

Jomsky, Mark

Subject:

FW: Balian Investments: Madison Project

From: "Tina L. Salcedo" <TLSALCEDO@pasadena.edu>

Date: July 22, 2019 at 5:21:36 PM PDT

To: "jvanpatten@cityofpasadena.net" <jvanpatten@cityofpasadena.net>

Cc: "Wong, Jim" <jwong@cityofpasadena.net>

Subject: Balian Investments: Madison Project

Honorable Council members:

My name is Tina Salcedo and I just closed escrow on one of Mr Mike Balian's project's very low income units offered for sale at his West Grove Community project in District 6. I would like to focus on the fact that for individuals like myself, we rely upon builders and developers like Mike to provide housing in the very low income bracket—that is, the opportunity to become a homeowner. Once that opportunity exists, it takes a team of believers to make it happen and Mr Balian's projects are part of that team.

For myself, Balian Investments created this opportunity by electing to use the State Density plan to create a very low income housing unit for Pasadena's very low income resident families in their project on Hurlbut St, West Grove Pasadena. Balian Investments made sure all players in the home purchase team collaborated for a successful outcome. Today I am a very happy homeowner of the very low income unit at that project. I have been actively looking for available home buying opportunities in my resident community and I can attest to the fact that Mr. Balian is the ONLY builder/developer who offered it to the very low income bracket. Most developers participate but offer mostly to those belonging in the low and moderate income levels or choose to pay in lieu fees rather than build the affordable units on site. Others cities do not even entertain offering this resource to the very low income, believing in the myth that home ownership will be a risk since maintaining a home is additional to mortgages and HOA payments and that is not in the budget for the very low income category--most in this category live paycheck to paycheck. Cities need to be grateful and take care of developer builders willing to invest and at the same time, contribute to improving the lives of the very low income residents.

I look forward to residing in my own home at the West Grove community and am grateful that there are still builders/developers willing to extend this home ownership opportunity for those in the very low income category. Mr. Balian partnered with the Habitat for Humanity Organization to secure the selection and qualification of homeowners and financing of very low income units in Pasadena.

I thank SGV Habitat for Humanity, Mr. Mike Balian, the City of Pasadena Housing Department, Franklin Loan Center, and California Bank and Trust for participating in helping make my dream of homeownership come true. I am a walking testimonial that it is still possible for very low income residents like me to become a homeowner (after renting forever and ever) right within your own resident community, in your own backyard. I realize, through this home-buying experience, that in this day and age, it simply takes a village of believers to help make your dreams come true.

Thank you Mr Balian for your contribution in improving the housing opportunity for our very low income residents--my new home being the most recent project completed and for th 4 very low income units provided in the upcoming Madison project

I understand there is an appeal filed by a historical preservation agency opposing the Madison Project which will be heard at tonight's meeting. I plan to attend and speak about preservation too--that is, the preservation of 4 very low income families made possible by Mr Mike Balian's Madison Project

I support not only Mike Balian's project but all those that offer these great opportunities to Pasadena's very low income residents that cannot otherwise afford to live in Pasadena, much more to own residences of their own.

I thank the City Council for making this happen in our City, for providing this available resource, but most importantly, thank you for finding partnerships such as Balian Investments who converts the City's available resource into reality, ultimately contributing to improving the lives of our very low income residents.

Respectfully,

Tina Salcedo

Very Low Income Resident

Former Affordable Housing Renter

Now a Very Low Income Resident Homeowner

Jomsky, Mark

From: Suzie Boyer <suzieboyer@att.net>
Sent: Sunday, September 15, 2019 9:07 AM
To: Jomsky, Mark
Subject: Support of Erika Foy's letter 9-14-19

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

I share the concerns of Erika and am alarmed at the loss of Pasadena's trees. Not only does it go against our general plan but trees in a city have proven health benefits. Thank you. Suzanne Boyer

<https://docs.google.com/document/d/1mGBRo9EhhB1XbOUA6vx9Y3MDeULfOqMga1HWNRD9z3Q/edit?usp=sharing>

Sent from my iPhone



September 14, 2019

Mayor Tornek & Members of the City Council
City of Pasadena
100 North Garfield Ave.
Pasadena, CA 91101

Dear Mayor Tornek, Councilmembers, and Mr. Reyes,

The tree canopy within Pasadena's urban core is quickly dwindling and in many cases, this reduction is related to the replacement matrix of our tree ordinance and zoning code encouraging "urban edge" development. Our current tree ordinance is just not strong enough to save even the most protected trees when a developer is given massing and increased density through state-mandated concessions.

