

CORRESPONDENCE

LAW OFFICES OF
ANN HAYES HIGGINBOTHAM
ATTORNEY AT LAW
76 SOUTH GRAND AVENUE
PASADENA, CALIFORNIA 91105

RECEIVED

12 JUL 18 12:40

(626) 792-6741

Wednesday, July 18, 2012

CITY CLERK
CITY OF PASADENA
Mr. Leon White

City of Pasadena Design and Historic Preservation
175 North Garfield Avenue
Pasadena, California 91109

Re: 229-247 South Marengo Ave. (PLN2006-00348; PLN 2010-00469)

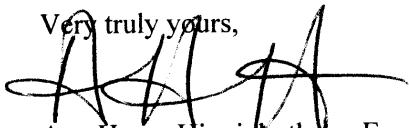
Dear Leon,

By email you asked us to agree on behalf of Prominent Victoria Corporation to the date of August 6, 2012 for some kind of hearing. We replied with an email asking what the hearing was for, and before whom the hearing was to be held. Having heard nothing from you in reply, we are sending this letter.

In a letter dated June 8, 2012, you indefensibly stated that the Design Commission's May 29 2012 failure to act on our request for a time extension was not a failure to act, but "an appealable action", and a "decision confirming the inaction of the hearing body and the lack of approval for the time extension for this project." You required us to appeal. We filed two appeals, both of which are under protest. The City staff cannot wave a magic wand transforming inaction into action requiring an appeal. However, staff left us no choice. If we had not filed these appeals, the City would have argued that we failed to exhaust our administrative remedies, even though such remedies were fabricated out of whole cloth and have no foundation in fact or law. By filing these appeals, we do not waive any rights we have with regard to our Time Extension Request. Our application for a time extension pursuant to Ordinance No. 7202 ("the Ordinance") was deemed complete on December 12, 2011 under the Permit Streamlining Act (California Government Code Sections 65920-65963.1 ("the Act"). The City has failed to act to approve or disapprove our request as of the date of this letter. We have provided the notice required by the Act. Therefore, our time extension request will be approved by operation of law on August 28, 2012 pursuant to the Act.

If your request relates to our appeal before the BZA asking whether a failure to act is an appealable action, we agree to the August 6th date without waiving any of our rights as outlined above. If your request relates to our appeal to the City Council, we agree to the August 6th date without waiving any of our rights as outlined above. The City Council does not have jurisdiction in this matter, because a failure to act is not an appealable action.

Very truly yours,



Ann Hayes Higginbotham, Esq.
Attorney for Prominent Victoria Corporation

cc. Michelle Bagneris, City Attorney
Theresa Fuentes, Assistant City Attorney
Mark Jomsky, Pasadena City Clerk
James Li, Prominent Victoria Corporation
Burke Farrar, Odyssey Development Services

City Clerk

Law Offices of Ann Hayes Higginbotham
76 South Grand Ave. Pasadena Ca. 91105

626-792-6741

CITY CLERK
CITY OF PASADENA

12 JUN 22 112 :08

RECEIVED

To: The City of Pasadena

From: Prominent Victoria Corporation –Applicant PLN2006-00348/

PLN2010-00469 (Application for Time Extension of Consolidated Design Review.

Re: Notice of Intent to Provide Notice (Gov't Code Section 65956(b))

The City failed to properly notice the March 12, 2012, May 14, 2012 and May 29, 2012 hearings before the design commission on our request for a time extension, in that the notices did not inform the public that if the Commission failed to act, the time extension would be approved by operation of law under the Permit Streamlining Act ("the Act"). The Act specifies that if the City fails to act to approve or to disapprove a development project within the time limits required by the Act, such failure to act shall be deemed approval of the permit application for the development project, provided the public notice required by law has occurred. If it has not, the Act gives the applicant the option of providing the required notice.

Notice is hereby given that Prominent Victoria Corporation ("the Applicant") will provide the notice required by law pursuant to Government Code Section 65956(b)

In so doing, we do not waive any rights with regard to our Time Extension Request. Our application for a time extension pursuant to Ordinance No. 7202 ("the Ordinance") was deemed complete on December 12, 2011, under the Act. The City has failed to act to approve or disapprove it as of June 21, 2012. The Ordinance does not require notice or a public hearing, but merely a staff action to approve our time extension. Since no public notice was required by law for the time extension under the Ordinance, the applicant is not required to give the City 7 days advance notice of its intent to provide notice, nor is it required to provide notice. The City Attorneys office erroneously concluded otherwise.

LAW OFFICES OF
ANN HAYES HIGGINBOTHAM
ATTORNEY AT LAW
76 SOUTH GRAND AVENUE
PASADENA, CALIFORNIA 91105

RECEIVED
12 AUG -1 13 57
CITY CLERK
CITY OF PASADENA

(626) 792-6741

Wednesday, August 1, 2012

The Honorable Mayor and City Council
City Of Pasadena
100 N. Garfield Ave.
Pasadena, California 91109-7215

Re: Public Hearing: Appeal of Design Commission Decision Regarding
Application for Time Extension, 229-247 South Marengo Ave.
21-Unit Multi-Family Complex (PLN2006 - 00348/PLN2010-00469)

Dear Mayor Bogaard and Members of the Council:

This letter is written on behalf of Prominent Victoria Corporation, the applicant for the time extension in this case. ("the Applicant") The City of Pasadena had badly mistreated this applicant at every turn, stubbornly refusing to apply the correct ordinance, Ordinance No. 7202, ("the Ordinance") sending us to an unwarranted public hearing pursuant to a different ordinance which did not even exist when we applied for our time extension. The City has unjustifiably delayed this matter to the point that our application for a one year extension will have its first anniversary on September 27, 2012 (Exhibit A – Letter September 27, 2011). The City has made up rules as it went along, contemptuously flaunting the rule of law, and egregiously trying to prevent the Permit Streamlining Act from taking effect as it should. Staff arbitrarily determined after the fact that two consecutive 3-3 votes by the Design Commission magically constituted an action or a decision, even after the Assistant City Attorney present at the hearing ruled twice that the 3-3 votes were failures to act. In its "decision" letter, the staff was so unclear and contradictory, the applicant was forced to file two appeals **under protest**, this appeal being one of them. The City has denied Prominent Victoria Corporation its due process rights and its right to the equal protection of the laws. A review of the facts will make this abundantly clear.

Time Extension Legislative History:

In an agenda report to Council on November 15, 2010 (Exhibit B – November 15, 2010 Agenda Report), staff recommended that an additional time extension be granted to applicants who have been unable to obtain financing for their projects due to the recession. Our project was specifically called out in Attachment A as one of the projects which would be eligible for this extension. The Council was told that the ordinance which would result would apply to our project and, knowing

that, the Council asked staff to return with an ordinance. On December 13, 2010, the Council adopted Ordinance No. 7202 authorizing us to apply to the Planning Director for a one year time extension of our consolidated design review approval (Exhibit C - Ordinance No. 7202).

On September 27, 2011 pursuant to Ordinance No. 7202, the Applicant sent a letter to Mark Odell, case manager, requesting the one year time extension. No one from the City ever replied to that letter.

On October 26, 2011, two days before the 30 day deadline for decisions about application completeness under the Permit Streamlining Act expired, the applicant sent a follow up letter to the City regarding our September letter (Exhibit D – Letter October 26, 2011). No one from the City replied to this letter either.

