pasadena	1984	12/18/2018	\$ 650,000	3 3(2 0 1 0)	1,218	13,640	\$675,000	\$ 675,000	\$ 96.30	\$533.66
8.18E+08 1213 Cord Pasadena	1984	11/6/2018	\$ 660,000	2 3(2 0 1 0)	1,239	12,042	\$675,000	\$ 675,000	\$ 97.78	\$532.69
8.18E+08 1213 Cord Pasadena	1984	12/18/2018	\$ 660,000	2 3(3 0 0 0)	1,239	12,042	\$675,000	\$ 675,000	\$ 97.78	\$532.69
AR-18170 978 S Mari Pasadena	2007	9/28/2018	\$ 850,000	3 3(2 1)	1,600	23,177	\$878,000	\$ 878,000	\$ 96.81	\$531.25
8.18E+08 501 E Del Pasadena	1987	10/12/2018	\$ 649,000	2 2(2 0 0 0)	1,223	36,778	\$649,000	\$ 649,000	\$ 100.00	\$530.66
WS-18288 511 S Elm Pasadena	1988	1/28/2019	\$ 590,000	2 3(3)	1,112	25,743	\$598,880	\$ 598,880	\$ 98.52	\$530.58
8.18E+08 1050 Seco Pasadena	1983	11/2/2018	\$ 630,000	2 2(1 0 0)	1,188	113,256	\$589,000	\$ 589,000	\$ 106.96	\$530.30
18402644 65 N MICH Pasadena	1989	12/21/2018	\$ 526,000	2 2(1 0 1 0)	994	15,769	\$499,000	\$ 499,000	\$ 105.41	\$529.18
8.18E+08 35 N Raym Pasadena	1905	2/6/2019	\$ 694,500	2 2(1 0 1 0)	1,320	16,539	\$698,000	\$ 729,000	\$ 99.50	\$526.14
8.19E+08 778 E Calif Pasadena	1988	3/6/2019	\$ 725,000	2 3(1 1 0)	1,379	42,253	\$698,000	\$ 698,000	\$ 103.87	\$525.74
8.18E+08 1 S Orange Pasadena	1980	10/30/2018	\$ 1,095,000	2 3(2 0 1 0)	2,083	55,219	\$1,200,000	\$ 1,200,000	\$ 91.25	\$525.68
8.18E+08 1132 Las B Pasadena	1974	3/7/2019	\$ 980,000	2 3(3 0 0 0)	1,866	197,786	\$998,800	\$ 1,150,000	\$ 98.12	\$525.19
8.19E+08 931 E Wali Pasadena	2009	3/13/2019	\$ 655,000	1 2(1 0 1 0)	1,248	49,548	\$650,000	\$ 650,000	\$ 100.77	\$524.84
8.18E+08 1097 Rose Pasadena	1997	2/13/2019	\$ 640,000	2 3(3 0 0 0)	1,227	-	\$650,000	\$ 650,000	\$ 98.46	\$521.60



PW-18238	259 N Holl Pasadena	1980	12/10/2018	\$ 530,000	2 3(1 1 1)	1,019	40,088	\$529,000	\$ 549,000	\$ 100.19	\$520.12	\$519.14
8.18E+08	300 N El V Pasadena	1987	12/13/2018	\$ 510,000	2 2(2 0 0 0)	982	52,519	\$489,000	\$ 489,000	\$ 104.29	\$519.35	\$497.96
8.18E+08	1201 S Ore Pasadena	1960	3/26/2019	\$ 777,000	2 2(2 0 0 0)	1,501	36,590	\$798,000	\$ 798,000	\$ 97.37	\$517.65	\$531.65
AR-182277	259 N Holl Pasadena	1980	12/19/2018	\$ 525,000	2 3(1 0 1 1)	1,018	40,088	\$529,000	\$ 529,000	\$ 99.24	\$515.72	\$519.65
8.18E+08	525 S Oakl Pasadena	1964	10/12/2018	\$ 805,000	3 3(1 2 0 0)	1,564	30,794	\$880,000	\$ 880,000	\$ 91.48	\$514.71	\$562.66
3.18E+08	87 S ALLEN Pasadena	1987	10/5/2018	\$ 529,000	2 2(2 0 0 0)	1,030	17,820	\$529,000	\$ 529,000	\$ 100.00	\$513.59	\$513.59
8.18E+08	315 Wallis Pasadena	1979	10/30/2018	\$ 628,000	2 3(2 0 1 0)	1,225	23,098	\$620,000	\$ 620,000	\$ 101.29	\$512.65	\$506.12
8.18E+08	818 S Mari Pasadena	1981	11/16/2018	\$ 649,000	2 2(2 0 0 0)	1,279	30,056	\$649,000	\$ 649,000	\$ 100.00	\$507.43	\$507.43
WS-18163	241 S Cata Pasadena	1997	10/2/2018	\$ 720,000	2 3(3)	1,426	11,340	\$699,800	\$ 719,000	\$ 102.89	\$504.91	\$490.74
18382574	396 E DEL Pasadena	1989	2/12/2019	\$ 612,750	2 3(2 0 1 0)	1,216	20,940	\$619,000	\$ 679,000	\$ 98.99	\$503.91	\$509.05
RS-182594	187 S Cata Pasadena	1979	12/21/2018	\$ 638,000	3 3(3)	1,268	31,078	\$660,000	\$ 660,000	\$ 96.67	\$503.15	\$520.50
8.18E+08	244 S Mari Pasadena	1978	1/25/2019	\$ 870,000	3 3(1 1 1 0)	1,741	-	\$869,000	\$ 875,000	\$ 100.12	\$499.71	\$499.14
8.18E+08	2429 Moh. Pasadena	2004	1/31/2019	\$ 618,000	2 3(2 0 1 0)	1,240	10,399	\$649,000	\$ 649,000	\$ 95.22	\$498.39	\$523.39
8.19E+08	603 S El M Pasadena	1979	3/13/2019	\$ 713,000	2 3(2 0 1 0)	1,432	12,199	\$679,000	\$ 679,000	\$ 105.01	\$497.91	\$474.16
8.19E+08	333 N Hill, Pasadena	2007	3/22/2019	\$ 545,000	2 2(1 1 0 0)	1,095	24,669	\$549,000	\$ 549,000	\$ 99.27	\$497.72	\$501.37
18404240	332 ALLEN Pasadena	1999	12/4/2018	\$ 935,000	3 4(4 0 0 0)	1,879	10,161	\$968,000	\$ 959,000	\$ 96.59	\$497.61	\$515.17
8.18E+08	625 S Orar Pasadena	1965	2/20/2019	\$ 825,000	2 3(3 0 0 0)	1,665	24,887	\$849,000	\$ 849,000	\$ 97.17	\$495.50	\$509.91
8.18E+08	1250 S Ore Pasadena	1957	11/2/2018	\$ 852,000	2 2(1 1 0 0)	1,726	34,749	\$879,000	\$ 885,000	\$ 96.93	\$493.63	\$509.27
8.18E+08	111 S Orar Pasadena	1974	12/20/2018	\$ 850,000	2 2(2 0 0 0)	1,723	89,132	\$850,000	\$ 850,000	\$ 100.00	\$493.33	\$493.33
8.19E+08	439 S Cata Pasadena	1973	2/27/2019	\$ 640,000	2 2(2 0 0 0)	1,309	46,174	\$659,000	\$ 659,000	\$ 97.12	\$488.92	\$503.44
CV-182696	266 S Mad Pasadena	1974	3/13/2019	\$ 546,000	2 2(1 1)	1,128	23,304	\$548,888	\$ 559,950	\$ 99.47	\$484.04	\$486.60
8.18E+08	700 S Lake Pasadena	1974	1/3/2019	\$ 700,000	2 2(1 1 0 0)	1,454	93,340	\$749,000	\$ 769,000	\$ 93.46	\$481.43	\$515.13
18394504	153 S HUD Pasadena	2012	12/21/2018	\$ 1,015,000	3 3(3 0 0 0)	2,110	11,525	\$1,150,000	\$ 1,150,000	\$ 88.26	\$481.04	\$545.02
8.18E+08	382 E Calif Pasadena	1973	10/24/2018	\$ 839,000	3 2(1 1 0 0)	1,755	21,833	\$829,000	\$ 829,000	\$ 101.21	\$478.06	\$472.36
8.18E+08	960 San Pe Pasadena	1964	1/9/2019	\$ 601,000	2 2(2 0 0 0)	1,260	32,071	\$599,800	\$ 599,800	\$ 100.20	\$476.98	\$476.03
WS-18184	70 N Catali Pasadena	1987	10/18/2018	\$ 550,000	2 2(2)	1,154	29,173	\$550,000	\$ 550,000	\$ 100.00	\$476.60	\$476.60
CV-182496	64 N Mar Pasadena	1987	11/21/2018	\$ 576,548	3 3(3)	1,210	72,836	\$599,850	\$ 549,850	\$ 96.12	\$476.49	\$495.74
8.18E+08	453 N Alta Pasadena	2005	11/9/2018	\$ 590,000	2 3(2 0 1 0)	1,241	38,216	\$608,000	\$ 608,000	\$ 97.04	\$475.42	\$489.93
8.18E+08	960 San Pe Pasadena	1964	12/6/2018	\$ 598,900	2 2(2 0 0 0)	1,260	32,071	\$598,900	\$ 598,900	\$ 100.00	\$475.32	\$475.32
Min				\$ 500,000	0	545	-	489,000	\$ 489,000	\$ 475.32	\$ 475.32	472.36