The developer of 127-141 North Madison wants to remove beautiful protected trees from the property even though they should be integrated into the proposed development. The removal of the protected trees does not conform with the very first Guiding Principle of our General Plan, which 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.*"

Over this past year, it has become obvious that the Affordable Housing Concession Permits (AHCP) has damaged and diminished our urban tree canopy, going so far as to destroy healthy trees and leave no room for in-ground plantings. After the AHCP is awarded, protected trees cannot be saved by giving further incentives to the developer with height or reduced garden requirements because the project is already out of the scope of the General Plan. The design commission has to choose between two evils: remove the last protected tree on the block or go even bigger, which will not be consistent with our General Plan.

Goal Five of our General Plan is currently being set aside to accommodate these new developments and something must change. Policy 5.5 of our General Plan is one of the most distinguishing and unique aspects that has created our city: "*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.*" We cannot lose what makes Pasadena so special and it is our hope you will consider changing our tree ordinance and zoning code to help reduce the destruction of our urban tree canopy.

The developer of 127-141 North Madison 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 both developments that might hinder livability and from a higher urban heat index. Sadly, our city is quickly losing what differentiates us from other cities: mature trees. **PPT believes front, rear, and side setbacks must be maintained in all developments to allow for the opportunity to retain and plant more trees. We also believe subterranean garages should not be going from lot line to lot line, a practice that destroys all trees on a property as well as those that sit between buildings. We strongly request that no tree removal and replacement permit be granted for 127-141 North Madison unless replacement trees can be planted in the ground and have a chance to grow to maturity and provide a shade canopy.**

We must ensure that the city we pass down to our children isn't made of just parking lots and concrete developments. It falls on the city staff and council to follow our General Plan and protect us from development that contradicts this fundamental imperative. While our City does have tree protections in place, it is clear they are no match for developers using the State Density Bonus Law.

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 protections for our trees.

Thank you,

Erika Foy



September 6, 2019

Pasadena City Council
City of Pasadena
100 North Garfield Avenue
Pasadena, CA 91101

**RE: Appeal of Board of Zoning Appeal's Decision on Affordable Housing
Concession Permit #11879 Located at 127 and 141 North Madison Avenue**

Dear Honorable Mayor and Members of the City Council,

In conjunction with the Women's City Club of Pasadena and the Blinn House Foundation, Pasadena Heritage filed an appeal of the project proposed at 127-141 N. Madison Ave., due to its impacts on historic resources and its inconsistency with Pasadena's General Plan.

We are pleased to say that there have been major revisions to the project by the developer and specific conditions prepared by the Planning Department with our input. As a result, the revised project addresses many of our objections and concerns regarding this specific project.

We accept and are pleased with the following positive changes to this project:

- Setbacks at the rear (west property line) have increased from 0 to 7 feet for the underground parking, 10 feet for the first three floors, and additional significant setbacks at the 4th and 5th stories that move the project massing away from the Ford Place Historic District and the historic Blinn House.
- A Vibration Monitoring Plan will be incorporated into the project construction plans and utilized to monitor the safety of the Blinn House and other adjacent properties during construction.
- Increased setbacks at the rear and front property lines allow for the planting of new required trees in real soil, and the conditions require the developer to seek to achieve a greater setback if possible. (Previously the underground parking extended to the lot lines on the north, south and west, allowing no room for trees to be planted in the ground.)
- All parking will be constructed underground, rather than combined at-grade and subterranean which created a 15' parking podium which was highly problematic from a design perspective and added height to the project.
- The overall height of the project has been reduced, with the tallest portion now confined to only the eastern portion of the building, toward Madison Ave. and away from the Ford Place Historic District where the scale is dramatically smaller and more residential.

- The commercial space within the project has been reduced, thus reducing the overall bulk of the building and the parking requirements.
- The center courtyard will now be closer to and more visible from the public right-of-way along Madison Avenue.
- The massing of the revised project can better lend itself to a design that is compatible with the surrounding streetscape and adjacent buildings, though no actual architectural design has yet been put forth.
- The condition that directs redesign of the balconies will facilitate a more traditional design approach which would help achieve compatibility with the adjacent historic districts.

For you to approve a Class 32 CEQA Exemption for this project, you must find that it is consistent with the General Plan, including all the policies (see below) about compatibility and contextuality. Since there is no actual design for the revised project, it is difficult to make that determination. Ideally, the project would go to the Design Commission for another preliminary consultation or for concept review, and you would have the advice of the Commission as to whether the project is compatible with its surroundings. The revisions noted above make it more likely that that result is achievable, but that question remains open. In addition, please note that the positive changes in the project were achieved through a lengthy negotiation process between the appellants, the developer and city staff but not in the public realm where others could have participated.