On December 12, 2011, we submitted a formal application for a time extension pursuant to Ordinance No. 7202 because the staff forced us to, despite having ignored our two previous letters in which we formally requested time extensions pursuant to the ordinance. The application on its face makes clear that it is an application pursuant to Ordinance No. 7202 (Exhibit E – Master Application for Ordinance No. 7202 Time Extension). Despite the clear authorization contained in the ordinance for the Planning Director to act on the request, staff arbitrarily processed the application by scheduling a public hearing before the Design Commission pursuant to Ordinance No. 7215. More importantly, **staff could not bother to tell us within thirty days, the statutory deadline under the Permit Streamlining Act (Gov’t Code Section 65920-65964, herein after “PSA”)** whether our application was incomplete on the grounds that we could not apply under Ordinance No. 7202. Instead, they ignored the law and the application was deemed complete for their failure to timely respond. How can the City now argue that a different ordinance, Ordinance No. 7215, applies when they did not tell us that at the appropriate time, namely within thirty-days of the submission of the application? The City cannot. The City must abide by the PSA, the applicable state law.

Our time extension request was not calendared before the Design Commission **for three more months**. On March 12, 2012, the Design Commission held the first publicly noticed hearing. Staff, however, neglected to bring any materials to the hearing which would show what the project looked like. The Commission understandably would not act in a vacuum, and the case had to be continued. The Commission did not even continue it to a date certain, despite our request that they do so. The matter had to be re-noticed.

On May 14, 2012, **two months later**, the Design Commission took up our request. The Principal Planner in charge, Leon White, and Assistant City Attorney, Theresa Fuentes, asked the Design Commission to put the matter at the end of the agenda after we objected that the Commission should not even be hearing the matter because we applied under Ordinance No.7202, which does not require Commission action. Burke Farrar, Project Manager, James Li, owner representative and the undersigned met with Ms. Fuentes and Mr. White for over an hour. At the conclusion of that meeting, they admitted that we raised “valid points.” The most cogent one was that due to the lack of a timely response, our application for an extension under Ordinance No. 7202 was deemed complete as submitted pursuant to the PSA on January 11, 2012 and relates back to the original

application date of December 12, 2011. Under the PSA, the deadline for action was June 9, 2012. Because the next regularly scheduled Design Commission hearing would fall on May 28, 2012, the Memorial Day holiday, and the next regularly scheduled hearing of the Commission was June 11, 2012, after the PSA deadline, it was agreed to place the continued hearing on a Special Agenda of the Design Commission, May 29, 2012. Wishing to cooperate with the City, we agreed to a continuance of the May 14, hearing to allow the City to analyze our “valid points” regarding the applicability of Ordinance No. 7202 to our project. We agreed to a continuance to May 29, 2012 (Exhibit F – Hand-written Consent to Continue to May 29, 2012). The May 14, 2012 hearing concluded with the Design Commission continuing the matter to May 29, 2012.

In the interim, staff arbitrarily decided that they would not apply Ordinance No. 7202. We were informed by voice mail. There has never been anything in writing issued by the City in this regard which would provide a rationale for this action.

At the May 29, 2012 hearing, the Design Commission failed to act - twice. A motion was made to disapprove the staff report and deny the time extension, and it failed on a three-to-three vote. The Assistant City Attorney opined that this was a failure to act. A second motion was made to adopt the staff recommendation to approve the time extension request. That motion also failed on a three-to-three vote (Exhibit G – Minutes of May 29, 2012 Design Commission Hearing). The Assistant City Attorney opined again that this was a failure to act.

On June 1, 2012 counsel for the applicant sent the City Attorney a letter which informed Ms. Bagneris that our request for a time extension was approved by operation of law pursuant to the PSA as of June 9, 2012 (Exhibit H – Letter June 1, 2012).

In a letter dated June 8, 2012 from the City (Exhibit I – Letter June 8, 2012) in a blatant attempt to prevent the PSA from taking effect, staff sent an extraordinary letter which stated that a failure to act is not a failure to act, but rather an “action...” and a “...decision confirming the inaction of the hearing body and the lack of approval for the time extension”. We were curiously informed that we must appeal this “inaction” and the deadline for appealing was June 18, 2012. We filed two appeals **under protest**. One was an appeal of the staff determination, contained in the letter, that a “failure to act” is an appealable “action.” As an appeal of a staff determination, that appeal was filed with the Board of Zoning Appeals as required by the Pasadena Municipal Code (Exhibit J – Receipt for Appeal of Staff Determination). The City has taken no action on this appeal. We also filed this appeal to the City Council of the “decision” of the Design Commission (Exhibit K – Receipt for Appeal of Design Commission “Decision”).

In the June 8 letter, our argument that the project was approved under the PSA was rejected, and we were required to file two more notices. We did so. On June 22, 2012, we hand delivered our Notice of Intent to Provide Notice to the City Clerk, the City Attorney and Design Commission staff (Exhibit L – Notice of Intent to Provide Notice). On June 29, 2012, we sent out a notice to each and every person on the City’s notification list for the project (Exhibit M – Public Notice Permit Streamlining Act and Exhibit N – Certificate of Mailing). The notices state that the project will be deemed approved under the PSA on August 28, 2012.

Based upon the foregoing:

THE CITY COUNCIL LACKS JURISDICTION OVER OUR REQUEST FOR A TIME EXTENSION AND THIS APPEAL

Our request for a time extension was properly filed under Ordinance No. 7202 (Exhibit E – Master Application for Ordinance No. 7202 Time Extension). That Ordinance gives the Planning Director decision making authority, not the Design Commission (Exhibit C – Ordinance No. 7202, Section 2). The Planning Director has never acted on our request¹. Even if the Planning Director had acted, the decisions of the Planning Director are appealable only to the Board of Zoning Appeals. The City Council would obtain jurisdiction only if an appeal were filed from the action of the Board of Zoning Appeals (P.M.C. Section 17.72.040).

CITY STAFF ERRONEOUSLY PLACED THIS MATTER BEFORE THE DESIGN COMMISSION, WHICH NEVER HAD JURISDICTION

Our application for a time extension under Ordinance No. 7202 should have been referred to the Planning Director for a determination without hearing, as provided in the ordinance. Instead, staff arbitrarily decided to process the application as a time extension under a later ordinance, Ordinance No. 7215 (Exhibit O – Ordinance No. 7215), requiring that a time extension be sent back to the original hearing body, the Design Commission. Ordinance No. 7215 did not even exist at the time our application for a time extension was filed. Our application was submitted on December 12, 2011 (Exhibit E – Master Application for Ordinance No. 7202 Time Extension) and Ordinance No. 7215 did not become effective until December 31, 2011 (Exhibit O – Ordinance No. 7215). The Design Commission never had legal jurisdiction over our request for a time extension. In any event, they failed to act, so the City Council does not have jurisdiction either.

THE DESIGN COMMISSION FAILED TO ACT TWICE. A FAILURE TO ACT IS NOT AN ACTION AND THEREFORE NOT AN APPEALABLE ACTION.

At the May 29, 2012 hearing on our time extension request, the Design Commission failed to act twice. There was a motion to reject the staff report. It failed on a 3-3 vote. There was a motion to approve the staff report recommending a grant of the time extension. It also failed on a 3-3 vote (Exhibit G – Minutes of May 29, 2012 Design Commission Hearing). The clerk confirmed that both motions failed, and the Assistant City Attorney who was present opined that both failed motions constituted a failure to act. Directly contradicting the City Attorney opinion that what transpired at the May 29, 2012 was a failure to act, in a letter dated June 8, 2012 *received by the applicant on June 13, 2012*, the Principal Planner for the Design and Historic Preservation Section determined that “the failure of the Design Commission to act... is an appealable action.” The “failure to act” was also incorrectly called “this decision confirming the inaction of the hearing

¹Because the Planning Director has never acted on our request for a time extension, the time extension will be approved by operation of law on August 28, 2012, pursuant to the Permit Streamlining Act (Gov’t Code Section 65920-65964) (Exhibits H, I, L, M and N)

body and the lack of approval for the time extension for this project” (Exhibit I – Letter June 8, 2012). Aside from being absurd on its face, this determination directly contradicts the Pasadena Municipal Code, which defines a decision as “an action in compliance with this Zoning Code” including Design Review. (P.M.C. Section 17.80.020 D, emphasis added). According to the June 8 letter, “inactions” are “actions,” and “failures to act” are “decisions.” This flies in the face of logic.