Pasadena-Foothills Association of Realtors, CRMLS; Property Sub-Type of 'Condominium', 'Townhouse'; Status of 'Closed', 'Leased'; Current Price of 500000 and 1300000; City of 'Pasadena'; Area of '645 - Pasadena NW', '646 - Pasadena NE', '647 - Pasadena SW', '648 - Pasadena SE'; Sold Date between '09/28/2018' and '03/28/2029'; CLOSED Properties

103 Averages

\$/Sqft: 569.43

O-Prct L-Price: 761, S-Price: 756,092

***EXHIBIT G***





February 2, 2018 (Revised March 5, 2018)

Zovi Seferian  
Balian Investments, LLC/MSB Constructors, Inc.  
127 North Madison Avenue, Suite 200  
Pasadena, California 91101

**Re: Revised report for 127 N. Madison Avenue, Pasadena, California 91101 – APNs: 5723-015-027 + 5723-015-028.1201 City of Pasadena Tree Inventory**

Dear Ms. Seferian,

This report sets forth our evaluation and inventory of 13 private property trees, four City of Pasadena rights-of-way trees, and 16 off-site trees that are immediately adjacent to the subject properties. Of the 13 private property trees, only four are considered protected by the City of Pasadena Tree Ordinance (Municipal Code No. 8.52). The four rights-of-way trees, by virtue of their designation as City trees, are all "protected". Four of the 16 off-site trees are of protected size and species (OS-7, OS-8, OS-12 and OS-13). For the off-site trees, no matter the size or species, you must obtain permission from the tree owner if any construction impact or pruning is expected to occur to the off-site trees.

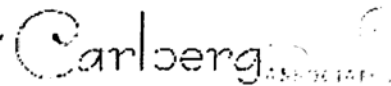
Our updated report includes revisions that were requested by the City of Pasadena Planning Division letter dated December 29, 2017. We have clarified the requested information in that letter and the revisions are as follows;

- Section 6a; tree #1 has a DBH of 26.5 at 4.5 ft. above grade.
- Section 6b; tree #3 was reassessed as 7 separate trees. Two of them are private property (#3 and #4) and five are off-site (#OS9 through OS13). Tree #4 is of protected size.
- Section 6c; the Mexican fan palms are not protected (City error) but trees 8, 9 and 13 are considered mature trees and therefore protected.
- Section 6d; tree #10 is a multi-trunk tree. Our initial assessment was correct that this multi-trunk tree is not of protected size.

Santa Monica Office  
828 Fifth Street, Suite 3  
Santa Monica, California 90403  
Office: 310.451.4804

Sierra Madre Office  
80 West Sierra Madre Boulevard, #241  
Sierra Madre, California 91024  
Office: 626.428.5072

[www.cycarlberg.com](http://www.cycarlberg.com)



Based on the City Public Works memorandum dated on December 29, 2017, it is important that the applicant adhere to the fencing and street tree requirements set forth in sections 8 through 12 of that specified document. Please feel welcome to contact us with any further questions.