Whatever your decision with regard to this project, we ask that the Council acknowledge the general reasons for our appeal and how our concerns with policy and procedure will continue to apply to other projects. We urge you to consider changes in the review process that will improve it and provide more opportunity for public participation.

GENERAL PLAN CONSISTENCY

A requirement for approval of a Class 32 CEQA Exemption (one of the required approvals for this and a number of other current projects) is the finding that the project is consistent with Pasadena's General Plan. In our appeal application, we stated that we did not believe this finding could be made and spelled out the many policies in the General Plan meant to ensure compatibility with existing historic resources. There are multiple provisions in General Plan meant to ensure compatibility and contextual development with existing historic resources. These general plan policies include (see our appeal application for more details about these policies):

- 4.11 Development that is Compatible
- 4.12 Transitions in Scale
- 6.1 Sense of Place and History
- 6.2 Established Neighborhoods
- 7.3 Compatibility
- 7.4 Design Review

The City drafted the policies with input from the community when the General Plan was created. The emphasis on contextual development and historic resources was even the basis of Guiding Principle #2 which explicitly states: "New construction that could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource." Central District Specific Policy 31.4 requires even more stringent contextuality: "Require new development within and adjacent to the historic districts to be compatible with the scale, density, and urban features of existing historic buildings and districts." This project as first proposed did not meet those standards, and therefore the finding of compliance with the General Plan could not, in our opinion, be made. The revised project better addresses these policies, but a determination of compliance must still be made, by the Council, or by another body or the staff before an exemption could be considered.

This particular project site is in a historically sensitive location, adjacent to two National Register Historic Districts, Ford Place and the Pasadena Playhouse. Furthermore, The Edmund Blinn House is individually listed on National Register and is adjacent to the project site. Given these historic resources, we believe strongly that proper environmental review would have been the right thing to do and should have been required. An EIR, or even a focused EIR, would have appropriately analyzed the project for consistency with the General Plan, provided thorough study of potential impacts, and offered alternatives where necessary to mitigate those impacts. The very cursory consultant's report that was done completely overlooked virtually all of the policies about historic resources and neighborhood context. **We ask that any project proposal requesting a Class 32 CEQA Exemption be more carefully evaluated through a more rigorous environmental review process, and any project that includes or is adjacent to historic buildings or districts must demonstrate respect for and compatibility with those resources, as called for in the General Plan, or it should not be recommended for a CEQA Exemption.**

ZONING CODE INCONSISTENCY

Our appeal application also identified a zoning inconsistency, and a finding must be made that a project complies with the Zoning Code in order to win a Class 32 exemption. The N. Madison site has a base FAR of 1.50 with an allowance of up to a 2.0 FAR (a 33% increase) to accommodate more density. This specific information is found in the Zoning Code, and therefore the project, which seeks a 2.25 FAR (a 50% increase) is not consistent with the Zoning Code. The point is that the claim should not have been made that the project conforms with the Pasadena Zoning Code when it does not!

Pasadena Heritage does not specifically focus on FAR except when increased FAR makes for a bulkier, taller, less architecturally interesting project. We understand the need to add density to provide more housing, and we further acknowledge that concessions can be requested and must, under State law, be granted. It is important to note that the revised project has the same increased FAR and the same number of housing units, but the massing, bulk, parking, setbacks and design direction have drastically improved.

CEQA GUIDELINES

In addition to the General Plan and Zoning Code inconsistencies we found, State CEQA Guidelines Section 15300.2 lists possible exceptions to a categorical exemption. One such exemption (f) speaks directly to historic resources and states: "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historical resource." The California Supreme Court held that if there is a "fair argument" that the project may cause a substantial adverse change in the significance of an historic resource, even if there is other information in the record to the contrary, the exemption can be denied. We believed strongly that the initial project, without a doubt, posed the threat of both physical and aesthetic impacts to the Ford Place Historic District and the Blinn House.

The consultant's report claims that there was be no impact to adjacent resources caused by the initial project, but we strongly disagreed. The Women's City Club and its historic Blinn House could, in our opinion, be adversely affected by nearby construction, especially given the already compromised state of its foundation and its very rare and fragile leaded glass windows and glass tile fireplace. Much more careful study and care should have been required to determine if the proposed construction could damage this National Register property specifically. We also believe that the Ford Place Historic District would have had its setting significantly altered and aesthetically compromised by having a five-story building looming on its eastern border. Again, CEQA review would have addressed this question in detail and alternatives or mitigations could have been proposed where potential impacts were identified. Our request for a full EIR was driven by these issues. In the revised project, the kinds of mitigation measures we envisioned would have been the result of the CEQA process have been agreed upon through negotiation. However, without our efforts, the original project would have been constructed at great detriment to adjacent historic resources. No CEQA exemption should have been recommended for the original project, but rather a full EIR, limited EIR, or Mitigated Negative Declaration would have been the right choice.