Based on its absurd decision that “inaction” is “action,” the Principal Planner required us to appeal if we wanted an approved time extension (Exhibit I – Letter June 8, 2012, p.2). We did so **under protest**, stating that an appeal to the City Council cannot be taken from a failure to act (Exhibit P – Appeal of Staff Determination that Failure to Act is a “decision” and appealable). Only “decisions,” defined as “actions” by the P.M.C. can be appealed. The Design Commission never made a “decision.” Therefore, the City Council has no jurisdiction. We hope the Mayor and the members of the City Council will so rule, and dismiss this appeal.

A FAILURE TO ACT IS NOT A DENIAL. THE CITY COUNCIL HAS SO HELD PREVIOUSLY WITH RESPECT TO THIS APPLICANT.

On February 25, 2008, the City Council heard a call-up of our original consolidated design review approval. After a public hearing, the City Council failed to act. (Exhibit Q – Minutes of February 25, 2008 City Council Hearing). Having failed to act, the decision below – granting consolidated design review to our project – stood. Neither the City Council nor the City Attorney ruled that this failure to act by the City Council was a “lack of approval” of the decision below (Exhibit Q – Minutes of February 25, 2008 City Council Hearing). Having previously decided that a failure to act is indeed a failure to act, in a case involving this applicant, the City Council cannot now reverse course and rule to the contrary. To do so would constitute an abuse of discretion which a court would overturn. The February 25, 2008 ruling is precedent, and constitutes the binding law of the case by which the City Council must abide.

CONCLUSION

This case is not the City’s finest hour. Arbitrary actions constituting denials of our rights under the Pasadena Municipal Code, the Permit Streamlining Act and Ordinance No.7202 occurred multiple times. We did not receive the process to which we were due, nor were we given equal protection of the law. This appeal, filed under protest, should be dismissed because the City Council lacks jurisdiction on numerous grounds.

If, for some reason, the City Council decides to hear the appeal on its merits under Ordinance No. 7215, we urge you to grant us a genuine one year extension which runs from the date of your decision. It is within your equitable powers to do so, and it is the only way to compensate for the unconscionable way the City has treated this applicant.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ann Hayes Higginbotham', written over the typed name below.

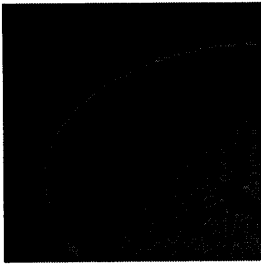
Ann Hayes Higginbotham, Esq.
Attorney for Prominent Victoria Corporation

cc: Michelle Bagneris, Assistant City Attorney
Michael Beck, Pasadena City Manager
Vincent P. Bertoni, AICP, Director of Planning
Leon White, Principal Planner
James Li, Prominent Victoria Corporation
Burke Farrar, Odyssey Development Services

229–243 South Marengo Avenue
Time Extension Request
List of Exhibits

- Exhibit A – Letter September 27, 2011
- Exhibit B – November 15, 2010 Agenda Report
- Exhibit C – Ordinance No. 7202
- Exhibit D – Letter October 26, 2011
- Exhibit E – Master Application for Ordinance No. 7202 Time Extension
- Exhibit F – Hand-written Consent to Continue to May 29, 2012
- Exhibit G – Minutes of May 29, 2012 Design Commission Hearing
- Exhibit H – Letter June 1, 2012
- Exhibit I – Letter June 8, 2012
- Exhibit J – Receipt Appeal of Staff Determination
- Exhibit K – Receipt Appeal of Receipt for Appeal of Design Commission “Decision”
- Exhibit L – Notice of Intent to Provide Notice
- Exhibit M – Public Notice Permit Streamlining Act
- Exhibit N – Certificate of Mailing
- Exhibit O – Ordinance No. 7215
- Exhibit P – Appeal of Staff Determination that Failure to Act is a “Decision” and Appealable
- Exhibit Q – Minutes of February 25, 2008 City Council Hearing

EXHIBIT A



ODYSSEY
Development Services

Fifty One West Dayton Street
Pasadena California 91105-2203
T626.683.8159 F626.683.2897
BurkeFarrar@EarthLink.net

Mark Odell
Pasadena Planning Division
175 North Garfield Avenue
Pasadena, California 91109

September 27, 2011

**RE: Time Extension Approval and Ordinance #7202
229 – 243 South Marengo Avenue**

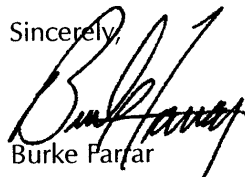
As you were involved with request for a Time Extension for the Consolidated Design Review Approval for the proposed condominium at 229–243 South Marengo Avenue, PLN2006-00348, you will understand that the approval remains effective. The effective date and expiration history is as follows:

1. Original approval granted on February 25, 2008 would expire February 25, 2010 under Section 17.64.040 of the Zoning Code
2. Ordinance #7180 granted an automatic one-year extension, February 25, 2011
3. Before the expiration, I filed a request and obtained a one-year extension, PLN2010-00469, *see attached Letter January 12, 2011*
4. Meanwhile, The City Council adopted Ordinance #7202 which granted a second one-year automatic extension, February 25, 2012.

The approval of Ordinance #7202 duplicated the extension that was granted by request. It is our understanding that Ordinance #7202 is not intended to limit the time extension granted by PLN2010-00469. Hence, the one year approval granted under the time extension request begins February 26, 2012 and continues through February 25, 2013.

Please provide confirmation of the effective dates.

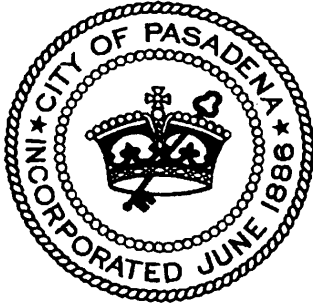
Sincerely,



Burke Farrar

Copies: James Li, Prominent Victoria Corporation
Ann Higginbotham, Attorney at Law

EXHIBIT B



Agenda Report

DATE: NOVEMBER 15, 2010

TO: Honorable Mayor and City Council

THROUGH: Economic Development and Technology Committee
(November 3, 2010)

FROM: Planning Department

SUBJECT: EXTENSION OF TIME LIMITS FOR APPROVAL OF PLANNING ENTITLEMENTS

RECOMMENDATION:

It is recommended that the City Council:

1. Find the proposed ordinance to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(9) and State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies);
2. Direct the City Attorney to return within 30 days with an ordinance which would:
 - a. Provide that the authority of the Director to provide additional extensions of time to various planning permits and entitlements under Ordinance No. 7180, shall be extended to and shall now sunset on December 31, 2011, unless specifically extended by the City Council.

BACKGROUND:

On October 12, 2009, after review and comment by various advisory commissions, the City Council adopted Ordinance No. 7180, which:

- a. Authorized the Director of Planning and Development (now Planning) to grant an additional one-year extension to planning permits and entitlements beyond the extension currently provided by § 17.64.040.B.4 of the Municipal Code; and
- b. Provided for a sixty-day period after the effective date of the proposed ordinance, during which an applicant for a permit which had expired within one year prior to the effective date of the ordinance may submit an application for an extension; and

Extension of Time Limits for Approval of Planning Entitlements
November 15, 2010
Page 2 of 3

- c. Provided that the authority of the Director to provide such additional extensions shall sunset on December 31, 2010, unless specifically extended by the City Council.