Very truly yours,

Cy Carlberg, Registered Consulting Arborist

**TABLE 1 –CITY OF PASADENA PROTECTED TREES**

Tree Number	Common Name	Botanical Name	DBH(s)* In Inches	Converted DBH	Protected Size	Protected Tree	Health	Structure	Disposition
4	Brush cherry	<i>Syzygium paniculatum</i>	8, 10	13**	12	Yes	A	B	Remove
8	Silver dollar eucalyptus	<i>Eucalyptus polyanthemos</i>	21	N/A	19	Yes	A	B-	Remove
9	Ribbon gum	<i>Eucalyptus viminalis</i>	27	N/A	19	Yes	A	A	Remove
13	Silver dollar eucalyptus	<i>Eucalyptus polyanthemos</i>	23	N/A	19	Yes	A	A	Remove
ST1	Mexican fan palm	<i>Washingtonia robusta</i>	70' BT	N/A	N/A	Yes, ROW	A	A	City ROW, Retain
ST2	Southern magnolia	<i>Magnolia grandiflora</i>	8	N/A	20	Yes, ROW	A	A	City ROW, Retain
ST3	Mexican fan palm	<i>Washingtonia robusta</i>	70' BT	N/A	N/A	Yes, ROW	A	A	City ROW, Retain
ST4	Aleppo pine	<i>Pinus halepensis</i>	15	N/A	20	Yes, ROW	A	A	City ROW, Retain
OS7	American Sweetgum	<i>Liquidambar styraciflua</i>	21	N/A	20	Yes	A	B	Retain
OS8	Camphor	<i>Cinnamomum camphora</i>	15, 22	26**	18	Yes	B	B	Retain
OS12	Brush cherry	<i>Syzygium paniculatum</i>	8, 10	13**	19	Yes	A	A	Retain
OS13	Brush cherry	<i>Syzygium paniculatum</i>	7, 8, 9	15	19	Yes	A	A	Retain



Notes: Definitions for the headings in this table are provided at the end of this report.

\*\* - When a tree has multiple trunks, each trunk diameter is converted to square inches, the square inches added together, and this total is converted back to a single trunk diameter.

\*Dbh - Diameter at Breast Height - A forestry term used to describe a tree's trunk diameter measured at 4.5 feet above grade. Often used as a representation of tree size.

TABLE 2 - NON-PROTECTED TREES

Tree Number	Common Name	Botanical Name	DBH(s) In Inches	Converted DBH	Protected Size	Protected Tree	Health	Structure	Disposition	Comments
1	Indian laurel fig	<i>Ficus microcarpa</i>	26.5	N/A	30	Yes	A	A	Remove	Not of protected size
2	Queensland pittosporum	<i>Pittosporum rhombifolium</i>	7, 11	13**	19	No	B-	B-	Remove	Not of protected size.
3	Brush cherry	<i>Syzygium paniculatum</i>	11	N/A	12	No	A	A	Remove	Not of protected size.
5	Mexican fan palm	<i>Washingtonia robusta</i>	70' BT	N/A	N/A	No	A	A	Remove	Not protected
10	Carrotwood	<i>Cupaniopsis anacardioides</i>	7, 8, 10	15**	19	No	A	A	Remove	Not of protected size.
11	Carrotwood	<i>Cupaniopsis anacardioides</i>	7, 8	11**	19	No	A	A	Remove	Not of protected size.
12	Tupidanthus	<i>Tupidanthus calyptratus</i>	8, 9	12**	19	No	A	B	Remove	Not of protected size.
OS1	Carolina cherry	<i>Prunus caroliniana</i>	4, 5	6.5**	19	No	B-	B-	Retain	Off-site tree. Not of protected size.
OS2	Chinese elm	<i>Ulmus parvifolia</i>	13	N/A	20	No	B	B	Retain	Off-site tree. Not of protected size.
OS3	American sweetgum	<i>Liquidambar styraciflua</i>	18	N/A	20	No	A	B	Retain	Off-site tree. Not of protected size.
OS4	American sweetgum	<i>Liquidambar styraciflua</i>	18	N/A	20	No	A	B	Retain	Off-site tree. Not of protected size.
OS5	American sweetgum	<i>Liquidambar styraciflua</i>	18	N/A	20	No	A	B-	Retain	Off-site tree. Not of protected size.
OS6	American sweetgum	<i>Liquidambar styraciflua</i>	17	N/A	20	No	A	B	Retain	Off-site tree. Not of protected size.
OS9	Brush cherry	<i>Syzygium paniculatum</i>	9	N/A	19	No	A	A	Retain	Off-site tree. Not of protected size.



Tree Number	Common Name	Botanical Name	DBH(s) in Inches	Converted DBH	Protected Size	Protected Tree	Health	Structure	Disposition	Comments
OS10	Brush cherry	<i>Syzygium paniculatum</i>	7	N/A	19	No	A	A	Retain	Off-site tree. Not of protected size.
OS11	Brush cherry	<i>Syzygium paniculatum</i>	7	N/A	19	No	A	A	Retain	Off-site tree. Not of protected size.
OS14	Mexican fan palm	<i>Washingtonia robusta</i>	65' BT	N/A	N/A	Yes	A	A	Retain	Not protected
OS15	Mexican fan palm	<i>Washingtonia robusta</i>	45' BT	N/A	N/A	Yes	A	A	Retain	Not protected
OS16	Mexican fan palm	<i>Washingtonia robusta</i>	20' BT	N/A	N/A	Yes	A	A	Retain	Not protected

\*\* - When a tree has multiple trunks, each trunk diameter is converted to square inches, the square inches added together, and this total is converted back to a single trunk diameter.