TREE REMOVAL AND REPLACEMENT PERMIT

Pasadena Heritage and others further identified that mature trees would be lost with the construction of the original project with no provision for replacement trees to be planted in the ground with the opportunity to grow and mature to provide a shade canopy.

Replacement trees in containers that will remain small and, even in greater numbers, are not legitimate replacements for mature trees, and therefore we argued that the tree permit should not be granted. With the increased setbacks in the revised project it is now possible that trees can be planted in the soil, and species can be selected that will establish root systems in the space provided. **We strongly request that no tree removal and replacement permit be granted unless replacement trees can be planted in the ground and have a chance to grow to maturity and provide a shade canopy.**

PROJECT DESIGN AND DETERMINATION OF COMPATIBILITY

Pasadena Heritage and its co-appellants objected that the City's Design Review process was put forth as the solution for new project design to achieve a compatible and contextual relationship with the surrounding properties and the adjacent historic resources. However, the Design Commission's preliminary consultation of the project proposal was highly critical and did not accept the design as compatible or contextual. To entitle the project and grant it exemptions and concessions and then expect the Design Review process to make it fit into its context is backwards and probably an impossible task, as it has proven to be in the past. Pasadena Heritage expressed repeatedly that the design approach was wrong, that there was no identifiable reference to the context of the project (a General Plan Requirement). We strongly request that the process for projects like this one be revised so that Design Review is scheduled before entitlement approvals are requested and that a finding or opinion from the Design Commission be issued that states the project does (or can with recommended revisions) achieve compatibility. The Design Commission should have a positive opinion about any project that is requesting concessions or a CEQA exemption.

MIXED USE CLASSIFICATION

Lastly, we have found in reviewing this and other projects, that the concept of Mixed Use is often being used primarily to take advantage of certain variations in zoning regulations. For example, setbacks in a Mixed Use project, even when largely residential, are drastically reduced to nothing or almost nothing, as was the case with the first version of this project. First floor height is taller, meant for retail or commercial uses, but then leads to taller buildings overall. Commercial uses require more parking, which is often provided at grade and drives the whole project to be larger and taller, with unattractive solid parking walls at the pedestrian level. There are certainly places where Mixed Use as defined in our Zoning Code is appropriate and advisable. However, the locations and applications of Mixed Use should be immediately revisited and refined, particularly with the Specific Plans coming into focus.

In closing, let us restate that we are pleased with the changes to the project that have been achieved and feel that real improvements have been made. The adjacent historic resources are better protected and respected as a result, which was our primary concern. We appreciate the willingness of the developer to listen to our concerns and the time and guidance provided by the planning staff. We do have lasting concerns about the building's ultimate design. If you decide to approve this project, we will continue to participate in the Design Review process as this project

moves through it. You may well hear from us if we don't believe, in the end, that an architecturally compatible project, as required by the General Plan, has been achieved, but we will remain hopeful that the end result will be positive.

Sincerely,



Susan N. Mossman
Executive Director



Andrew Salimian
Preservation Director

cc: Pauline Field, Pasadena Women's City Club
Brian Baker and William Washington Ellinger III, the Blinn House Foundation
Mike Balian, Toledo Homes
David Reyes, City of Pasadena

Iraheta, Alba

Subject: FW: Public Comment submission re: City Council Meeting 9/16, Items 2 and 6

From: L. Greenfield
Sent: Friday, September 13, 2019 10:46:58 PM (UTC-08:00) Pacific Time (US & Canada)
To: cityclerk
Subject: Public Comment submission re: City Council Meeting 9/16, Items 2 and 6

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Dear City Clerk's office,

If possible, I would like to submit the following public comments as a citizen of Pasadena regarding agenda items for the city council meeting on 9/16:

My comment regarding agenda Item 2 (APPROVAL OF SUBMISSION OF THE 2019 CONTINUUM OF CARE CONSOLIDATED APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOMELESS SERVICES FUNDING) is as follows: **I fully support this approval.** I strongly encourage the city to continue doing everything possible to provide services and housing to our homeless community members.

My comment regarding agenda Item 6 (CONTINUED PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11879 LOCATED AT 127 AND 141 NORTH MADISON AVENUE) is as follows: **I fully support the exemption and the approval of this project.** I believe the inclusion of the affordable units outweighs other concerns, given the current housing crisis in our community. I would encourage the city to work with developers to add even greater numbers of affordable units to buildings as possible.

If additional information or clarification is needed regarding these comments, do not hesitate to reach out to me at the contact information below.

Thank you for all your great work for our city.

Sincerely,

Leigh Ann Greenfield