This action was a response to the general slowdown in economic activity and its impact on various development projects. Since adoption of Ordinance No. 7180, the Director has authorized fifteen extensions.

While economic recovery is underway, growth remains slow and the availability of financing to complete projects remains limited. As a result, staff sought direction from the Economic Development and Technology Committee as to whether the provisions of Ordinance 7180 should be extended for an additional year.

As reviewed with the Committee, there are a number of projects that have been granted planning permits or entitlements, for which those entitlements will expire in calendar years 2011 and 2012. Attached is a list of projects with entitlements which have not yet been exercised and will expire in the next two years. Projects with a red 'Y' in the far right-hand column (under the title "Extension Available") have already been granted an extension under the provisions of §17.64.040.B.4 of the Municipal Code and those entitlements are due to expire in calendar year 2011. Projects with a green 'Y' in this column have an entitlement due to expire in calendar year 2012 but could be granted an extension under the provisions §17.64.040.B.4 of the Municipal Code.

The ability to retain entitlements could act as an inducement to continue to work on a project as the market slowly rebounds. The number of extensions previously granted demonstrates that there is a continuing interest in keeping such projects "active."

The only difference between the action being recommended at this time and that approved in October 2009, is that at this time, a "window" of opportunity for expired projects to request extensions is not being recommended.

CITY COUNCIL POLICY CONSIDERATIONS:

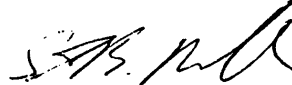
The propose action is consistent with the City Council's strategic plan goal to support and promote the quality of life and local economy by facilitating the completion of previously approved projects.

Extension of Time Limits for Approval of Planning Entitlements
November 15, 2010
Page 3 of 3

FISCAL IMPACT:

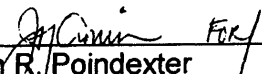
The proposed ordinance is expected to have an overall positive impact on the City as it will help facilitate the completion of projects that generate property taxes and other revenues as well as provide employment opportunities.

Respectfully submitted,



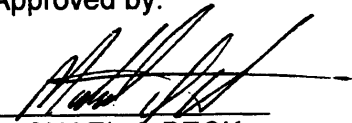
STEVE MERMELL
Assistant City Manager

Prepared by:



John R. Poindexter
Planning Division Manager

Approved by:



MICHAEL J. BECK
City Manager

Attachment:

Listing of project entitlements scheduled to expire

PIPELINE PROJECTS SUBJECT TO EXPIRATION

Address / APN	CD	Description	Case No	Apprvd Date	Effective Date	Original Exp. Date	Current Exp. Date	Extension Available
PROJECTS IN CENTRAL DISTRICT:								
70 N EL MOLINO AV/ 686, 688 E UNION ST (SITE = 50,868 sf) - UNION VILLAGE by MILLCREEK DEVT CO. (5723-029-019)	3	CUP 5031: TO CONSTR MXD USE (31 R UNITS + 3 WORK/LIVE); CUP FOR MAJ PROJ. MCUP FOR TOD. VAR TO REDUCE 50 FT DEPTH OF COMM. SPACE. VAR TO REDUCE LOADING STALLS FR 3 TO 2. TREE REMOVAL (SEQUOIA SEMPERVIRENS (COAST REDWOOD)), 4 LEVELS UG PRKG (323 SPACES, 61 COMM. PRKG, & 17 BIKE SPACES.	PLN2007-00718 (CUP 5031); PLN2010-00185 (CUP Time Ext)	6/4/08 6/23/10	6/17/08 7/6/10	6/17/10	6/17/11	YES
33-47 S FAIR OAKS AV/ 26 MILLS PL (5713-007-024)	6	3-STY COMM BLDG (66,029 SF) W/ 3 LEVELS UG PRKG (125 SPACES). RETAIN 5 EXSTG BLDGS (20,190 SF)	PLN2008-00282 (CUP 5094: +3MCUPs & 4 VAR) PLN2008-00249 (CNCPT DR)	10/14/08 12/16/08	10/28/08 12/27/08	10/28/10 12/27/09		YES NO
542 S FAIR OAKS AV (5722-006-006)	6	DEMO 3 BLDGS. CONSTRUCT NEW 2-STY MED/GEN OFC BLDG	PLN2009-00034 (FDR)	4/9/09	4/21/09	4/21/11		YES
233 N HUDSON AV; 737 E WALNUT (5723-009-034)	3	VARIANCE TO REDUCE PARKING PER TOD STDS. MAX HT; TTM 068044 FOR 23 RESDL CONDOS W/ SUBTERR PARKING.	PLN2004-00023 (VAR#11476); PLN2006-00216 (CNCPT DR); PLN2007-00057 (TTM 068044); PLN2007-00427 (FDR); PLN2009-00430 (FDR Time Ext); BLD2007-01576 (P/C)	4/21/04; 8/24/06; 5/10/07; 9/24/07; TIME EXT NO ACTN; BLD P/C EXP	5/4/04; 9/8/06; 5/22/07; 10/5/07; TIME EXT NO ACTN; P/C EXP	5/4/06 9/8/07 5/22/09 10/5/09	0	NO NO NO YES
309 S RAYMOND AV - PAS HUMANE SOCIETY (5722-003-008)	6	DEMO EXSTG 1-STY BLDG. CONSTRUCT NEW 2-STY BLDG W/ UG PRKG.	PLN2008-00112 (CUP 5050); PLN2010-00259 (CUP time ext); PLN2010-00125 (CONS DR)	8/6/08; 8/13/10; 6/15/10	8/19/08; ----- 6/25/10	8/19/10 6/25/12	8/19/11; ----- 6/25/12	YES ----- YES
231 S DE LACEY AV - 106 VALLEY ST - AMBASSADOR COLLEGE EAST CAMPUS / WESTGATE PROJECT (Sares-Regis Devt) - See Note 4 (5713-024-034)	6	820-UNIT MIXED USE PROJECT W/ 22,560 SQFT OF RETAIL.	PLN2004-00488 (MCUP 4703)	9/18/06	9/18/06	9/18/08	9/18/08	NO
150 W GREEN ST (APN 5713-019-029)		BLOCK 1	PLN2009-00153 (FDR)	6/9/09	6/19/09	6/19/11	6/19/11	YES
106 VALLEY ST (5713-024-034)		BLOCK 3 - NORTH PODIUM						
144 VALLEY ST (5713-024-019)		BLOCK 3 - SOUTH PODIUM						
254 S PASADENA AV (5713-024-034)		BLOCK 3 - SOUTH PODIUM						
151 S DE LACEY AV (5713-018-021)		BLOCK 2	PLN2007-00668 (FDR N PODIUM); PLN2007-00669 (FDR S PODIUM)	12/10/07 12/10/07	12/21/07 12/21/07	12/21/09 12/21/09	12/21/11 12/21/11	NO NO

PROJECTS IN SPECIFIC PLAN AREAS:

EAST COLORADO (ECSP):

2189, 2191 E CLRDO BL, 27 N GRAND OAKS AV (5746-008-044)	4	39 WORK/LIVE & 5 RETAIL UNITS, 4-STY BLDG (45 FT HIGH) OVER TWO UG PRKG LEVELS (166 SPACES) DEMO 5 EXISTG STRUCT	PLN2005-00535 (CUP 4619); PLN2007-00391 (FNL DR); PLN2009-00300 (FDR TIME EXT); PLN2009-00431 (TIME EXT CUP 5348? 4619)	11/9/06 8/6/07 10/19/09 11/30/09	11/24/06 8/10/07 10/30/09	11/24/08 8/10/09	11/11/10 11/20/09	NO YES
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PIPELINE PROJECTS SUBJECT TO EXPIRATION