EXHIBIT A - AERIAL IMAGE OF 127 N. MADISON AVENUE, PASADENA  
(SOURCE: GOOGLE MAPS)

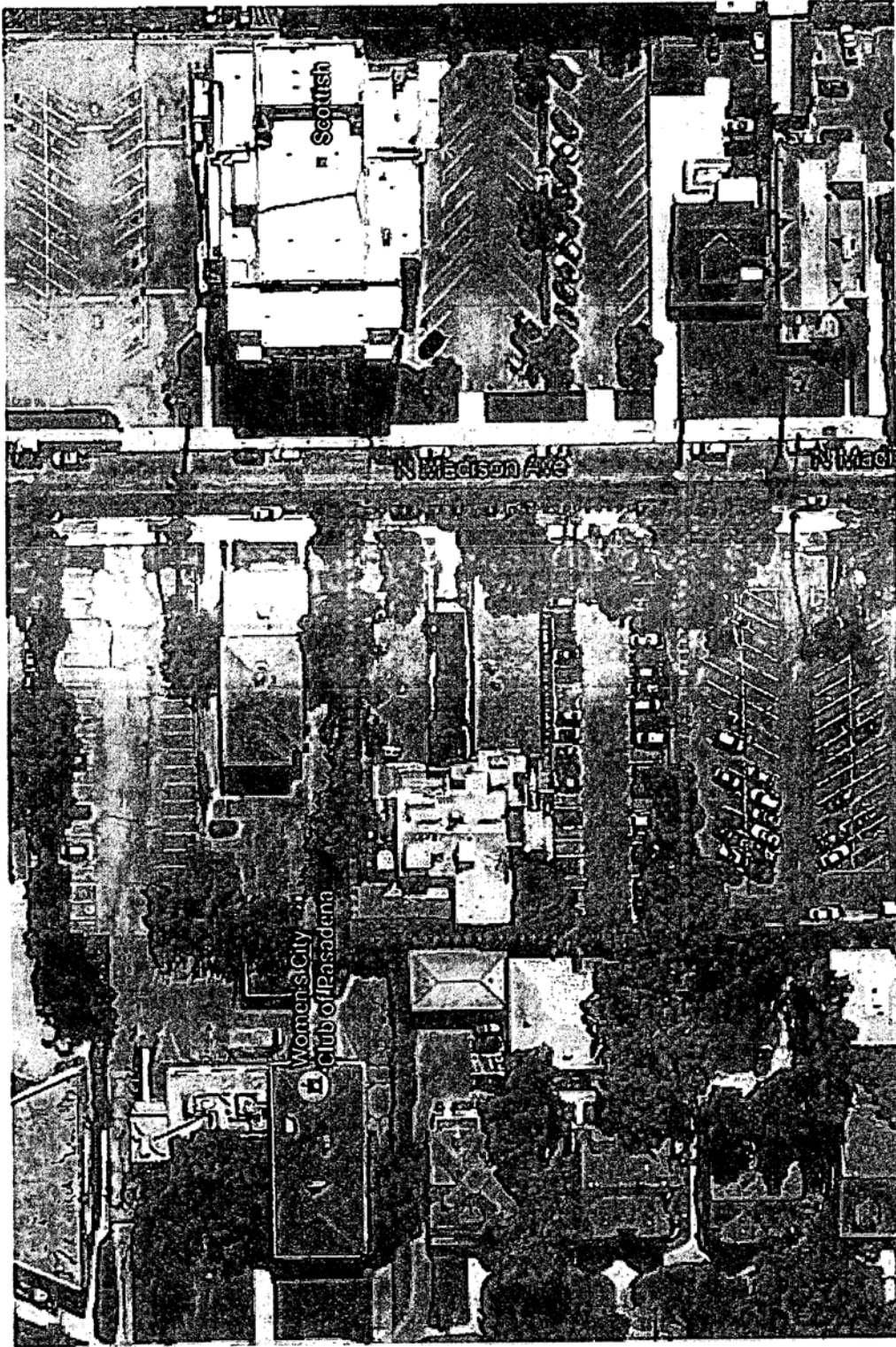




EXHIBIT B - REDUCED COPY OF THE TREE LOCATION EXHIBIT

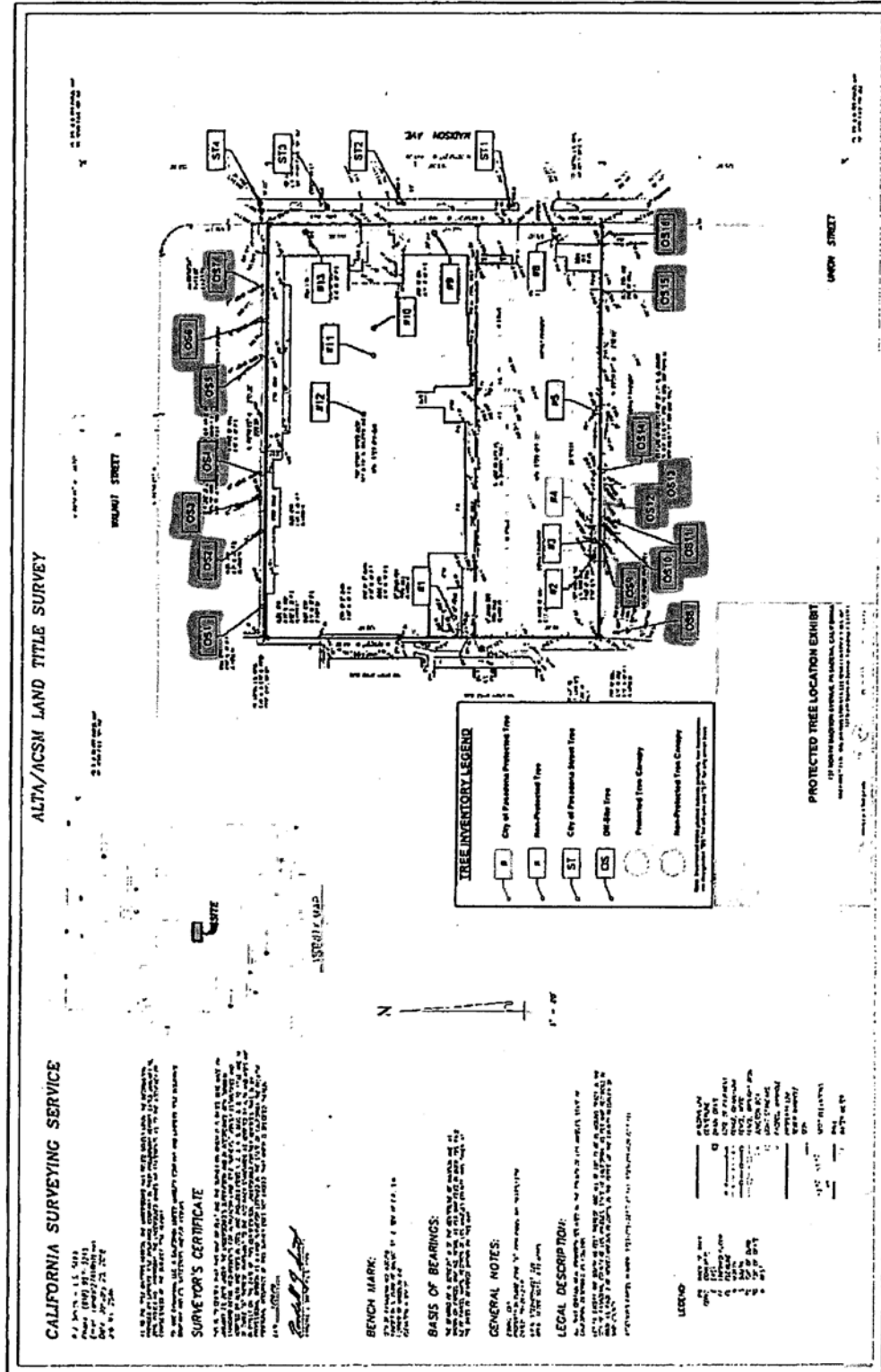
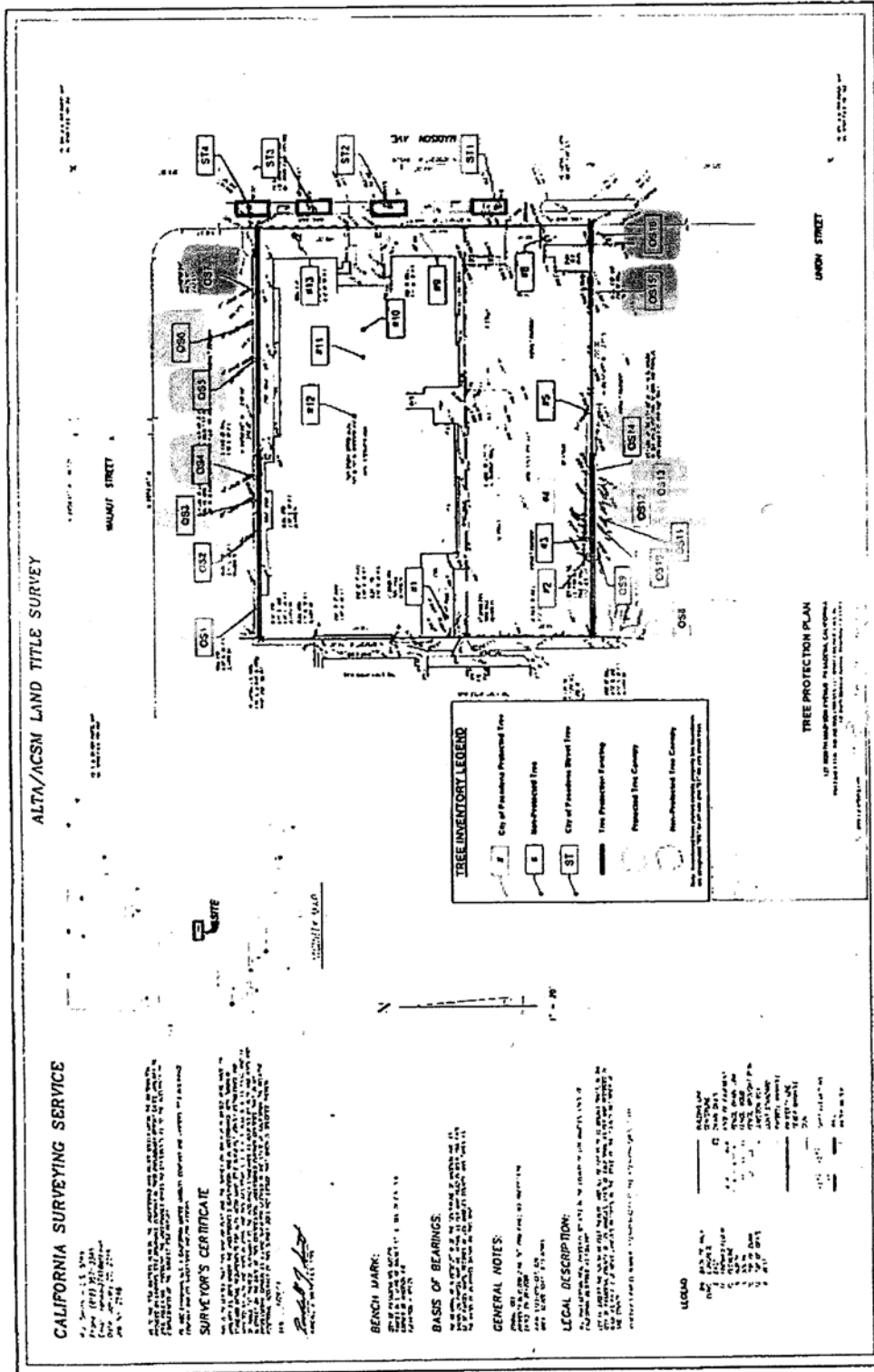


EXHIBIT C -- REDUCED COPY OF THE TREE PROTECTION PLAN



UPDATED FEBRUARY 7 2018 BY ANTHONY M. BISHOP, LICENSED PROFESSIONAL SURVEYOR, PASADENA TREE INVENTORY

## **Jomsky, Mark**

---

**From:** Lauren McCutcheon <laurenmccutcheon@gmail.com>  
**Sent:** Friday, July 19, 2019 9:56 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

---

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

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Dear Mark Jomsky,

Hello, I am writing to pledge my support of Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Pasadena is a wonderful city that I have been happy to live in for its aesthetic beauty and historical architecture. The proposed project is objectionable for many reasons including potential damage to historical architectural areas of the city as well as a negative impact to the neighboring homes. Development is important and necessary and I fully support responsible growth that compliments the surrounding areas that make Pasadena great. Overwhelming structures that block out neighboring homes and provide little to no aesthetic improvement or landscaping cannot be an improvement to Pasadena and I urge you to make sure that any developments in this area undergo rigorous study and consideration to the history and beauty of this great city!