Address / APN	CD	Description	Case No	Apprvd Date	Effective Date	Original Exp. Date	Current Exp. Date	Extension Available
EAST PASADENA (EPSP):								
3330 1/2 E FOOTHILL BL - 212-UNIT APT COMPLEX + 3352 E FOOTHILL BL - NOISE WITHIN THEATRE (5752-924-029)	4	212-UNIT APT COMPLEX & 45,000 SF, 350-SEAT LIVE THEATER (A NOISE WITHIN), INLCUDES: 1)DEVT AGRMNT; 2) CUP FOR MAJ PROJ; 3) EUP FOR A LIVE THEATER; 4) MCUP FOR DEVT IN TOD; 5) MCUP FOR SHARED PRKG; 6) VARIANCE TO REDUCE REQD LOADING SPACES; AND 7) CE TO MODIFY PPTY LINE BNDRY. CNCPT DR FOR RETROFIT OF EXSTG BLDG FOR 300-SEAT THTR, ETC.	PLN2007-00194 (DA, CUP4886 & CE303);	4/11/07	4/24/07	4/24/09	4/24/09;	NO
			PLN2007-00544 (VTPM 069518);	12/19/07	12/31/07	12/31/09	12/31/09;	NO
			PLN2008-00188 (CONCPT DR);	9/10/08	9/19/08	9/19/10	9/19/10;	NO
			PLN2009-00366 (FDR-THEATRE);	11/23/09	12/4/09	12/4/11	12/4/11	YES
			BLD2009-00680 (P/C)					
N LAKE SP (SP1):								
1350 N EL MOLINO AV - THE CLASSICS AT WASHINGTON PARK (5748-024-024)	5	2-STY, 8-UNIT RESDL PROJ	PLN2006-00594 (VAR 11583);	12/20/06	1/3/07	1/3/09	1/3/11	NO
			PLN2007-00193 (CONSOL DR);	6/14/07	6/26/07	6/26/09	6/26/11	YES
			PLN2007-00395 (VTTM 069503);	9/19/07				
			PLN2008-00089 (RELIEF);	3/3/08	3/14/08	3/14/10	3/14/10	NO
			PLN2010-00181 (VAR TIME EXT);		8/6/10			
580-582 N LAKE AV	5	NEW BLDG AT REAR OF LOT, ESTABLISH WORK/LIVE UNIT IN THE NEW REAR BLDG	PLN2009-00095 (CUP#5292);	10/7/09;	10/19/09;		10/19/11	YES
			PLN2009-00406 (COFA)	11/30/09	12/11/09		12/11/11	YES
1595 N LAKE AV (5848- 019-011)	1	1-STY 5000-SF OFFICE BLDG W/ 15 AT- GRADE PRKG	PLN2008-00447 (CONCPT DR);	3/10/09	3/21/09	3/21/2010	3/21/11	YES
			PLN2008-00447 (DR TIME EXT)	3/17/20	3/30/10			
SOUTH FAIR OAKS SP (SP2):								
16 E CALIFORNIA BL (590, 592, 612 SFO, 12, 26 E CALIFORNIA BL) - FORMER SITES OF GRANVIEW PALACE RESTRNT, MONTY'S STEAK, ETC.	6	MCUP FOR TANDEM PRKG IN TOD >15,000 SF. 4-STY OFFICE BLDG @113,200 SF W/ 2 1/2 LEVELS UG PRKG, DEMO EXISTG STRUCTURES TOTAL 12,635 SF, NET NEW=100,565 SF (5 PARCELS TO BE CONSOLIDATED)	PLN2008-00208 (MCUP 5078)	7/30/09	8/11/09	8/11/11	8/11/11	YES
750, 800 S RAYMOND AV - PH2 OF MEDICAL OFFICE BLDG, (5720-009-007)	6	PH2 OF PREVIOUSLY APRVD 30,000 SF MED OFFIC EBLDG & PRKG STRUCT. PH2 CONSISTS OF ADDING 4-STY 39,000 SF MED OFFICE & ADDING 45,000 SF TO PRKG STRUCT (TOTAL 400 PRKG SPACES); VAR FOR SMALL-SIZED LOADING SPACE	PLN2007-00480 (CNCPT DR);	9/26/07	10/5/07	10/5/09	10/5/09	NO
			PLN2007-00481 (CONS DR PKG);	9/26/07	10/5/07	1/5/09	10/5/09	NO
			PLN2008-00027 (CE 317); PLN2008- 00031 (PH2 FDR); PLN2009-00116 (VAR 11666)	8/19/09	9/1/09	9/1/11	10/5/11	YES
				1/31/08	2/8/08	2/8/10	2/8/10	NO
			6/9/09	9/1/09	9/1/11	9/1/11	YES	
WEST GATEWAY SP (WGSP): BALANCES AS OF 09/30/09 =								
300 W GREEN ST - AMBASSADOR WEST (5713-016-016)	6	200 SENIOR INDEPENDENT LIVING CONDOS (W/ KITCHN) + 70 MFR CONDOS (48 ASSTD LIVING W/O KITCHN); SUBDIVISION MODIFICATION TO ALLOW LOTS W/O STREET FRONTAGE; CONSTRUCT 248 UNITS IN TWO BLDGS, 4-6 STORIES IN HEIGHT, REUSE OF EXSTG MERRITT MANSION & GARDENS, AND DEMO OF FIVE EXISTG BLDGS.	PLN2005-00642 (CUP 4653);	4/2/07	4/2/07	4/2/09	4/2/11	NO
			PLN2005-00582 (ADJ PMT); ;	4/2/07	4/2/07	4/2/09	4/2/11	NO
			PLN2006-00225 (TDR); PLN2006- 00390 (VTTM 063103); PLN2006- 00663 (RELIEF); PLN2007-00001 (MOD VTTM); PLN2007-00281 (CONC DR SLF); PLN2008-00419 (CONC DR TIME EXT); PLN2009- 00081 (CUP TIME EXT)	4/2/07	4/2/07	4/2/09	4/2/11	NO
				4/2/07	4/2/07	4/2/09	4/2/11	NO
				7/2/07	7/13/07	7/13/09	7/13/09	NO
				4/2/07	4/2/07	4/2/09	4/2/11	NO
				8/29/07	9/7/07	9/7/09	9/7/10	YES
				9/24/08				
	3/25/10	4/6/10						

PIPELINE PROJECTS SUBJECT TO EXPIRATION

Address / APN	CD	Description	Case No	Apprvd Date	Effective Date	Original Exp. Date	Current Exp. Date	Extension Available
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FAIR OAKS / ORANGE GROVE SP (1)"Net New Units" include affordable units, (2) Density calculation includes work/ live units:

865-875 N FAIR OAKS (5726-002-024, -025)	3	NEW 2-STY OFFICE BLDG, DEMO EXSTG BLDG	PLN2008-00402 (CUP 5219, VAR LOADING, CE 315)	2/23/09	3/3/09 (2YRS)	3/3/11		YES
877 N ORANGE GROVE BL - NEW REVELATION CHURCH - NEHEMIAH COURT (5726-018-001)	3	LOT TIE BETWN 2 PPTIES TO CONSTR 7 NEW RESDL UNITS; AHCP, MCUP SHARED PRKG; COMM L DEPTH; MIN PRKG REQ.	PLN2008-00058 (CE 309); PLN2009- 00013 (AHCP#11658, CUP 5257); PLN2009-00347 (CONS DR); BLD2009-00930 (P/C FOR 3-STY MXD USE)	8/20/08 5/20/09 9/29/09	9/3/08 6/2/09 7/27/10	9/3/10 6/2/11 7/27/12		YES YES YES

PROJECTS OUTSIDE ANY SPECIFIC PLAN AREA: RM DISTRICTS

270 ALPINE ST (5720- 020-010)	7	6-UNIT COG DR; CREATE 6 AIR PARCELS ON ONE LAND LOT, DEMO 2 RESDL BLDGS	PLN2008-00037 (CONS DR); PLN2009-00456 (TTM 071084)	1/29/09 6/2/10	2/10/09 6/15/10	2/10/11 6/15/12		YES YES
321,323 ALPINE ST (5720-024-012)	7	CONVERT 2 RENTAL UNITS TO ONE TOWNHSE & CONSTRUCT NEW FOUR TOWNHSE UNITS	PLN2007-00127 (CONS DR); PLN2009-00171 (DR TIME EXT)	5/17/07 7/9/09	5/30/07 7/9/09	5/30/10		NO
(58) 60 S ALTADENA DR (5748-011-041)	7	12 CONDO UNITS W/ UG PRKG GARAGE 25 SPACES, REMOVE TWO TREES. TTM 069128 TO CREATE 12 AIR PARCELS	PLN2007-00206 (CONS DR); PLN2007-00698 (TTM 069128); BLD2007-01500 (P/C)	9/11/07 7/15/09	9/21/07 7/28/09	9/21/09 7/28/11 8/14/09		NO YES
39-45 N BERKELEY AV (5746-015-055)	2	3-STY, 6-UNIT RESIDENTIAL BLDG	PLN2009-00371 (CONSOL DR)	1/13/10	1/26/10	1/26/12		YES
69 N BONNIE AV (5737-009-057)	2	DEMO SFR, CONSTRUCT 3-UNIT CONDO; TPM FOR 3-UNIT CONDO COMPLEX	PLN2008-00235 (CONS DR); PLN2009-00003 (TPM 70618); BLD2009-01023 (P/C); BLD2009- 01024 (P/C)	2/1/09 3/4/09	2/24/09 3/17/09	2/24/11 3/17/11		YES YES
170 N CATALINA AV (5738-005-040)	5	NEW 9-UNIT CONDO, DEMO EXSTG DUPLEX	PLN2007-00645 (CONS DR); PLN2008-00005 (VTTM070024); PLN2010-00124 (CONS DR EXT)	3/24/08 4/10/08 4/19/10	4/4/08 4/22/08 4/30/10	4/4/10 4/22/10	4/4/11 4/22/10	YES NO
57 & 65 S CRAIG AV (5747-010-033, -036)	7	5-UNIT CONDO ON 2 EXSTG PPTIES: 57 & 65 S CRAIG	PLN2009-00097 (CONS DR)	1/21/10	2/2/10	2/2/12		YES
1051, 1043 E DEL MAR BL / 267-273 S WILSON AV (5735- 023-029)	7	NEW 20-UNIT CONDO; DEMO EXISTG 12 UNIT APT BLDG & SFR (13 UNITS)	PLN2007-00588 (CONS DR); PLN2008-0010 (VTTM069479)	2/13/08 3/13/08	2/22/08 3/25/08	2/22/10 3/25/10		NO NO
1789 E DEL MAR BL (5720-020-010)	7	EXPANSION OF A NON-CONFORMING SERVICE/GAS STATION USE IN RM32 (AFTER THE FACT ADDITION OF A SERVICE BAY)	PLN2009-00387 (MCUP #5327)	5/5/10	5/18/10	5/18/12	5/18/12	YES
529 N HILL AV (5739-020- 011)	2	DEMO EXSTG BLDGS, BUILD NEW 7- UNIT APTS	PLN2008-00224 (CONS DR)	10/21/09	10/30/09	10/30/11		YES
398,400 N HOLLISTON AV (5739-001-056)	2	DEMO 2 SFR'S, CONSTRUCT 8 CONDO UNITS	PLN2006-00668 (CONS DR); PLN2009-00146 (TIME EXT DR)	5/8/07 5/21/09	5/19/07 5/30/09	5/19/09	5/19/10	NO
455 N LOS ROBLES AV (5725-033-007)	5	SIX-UNIT CONDO COG	PLN2008-00270 (CONS DR)	10/13/09	10/23/09	10/23/11		YES
229-231 S MARENGO AV APPLIC. ODYSSEY / BURKE FARRAR	6	COMBINE TWO LOTS, CREATE 21 AIR PARCELS	PLN2006-00143 (CONSOL DR); PLN2008-00143 (VTTM 70403); PLN2006-00143 (DR TIME EXT); BLD2009-00816 (P/C)	2/25/08 6/4/08 2/17/10	2/25/08 6/17/08 2/30/10	2/25/10 6/17/10	2/25/11	YES
531 S MARENGO AV (5722-016-010)	6	OFFICE CONVERSION OF EXSTG SFR IN OC OVERLY DISTRICT	PLN2009-00370 (MCUP #5322)	4/21/10	5/4/10	5/4/12		YES

PIPELINE PROJECTS SUBJECT TO EXPIRATION

Address / APN	CD	Description	Case No	Apprvd Date	Effective Date	Original Exp. Date	Current Exp. Date	Extension Available
704 S MARENGO AV - TOLEDO HOMES /BALIAN DEVT (5720-026-002)	7	8 CONDO UNITS OVER SUBTERRN PRKG, DEMO 3 EXSTG UNITS	PLN2007-00577 (VTTM 069390)	2/6/08	2/20/08	2/20/10		NO
715 S MARENGO AV - BALIAN INV, ARCH: HUGO SUAREZ (5720-015-003)	6	DEMO 2 SFR'S; NEW 16 UNITS CONDO, 2-3 STORIES OVER SUBTERRN PARKG	PLN2007-00334 (CONCPT DR); PLN2007-00344 (VTTM 069389)	10/29/08 10/11/07	11/7/08 10/23/07	11/7/10 10/23/09		YES NO
262 OHIO ST (5720-018-012)	1	4 UNITS TOWNHOUSE, 3-STY OVER SEMI-SUBTER GAR, DEMO SFR & GAR	PLN2007-00141 (CONS DR)	2/14/08	2/26/08	2/26/10		NO
2460 OSWEGO ST - ANGELENO BUILDERS (5747-003-039)	7	15-UNIT CONDO, 2-3-STORIES OVER SUBTERRN PRKG	PLN2007-00554 (CONS DR)	3/25/08	4/3/08	4/3/10		NO
2470 OSWEGO ST - ANGELENO BUILDERS (5747-003-038)	7	18-UNIT CONDO, 2-3-STORIES (FLATS & TOWNHSE TYP UNITS) OVER SUBTERRN PRKG	PLN2007-00598 (CONS DR)	3/25/08	4/3/08	4/3/10		NO
983 SAN PASQUAL ST - VINCENT TSOI APN 5735-029-020	7	VAR FRONT YARD SETBACK FOR NEW COG PROJECT; CONSOLIDATED DR; TTM FOR 11 R CONDOMINIUMS	PLN2008-00038 (MV11629); PLN2009-00050 (CONS DR); PLN2009-00114 (TTM 71053)	11/3/08 9/16/09 12/16/09	11/25/08 9/25/09 1/5/10	11/25/10 9/25/11 1/5/12		YES YES YES
80 N SIERRA BONITA AV	2	COG DR FOR 3 NEW UNITS	PLN2009-00379 (CONS DR)	5/20/10	6/2/10	6/2/12		YES
273 WALLIS ST (5324-004-018)	7	5-UNIT TOWNHSE PROJECT W/ UG PRKG COG	PLN2008-00494 (CONS DR)	12/23/08	1/3/09	1/3/11		YES
2292 WHITE ST (5746-023-007)	4	3-UNIT, 2-STY MFR, DEMO 2 UNITS	PLN2007-00705 (CONS DR)	11/26/08	12/3/09	1/3/11		YES