Thank you for your time,  
Lauren McCutcheon

**Jomsky, Mark**

---

**From:** Jessica Meehan <jessicarabbit47@hotmail.com>  
**Sent:** Friday, July 19, 2019 10:40 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

Dear Mark Jomsky,

I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Thank you,  
Jessica Meehan

## Jomsky, Mark

---

**From:** rmorris702@aol.com  
**Sent:** Saturday, July 20, 2019 10:22 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

Destroy the Blinn House!! Although not prosecutable, that should be a crime.. How much high density housing does Pasadena need? I suggest you check the occupancy rate of what has already been built.

I strongly oppose the destruction of the Blinn House and I appeal to you protect the Blinn House.

K. E. Morris

**Jomsky, Mark**

---

**From:** JOYCE NEWMAN <joycnewman@earthlink.net>  
**Sent:** Friday, July 19, 2019 11:36 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

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I am seriously concerned about the impact of this proposed project and ask you to vote "no" on approving this project until we have an Environmental Impact Statement. I support the Pasadena Heritage position. I think this project is too large for this space and needs to be redesigned at least.

Joyce Newman,

842 E Villa St.  
Pasadena, CA 91101

**Jomsky, Mark**

---

**From:** Michael Okamura <michael.okamura@hotmail.com>  
**Sent:** Friday, July 19, 2019 8:00 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

To the councilmembers of the Pasadena City Council:

I support Pasadena Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

The project site is located between two National Register Historic Districts, and any new building should be compatible with its historic setting per the city's General Plan and Design Guidelines for the district. The FAR (floor area ratio) requested far exceeds the allowable FAR in the Zoning Code that already includes a density bonus. Pasadena Heritage believes that a successful project could be developed here, but it must comply with the General Plan, Zoning Code, and Design Guidelines.

Sincerely,  
Michael G. Okamura  
Pasadena

**Jomsky, Mark**

---

**From:** Valerie Okorocho <vgokorocho@yahoo.com>  
**Sent:** Friday, July 19, 2019 10:43 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

Our city deserves responsible planning and a limit on high rises which obstruct the view and beautiful feel of our cherished city. The need for housing is not for the most wealthy among us but for the low income - there is no rational justification for amassing more high rise apartments or condos. Be courageous and take a stand for Pasadena's future.

Edward & Valerie Okorocho  
210 Sequoia Dr  
Pasadena, CA m 91105



**Jomsky, Mark**

---

**From:** gjpash@aol.com  
**Sent:** Friday, July 19, 2019 11:32 AM  
**To:** Jomsky, Mark  
**Subject:** 127-141 NORTH MADISON PROJECT

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

I support Pasadena Heritage's appeal and request that the City Council NOT APPROVE the project at 127-141 North Madison Avenue as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Gordon J. Pashgian

**Jomsky, Mark**

---

**From:** Ingrid Pena <ingridpe@usc.edu>  
**Sent:** Friday, July 19, 2019 5:02 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

Dear Mr. Jomsky,

I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

With regards,  
Ingrid

**Jomsky, Mark**

---

**From:** Liz Pritchett <pritchett.liz@gmail.com>  
**Sent:** Friday, July 19, 2019 9:00 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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

*Mr. Jomsky,*

*As a property owner on Madison and a member of Pasadena Heritage, please be advised that I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*Thank You,*

*Elizabeth Pritchett  
601 East Del Mar, #405  
Pasadena, CA 91101*

Neill Brower  
nb4@jmbm.com

1900 Avenue of the Stars, 7th Floor  
Los Angeles, California 90067-4308  
(310) 203-8080 (310) 203-0567 Fax  
www.jmbm.com

Ref: 78924-0001

July 19, 2019

**BY EMAIL AND HAND DELIVERY**

Mayor Terry Tornek and  
Members of the City Council  
City of Pasadena  
100 N. Garfield Avenue, Rm. S249  
Pasadena, CA 91109

Re: Affordable Housing Concession Pmt. No. 11879  
127 and 141 North Madison Avenue  
Agenda Item no. 24  
Hearing Date: July 22, 2019

Mayor Tornek and Board Members:

We and Richard McDonald represent Mike Balian and MBC Enterprises, LLC, the owner of the Property and Applicant for the approved density bonus affordable housing Project referenced above. We respond briefly to the July 17 letter from Kenneth McCormick, which merely references the inaccurate and already-disproven claims addressed in detail in our prior correspondence and by Keyser Marston Associates ("KMA"), the preparers of the economic analysis of the Project. Having only one year ago obtained his own approvals for a density bonus project of substantially greater density and height than proposed here, with the same entitlements and under the same circumstances—including adjacency to the same historic districts—Mr. McCormick now seeks to stifle competition for reasons known only to him and to oppose affordable housing in the process.

**1. The Letter Recycles Already Disproven Claims and Mischaracterizations of Law, and Provides No New Evidence of Any Kind.**

The letter implies inaccuracy or misrepresentation with respect to the values MBC provided to KMA for the economic analysis, but provides neither any alternative value nor any evidentiary support for such a value.<sup>1</sup> As Mr. McCormick is himself a developer, we have no doubt that he could provide alternative inputs for KMA's economic analysis, or describe any major methodological inconsistency between the analysis for this Project and for his. His refusal to do so speaks volumes.

<sup>1</sup> Our letter of July 3, 2019 to the City Council, as well as the attachments to the staff report to the Board of Zoning Appeals, comprehensively address why the claims of Mr. McCormick's legal counsel defy logic and accepted professional practice for evaluating project economics.

07/22/2019  
Item 24

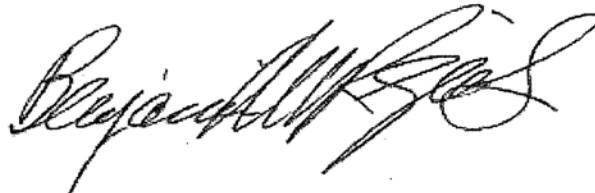
Moreover, the letter's claim the Project presents a near-borderline case of economic need for incentives is both irrelevant and perpetuates his legal counsel's misrepresentation of State law. As described in detail in our July 3 correspondence, State law both forbids the City's requirement for an economic study and long ago eliminated the requirement for any affirmative finding of need for the viability of a project. The law only permits the City to deny the incentives and concessions if it finds they do not result in **any** actual and identifiable offset of the costs associated with providing the affordable units. As the economic analysis for the Project demonstrates—and the letter appears to admit—the incentives clearly provide some economic benefit that can offset the costs of the affordable units. No evidence indicates the contrary, and the grant of concessions and incentives was therefore not only proper but mandatory. The record before the City Council simply does not support a different finding.