PROJECTS IN RM12 DISTRICT

407 N RAYMOND AV - HERITAGE HSG PTNRS (5725-003-042)	5	CUP TO LOCATE 2 UNITS ON PARCEL, TPM 70665; 2-LOT SPLIT, 7 VAR (HISTORIC RES), 3 MVAR, COFA TO MOVE HERKIMER ARMS FR 527 E UNION & HAMMOND HSE FR 110 N LOS ROBLES TO 407 N RAYMOND AV; LANDMARK DESIG INDIV PPTY, MILLS ACT CONTRACT.	PLN2008-00471 (CUP 5147); PLN2009-00172 (COFA)	2/18/09 7/6/09	3/3/09 7/17/09	3/3/11 7/17/11		YES YES
1272 SUMMIT AV (5729-013-006)	3	MCUP TO EXPAND NON-CONF USE (3-UNIT IN RM12) BY LEGALIZING UNPERMITTED CONVERSION OF A 2-CAR GAR INTO HABITABLE AREA AND ADDN OF A 400 SF ATT 2-CAR GAR TO REAR OF BLDG	PLN2009-00070 (MCUP 5228)	8/18/10	8/31/10	8/31/12		YES

PROJECTS IN RS DISTRICTS

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PROJECTS IN RS-HD DISTRICTS

1036 GLEN OAKS BL - ROSADO RESIDENCE (APN 5708-001-010)	6	NEW SFR IN HD 3000 SF, MIN VAR TO REDUCE FRONT SETBACK.	PLN2008-00421 (HDP 5128); BLD2009-00266 (P/C)	11/19/08	12/2/08	12/2/10		YES
305 MANFORD WAY	6	HDP and Lot Line Adjustment for new 2-story SFR	PLN2007-00317; Ext	2/27/08 11/19/09	3/11/08 12/1/09	3/11/10	3/11/11	YES
1530 SCENIC DR (5704-025-002)	6	HDP FOR NEW 2-STY SFR	PLN2008-00329 (HDP #5105); BLD2008-01076 (P/C)	10/7/09	10/19/09	10/19/11 4/8/10		YES

R & NR PROJECTS IN PS DISTRICTS

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PIPELINE PROJECTS SUBJECT TO EXPIRATION

Address / APN	CD	Description	Case No	Apprvd Date	Effective Date	Original Exp. Date	Current Exp. Date	Extension Available
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R & NR PROJECTS IN OS DISTRICTS

45 E WASHINGTON BL - LA PINTORESCA PARK & LIBRARY	1	CUP TO ESTABLISH AN ANCILLARY USE (TEEN EDUCATION CENTER) IN AN EXISTING VACANT BLDG (3015 SF), MCUP TO ALLOW SHARED PRKG WITH ADJ. CHURCH (MIN 8 SPACES); NO NEW FLR AREA	PLN2009-00416 (CUP#)	4/7/10	4/14/10	4/14/12		YES
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PROJECTS IN COMMERCIAL (CO, CL, CG) AND INDUSTRIAL (IG) DISTRICTS

EXHIBIT C

Introduced by: Councilmember Holden

ORDINANCE NO. 7202

A SECOND EXTENSION OF INTERIM, UNCODIFIED ORDINANCE NO. 7180 OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO AUTHORIZE A ONE-YEAR EXTENSION FOR CERTAIN PLANNING PERMITS AND LAND-USE ENTITLEMENTS WITH EXPIRED TIME EXTENSIONS

WHEREAS, on October 12, 2009, the City Council of the City of Pasadena adopted Ordinance No. 7180 which granted the Director of Planning the authority to extend the expiration dates for certain approved land use permits or entitlements; and

WHEREAS, the economic crisis which originally created severe impediments to the financing of new construction at the time that Ordinance No. 7180 was adopted continued, and on April 26, 2010, the City Council extended the authority granted to the Planning Director under Ordinance No. 7180; and

WHEREAS, economic recovery is underway, but the availability of financing to complete projects remains limited and continues to hamper completion of projects; and

WHEREAS, the City of Pasadena Zoning Code (at §17.64.040.B) authorizes the Planning Director to approve a one-year extension of planning permits and land-use entitlements if the Director determines that the findings and conditions of the original approval still apply, and that the permittee has a good-faith, present intent to commence the proposed project; and

WHEREAS, time extensions for approximately 12 planning permits and land-use entitlements are scheduled to expire in calendar year 2011; and

WHEREAS, an ability to extend planning permits and land-use entitlements beyond their existing time limits could result in developers continuing to work on these projects until market conditions are more favorable for financing and leasing, and would also allow projects to comply with the regulations in place at the time of their initial approvals, without the delay and expense of renewing entitlements to address changing regulations; and

WHEREAS, these projects, if they were to proceed, could positively impact the local economy through the employment of construction-industry personnel, the purchase of materials and supplies during construction and operation, the payment of regulatory fees and taxes, the employment and/or housing of local residents after project completion, and the avoidance of a blighted appearance and safety concerns at an abandoned or partially completed construction site; and

WHEREAS, on these bases, the City Council finds that a temporary extension of existing time limits for permit approvals will benefit the City as a whole.

NOW, THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. The provisions of this ordinance shall extend on an interim basis the existing time limits for permit approvals in §17.64.040.B.4 of the Municipal Code for an additional one-year extension as set forth below.

SECTION 2. After the effective date of this ordinance, applicants with planning permits and land-use entitlements may submit a written request to the Planning Director for the additional one-year extension authorized herein.

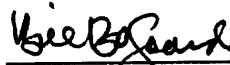
SECTION 3. The existing findings for time extensions set forth in §17.64.040.B of the Municipal Code shall apply to these requests.

SECTION 4. The interim authority of the Planning Director to extend planning permits and land-use entitlements beyond the existing time extension specified in §17.64.040.B.4 shall expire on December 31, 2011.

SECTION 5. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 6. This ordinance shall take effect 30 days from its publication.

Signed and approved this 13th day of December, 2010.

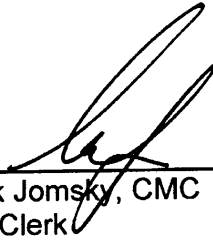


Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held 13th day of December, 2010, by the following vote:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin,
Vice Mayor Gordo, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Robinson, Tornek
ABSTAIN: None

Date Published: December 16, 2010
Pasadena Journal



Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

0000082725C031

EXHIBIT D



ODYSSEY
Development Services

Fifty One West Dayton Street
Pasadena California 91105-2203
T626.683.8159 F626.683.2897
BurkeFarrar@EarthLink.net

Mark Odell
Pasadena Planning Division
175 North Garfield Avenue
Pasadena, California 91109

October 26, 2011

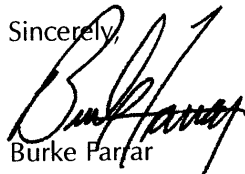
**RE: Time Extension Approval and Ordinance #7202
229-243 South Marengo Avenue**

Thank you for your assistance with the Time Extension for the Consolidated Design Review for the proposed condominium at 229-2443 South Marengo Avenue, PLN2006-00348, *see attached letter – January 12, 2011*. The letter grants approval of the time extension to February 25, 2012.

The approval of the time extension in the attached letter was based upon Ordinance #7180. As you know, the City Council adopted a subsequent ordinance, Ordinance #7202, in recognition that the economic circumstances remain unchanged and the unchanged circumstances warrant further extension of entitlements to assist with recovery. As the project remains in the same circumstances as it was in a year ago, it is prudent to confirm that the additional extension allowed under Ordinance #7202 applies to the Consolidated Design Review at 229-243 South Marengo Avenue.

With the time extension allowed under Ordinance #7202, the approval would remain effective until February 25, 2013. It is necessary for this extension to be granted because financial institutions have not released funding for projects similar to 229-243 South Marengo Avenue. Consequently, we must request the extension to February 25, 2013 as per Ordinance #7202.

Sincerely,



Burke Farrar

Copies: James Li, Prominent Victoria Corporation
Ann Higginbotham, Attorney at Law

EXHIBIT E



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

PLANNING DIVISION MASTER APPLICATION FORM

Project Address: 229-243 South Marengo Avenue

Project Name: Prominent Victoria

Project Description: (Please describe demolitions, alterations and any new construction) Time extension for Consolidated Design Review (PLN2006-00348) under provisions of Ordinance #7202.

Zoning Designation: RM-48 HL40(45) General Plan Designation: Central District Specific Plan

APPLICANT/OWNER INFORMATION

APPLICANT NAME: Odyssey Development Services – Burke Farrar Telephone: [626] 683-8159

Address: Fifty-one West Dayton Street, Suite 200 Fax: [626] 683-2897

City: Pasadena State: CA Zip: 91105 E-mail: BurkeFarrar@EarthLink.net

CONTACT PERSON: Odyssey Development Services – Burke Farrar Telephone: [626] 683-8159

Address: Fifty-one West Dayton Street, Suite 200 Fax: [626] 683-2897

City: Pasadena State: CA Zip: 91105 E-mail: BurkeFarrar@EarthLink.net

PROPERTY OWNER NAME Prominent Development Corporation – James Li Telephone: [626] 292-2559

Address: 135 North San Gabriel Boulevard Fax: [626] 292-1566

City: San Gabriel State: CA Zip: 91775 E-mail: 9999jl@gmail.com

TYPE OF CITY REVIEW AND APPROVALS REQUIRED:

Mark clearly the type of approval required in the space provided below.

- ADJUSTMENT PERMIT HEIGHT AVERAGING PREDEVELOPMENT PLAN REVIEW
- AFFORDABLE HOUSING CONCESSION OR WAIVER HILLSIDE DEVELOPMENT PERMIT RELIEF FROM THE REPLACEMENT BUILDING PERMIT REQUIREMENT
- CERTIFICATE OF APPROPRIATENESS HISTORIC DESIGNATION (MONUMENT, LANDMARK, TREE OR SIGN) SIGN EXCEPTION
- CERTIFICATE OF EXCEPTION HISTORICAL RESEARCH/EVALUATION TENTATIVE PARCEL/TRACT MAP
- CHANGES TO APPROVED PROJECT LANDMARK TREE PRUNING TEMP. CONDITIONAL USE PERMIT
- CONDITIONAL USE PERMIT MASTER DEVELOPMENT PLAN TREE PROTECTION PLAN REVIEW
- DESIGN REVIEW MASTER SIGN PLAN TREE REMOVAL
- DEVELOPMENT AGREEMENT MINOR CONDITIONAL USE PERMIT VARIANCE
- EXPRESSIVE USE PERMIT MINOR VARIANCE VARIANCE FOR HISTORIC RESOURCES
- FLOOR AREA RATIO (FAR) INCREASE PLANNED DEVELOPMENT ZONE ZONE CHANGE (MAP AMENDMENT)
- GENERAL PLAN AMENDMENT PRELIMINARY PLAN CHECK OTHER: Time Extension/Design Review

Note: Space for signature is on reverse side

MAP – Master Application REVISED.doc1/20/11

Exhibit E – Master Application for Ordinance No. 7202 Time Extension
Page 2 of 2

INDEMNIFICATION

Applicant agrees to defend, indemnify, and hold harmless the City and its officers, contractors, consultants, employees, and commission members (collectively, "City") from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation), including any appeals thereto (collectively, "proceeding") brought against the City with regard to any approvals issued in connection with the application(s) by the City, including any action taken pursuant to the California Environmental Quality Act. If Applicant is required to defend the City in connection with such proceeding, the City shall have and retain the right to approve counsel to so defend the City; and all significant decisions concerning the manner in which the defense is conducted; and any and all settlements, which approval shall not be unreasonably withheld. The City shall also have and retain the right to not participate in the defense, except that the City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If the City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant. Further, Applicant agrees to defend, indemnify and hold harmless the City from and for all costs and fees incurred in additional investigation or study of, or for supplementing, revising, or amending, any document if made necessary by said proceeding.

CERTIFICATION:

I hereby certify that I am the applicant or designated agent named herein and that I am familiar with the rules and regulations with respect to preparing and filing this petition for discretionary action, and that the statements and answers contained herein and the information attached are in all respects true and accurate to the best of my knowledge and belief.

SIGNATURE OF APPLICANT OR AGENT: _____

Date: December 12, 2011

<p>For Office Use Only</p> <p>PLN # _____ CASE # _____ PRJ # _____</p> <p>DATE ACCEPTED: _____</p> <p>DATE SUBMITTALS RECEIVED: _____ RECEIVED BY (INITIALS): _____</p> <p>FEES: BASE FEE: \$ _____ 3% RECORDS FEE: \$ _____ TOTAL: \$ _____</p> <p>HISTORIC ARCH. RESEARCH REQUIRED? YES NO PUBLIC ART REVIEW REQUIRED? YES NO TRANSPORTATION REVIEW REQUIRED? YES NO INCLUSIONARY HOUSING REQUIRED? YES NO</p>	<p>REVIEW AUTHORITY:</p> <p><input type="checkbox"/> STAFF <input type="checkbox"/> HEARING OFFICER <input type="checkbox"/> PLANNING COMMISSION/BZA <input type="checkbox"/> DESIGN COMMISSION <input type="checkbox"/> HISTORIC PRESERVATION COMMISSION <input type="checkbox"/> CITY COUNCIL</p> <p>TAXPAYER PROTECTION <input type="checkbox"/> DISCLOSURE REQUIRED <input type="checkbox"/> NOT REQUIRED</p>	<p>CEQA REVIEW: <input type="checkbox"/> EXEMPTION <input type="checkbox"/> INITIAL STUDY <input type="checkbox"/> EIR</p> <p>CEQA REVIEW STATUS: <input type="checkbox"/> PENDING <input type="checkbox"/> COMPLETED</p>	<p>Design & Historic Preservation:</p> <p>TYPE OF HISTORIC PRESERVATION REVIEW: <input type="checkbox"/> CATEGORY 1 (DESIGNATED) <input type="checkbox"/> CATEGORY 2 (ELIGIBLE)</p> <p>LANDMARK/HISTORIC DISTRICT NAME: _____</p> <p>TYPE OF DESIGN REVIEW: <input type="checkbox"/> CONCEPT <input type="checkbox"/> FINAL <input type="checkbox"/> CONSOLIDATED <input type="checkbox"/> PRELIMINARY CONSULTATION</p>
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The City of Pasadena has adopted ordinances requiring discretionary review, and by virtue of adoption of these ordinances, the City of Pasadena has accepted responsibility to adhere to all applicable laws governing the review of the entitlement process described in this application. The applicant has no authority to advise the City of Pasadena, its employees, elected or appointed officials or designees on correct conduct in accordance with the applicable regulations regarding the review and approval processes. The applicant further does not give up any right to reasonable claims against the City of Pasadena if the City of Pasadena, its employees, elected or appointed officials or designees do not comply with the all applicable regulations. Although the City of Pasadena will not accept an application without a signature acknowledging the indemnification statement above, this application is signed under protest to ensure the applicant's right to due process despite not accepting the terms of the indemnification statement.