**2. The City Council Should Deny the Appeal, Affirm the ZA's BZA's Approvals, and Uphold the Categorical Exemption.**

The challenger bears the burden of proof to demonstrate the inapplicability of a density bonus, including any grant of concessions. Here, as described above, the opposition has failed to provide any substantial evidence to support a negative finding. Not only have the opponents failed to provide evidence, but State law and the evidence in the record concerning density, concessions, and environmental impacts contradicts their claims. Simply put, the opponents have again failed to meet their burden, and the record before the City Council cannot support a rejection of the incentives and concessions at issue here.

Consistent with State law, and for all of the reasons discussed above, we urge the City Council to reject the unfounded and unlawful claims of the appeal and opposition, deny the appeal, and sustain the ZA's approval and BZA's affirmation of the Project.

Very truly yours,



BENJAMIN M. REZNIK and  
NEILL E. BROWER of  
Jeffer Mangels Butler & Mitchell LLP

NB:neb

cc: (via email)  
Talyn Mirzakhian, Zoning Administrator

**Jomsky, Mark**

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**From:** John G. Ripley <jgripley@yahoo.com>  
**Sent:** Friday, July 19, 2019 11:22 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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To City Clerk and City Council Members:

Please record my support of Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. I am of the opinion that an EIR is needed to fully evaluate the project. We need to study alternatives and proper mitigation for this project that is directly adjacent to two important historic districts.

The proposed project does not represent how our great city should treat its heritage.

Respectfully,

John G. Ripley  
1080 N. Chester Ave.  
Pasadena

## Jomsky, Mark

---

**From:** Bob Ritter <bob\_ritter@capgroup.com>  
**Sent:** Sunday, July 21, 2019 7:44 PM  
**To:** Jomsky, Mark  
**Cc:** asalimian@pasadenaheritage.org  
**Subject:** Opposition to the project at 127-141 North Madison Ave.

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Dear Mr. Jomsky,

As a Board Member of Pasadena Heritage and a resident of Pasadena for over thirty years, I am highly concerned with the development project at 127-141 North Madison Avenue, as it is currently proposed. I am writing to support Pasadena Heritage's appeal. This project is troubling on multiple fronts. I am especially worried about the disproportionate scale of the project and the detrimental impact it would have on adjacent historic resources. At five stories high, the building literally would tower over its neighbors. I am also unsettled and distressed by the potential damage that the project could inflict on the National Register-listed Blinn House, with its vulnerable foundation and fragile leaded art glass windows and fireplace.

Sincerely,  
Robert A. Ritter  
135 Glen Summer Road  
Pasadena, CA 91105

## **Jomsky, Mark**

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**From:** Ruth Sabean <rsabean@mac.com>  
**Sent:** Friday, July 19, 2019 9:06 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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The project site is located between two National Register Historic Districts, and any new building should be compatible with its historic setting per our General Plan and Design Guidelines for the district. The FAR (floor area ratio) requested far exceeds the allowable FAR in the Zoning Code that already includes a density bonus. Pasadena Heritage believes that a successful project could be developed here, but it must comply with our General Plan, Zoning Code, and Design Guidelines.

Thank you for attention to this critical project.

Ruth Sabean



**Jomsky, Mark**

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**From:** Thomas Seifert <tdseifert@aol.com>  
**Sent:** Friday, July 19, 2019 2:58 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 North Madison

---

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Mark: Please distribute to the following:

Dear Honorable Mayor Tornek, Vice Mayor Hampton and Members of the Council:

I am writing in support of Pasadena Heritage's appeal and request that the City Council **NOT** approve the project at 127-141 North Madison as proposed. An EIR is absolutely needed to fully evaluate the project and to study alternatives and proper mitigation.

My principal reason for writing is on behalf of **Pasadena trees**. This project, if allowed to go forward, would result in the loss of four protected beautiful huge mature trees and provides for no real legitimate landscape space to plant new trees in the ground. Over the recent years, we have lost hundreds of mature trees to commercial construction and, given our eagerness to have new buildings hug the lot lines, have forsaken all opportunities for replacement trees or the expansion of our dwindling tree canopy. We in Pasadena talk a good game about being a model tree city, but are we really? Let's prove it....starting with this project.

Thank you for your consideration.

Sincerely,

Thomas Seifert  
436 South Arroyo boulevard  
Pasadena, CA 91105

**Jomsky, Mark**

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**From:** Marilyn Skelton <skelton777@gmail.com>  
**Sent:** Friday, July 19, 2019 4:55 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Marilyn Skelton

**Jomsky, Mark**

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**From:** Laurie Smith <223hotpink@gmail.com>  
**Sent:** Friday, July 19, 2019 1:51 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*Dear Mr. Jomsky,*

*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*Sincerely,*

*Laurie Smith*

*1064 Chula Vista Place,*

*Pasadena*

## Jomsky, Mark

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**From:** Mary Devin Starratt <mdstarratt@gmail.com>  
**Sent:** Sunday, July 21, 2019 6:09 PM  
**To:** Jomsky, Mark  
**Subject:** Permit #11869 and #11879

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July 22, 2019

Mayor Tornek, City Council, Planning Department  
City Clerk  
100 North Garfield Ave.  
Pasadena, CA 91101

**Re: Appeal of Hearing Officer's Decision on Affordable Housing Concession Permit #11869 and #11879**

Dear Mayor, City Council, and Planning Department,

The developers in both cases of 253 South Los Robles and 127 North Madison want to remove beautiful protected trees from their properties even though it seems as if they could easily be integrated into the proposed development. This 100ft canary pine at 253 South Los Robles is the only remaining protected tree left on the block. Its removal does not conform with the very first Guiding Principle of our General Plan which was developed through an extensive program of community outreach and input conducted over a six-year period. It says, "*Growth will be targeted to serve community needs and enhance the quality of life...New development will build upon Pasadena's tradition of strong sense of place, great neighborhoods, gardens, plazas, parks, and trees.*"

Our residents really want to understand the city process of our tree ordinance which allows this removal especially when we specifically asked our General Plan to include tree preservation? There are two other trees clustered next to the one tall protected tree at 253 South Los Robles to be removed and it doesn't make sense how they will be able to remain with the property line just a few feet from the remaining trees especially when design commission will not have a chance to scale back the building to make sure the trees stay healthy. How will they dig the subterranean garage and build massive walls just feet away from the trees that are to remain? Will we see another Kaiser wrongdoing? In fact, we have protections in place for this but it through the design commission.

If the design commission first had the opportunity to see how the development could be altered and minimized to save these trees as it says in our protection policy, we might see a completely different project. After these concessions are given though, you have put the design commission in a corner. They cannot save the tree by giving more incentives to the developer with height or reduced garden requirements because the project is already out of scope of the General Plan. The design commission has to choose between two evils to remove the last protected tree on the block or go even bigger which will not be consistent with our General Plan. What is happening with the city not following Goal 5, Policy 5.5 of our General Plan- "*Civic Open Space. Continue to protect the character of the Civic Center as defined by its landscaped open spaces and tree canopy. Locate and design new civic structures to respect this urban form, character, design and functionality.*"

The next big development coming to our city like these two must take our tree canopy into consideration just as our General Plan requires in Policy 5.5. It is the city's duty to protect its current residents from development that might hinder the livability of our city and protect us from a high urban heat index. In addition, our city is quickly losing what differentiates us from other cities: mature trees.

We must ensure that the city we pass down to our children isn't made of just parking lots and concrete developments. It is up to city staff and council to protect us from development that contradicts this fundamental imperative and follow our General Plan. While our city does have tree protections in place, it is clear it is not enough and you are not following it. The city needs to take a stronger stance on maintaining mature trees in the urban center. We must create a city that has strong urban forestry efforts with dense vegetation and a beautiful urban canopy. We need to band together and insist on stronger and more stringent views of our urban canopy.

Thank you,  
Mary Devin Starratt

**Jomsky, Mark**

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**From:** Denise Steiner <dsteiner@usc.edu>  
**Sent:** Friday, July 19, 2019 11:16 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

Regards,  
Denise Steiner

**Jomsky, Mark**

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**From:** gwen strong <gwenstrong@sbcglobal.net>  
**Sent:** Friday, July 19, 2019 6:39 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*Mr. Mark Jomsky,*

*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*I have worked and lived in the Pasadena for 17 years, and what makes it special is that it has maintained it's "home town feel" WHILE still being a sophisticated center of arts, science, and culture. I was just bragging to a friend that Pasadena is dedicated to honoring its historic character and is against new building's overshadowing landmarks.*

*Keep Pasadena UNIQUE in this regard! Not another Santa Monica or Westwood!*

*Gwen Strong  
2343 Country Club Drive  
Altadena, CA 91001*

## Jomsky, Mark

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**From:** Julia Suh <juliasuh09@gmail.com>  
**Sent:** Friday, July 19, 2019 2:58 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison Ave.

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Dear Mr. Jomsky,

I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

I see no reason why any building would be approved that did not meet *or exceed* the standards put forth by the General Plan, Zoning Code, or Design Guidelines that are in place. This is Pasadena--a city valued for its character, standards, and vision. It's why we choose to live here. Please uphold these values with the integrity our community deserves.

With gratitude,  
Julia Suh

--  
Julia Suh, CMP, BCST  
Nourished by Hand  
Bodywork ~ Craniosacral Therapy, Massage  
[www.nourishedbyhand.com](http://www.nourishedbyhand.com)  
818.400.1452

## Jomsky, Mark

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**From:** Pamela Tartaglio <pamtartaglio@gmail.com>  
**Sent:** Friday, July 19, 2019 12:12 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Dear Mr. Jomsky,

I support Pasadena Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Sincerely,  
Pamela Tartaglio

--

**Pamela Tartaglio**

Past and Present with Pamela

*A blog of the Arts, History, and Places*

<http://PastAndPresentWithPamela.com>



**Jomsky, Mark**

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**From:** Katie Moran <k8tmoran@yahoo.com>  
**Sent:** Monday, July 22, 2019 8:10 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

I am unable to attend the meeting tonight but wanted to make sure my opinion and support of Pasadena's Heritage's appeal was heard in some way!

Thank you for your time and careful consideration of this project from all sides.

Katie Taylor

**Jomsky, Mark**

---

**From:** dale trader <dtrader\_91104@yahoo.com>  
**Sent:** Friday, July 19, 2019 12:45 PM  
**To:** Jomsky, Mark  
**Cc:** preservation@pasadenaheritage.org  
**Subject:** Appeal of 127-141 N. Madison

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*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*Sincerely,  
Dale Trader  
548 Rio Grande Street  
Pasadena, CA 91104*

**Jomsky, Mark**

---

**Subject:** FW: Appeal of 127-141 N Madison

**From:** Richard von Ernst <richard@richardvonernst.com>

**Sent:** Friday, July 19, 2019 11:07 AM

**To:** Jomsky, Mark <mjomsky@cityofpasadena.net>

**Subject:** Appeal of 127-141 N Madison

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I am a member of and support Pasadena Heritage's appeal and request that City Council not approve the project at 127-141 N Madison as proposed. An Environmental Impact Report is essential to evaluate this project and to investigate alternatives and proper mitigation.

Thank you for your help,

**Richard von Ernst**  
Architectural Director  
Charitable Giving Director

**Jomsky, Mark**

---

**From:** wordfitz <wordfitz@aol.com>  
**Sent:** Saturday, July 20, 2019 11:53 PM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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*I support Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.*

*I am a 47-year resident of Pasadena & spend a lot of time in the area under discussion. The size of the proposed project absolute dwarfs the other neighborhood buildings.*

Sent from my Verizon, Samsung Galaxy smartphone

**Jomsky, Mark**

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**From:** Sabina Zonno <sabina.zonno@gmail.com>  
**Sent:** Friday, July 19, 2019 9:22 AM  
**To:** Jomsky, Mark  
**Subject:** Appeal of 127-141 N. Madison

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Dear Mark,

I am writing in support of Pasadena's Heritage's appeal and request that the City Council not approve the project at 127-141 N. Madison as proposed. An EIR is needed to fully evaluate the project and study alternatives and proper mitigation.

Thank you for your attention,  
Best,  
Sabina Zonno