

# EXHIBIT F

May 14, 2012 7:30 PM 1/2

Prominent Victoria Corporation hereby consents to a continuance of item # 4A on the Design Commission

May 14, 2012 Agenda to a date certain, to wit, May 29, 2012.

The issue of whether ord. no. 7202 or 7215 is the applicable ordinance is the reason for the continuance. City will use its best efforts to have the issue resolved by the close of business on May 15, 2012.

5/2



James Li  
President  
Prominent  
Victoria  
Corp.

# EXHIBIT G

**MINUTES  
SPECIAL DESIGN COMMISSION  
MAY 29, 2012**

**1. ROLL CALL – Called to order at 6:03 p.m.**

**Present:** Stephen Acker, Ali Barar, Noam Maitless, Roberto Moreno, Lyla White, John Byram

**Absent:** Mic Hansen, Andrea Rawlings, Robert Carpenter

**Staff Present:** Leon White, Mark Odell, Viola Johnson

**2. PUBLIC HEARINGS**

**A. APPLICATION FOR TIME EXTENSION**

**229-247 S. Marengo Avenue** — Request for third-time extension on new construction of a two and three-story residential project with 21 units and 45 subterranean parking spaces, and demolition of an apartment house with 17 units. (Applicant: Suarez Architects) (Staff/Odell). **Council District 6** Continued from 5/14/12.

*Staff Recommendation:*

The staff recommends that, pursuant Ordinance #7215, the Commission:

- **Find** that an application for an extension of time with the Department was submitted before the expiration of the permit;
- **Find** that the findings and conditions of the original approval are still applicable; and,
- **Find** that finding number 2, Section D of Ordinance No. 7215 does not apply, pursuant to the allowed exceptions, as a Vesting Tentative Tract Map (VTTM # 070403) was approved for this project in 2008;

Based Upon these findings, **approve** the application for a final Time Extension, until February 25, 2013, for the previously approved Consolidated Design Review subject to the original conditions of approval for this project.

**EXECUTIVE SUMMARY:**

Pursuant to Ordinance #7215, a third and final extension may be granted for this project if the review authority determines that the findings and conditions of the original approval still apply. Those findings and conditions are listed below. The form, design details and architectural character of the building are consistent with the original design presented and approved by the Design Commission in 2007. Therefore, as there were no significant changes to the final form of the approved design staff finds that the original findings and conditions still apply.

In addition, a Vesting Tentative Tract Map (VTTM # 070403) was approved for this project by the hearing officer on June 4, 2008 which exempts this project, according to State law, from compliance with any modifications to the Zoning Code, General Plan, Specific Plan and/or Zoning Map that were adopted after the approval of the Tract Map.

Finally, specific conditions were imposed as part of the approval of this project. The applicant would have to resolve these issues prior to staff signing off on final plans and issuing a building permit.

**BACKGROUND:**

The applicant requests a third time extension which represents the final extension possible for this multi-family project and would, if approved, extend the original Consolidated Design approval until February 25, 2013. Statements by the applicant which were included with the application indicate that the project has been stalled from moving forward by the stagnant financial market and the difficulty in attaining financing for projects of this type. This request requires a public hearing with associated public notice, pursuant to Ordinance No. 7215 which became effective on December 24, 2011. The hearing body that granted the original approval, the Design Commission in this instance, is responsible for reviewing and rendering a decision on this third and final request for extension.

Ordinance #7215 changed the process and time limits for the granting of extensions for entitlements. Where previous ordinances allowed an entitlement to remain active for a total of three or four years, respectively, the new ordinance allows a total of five years. However, the new ordinance requires that extensions be granted by the original hearing body for the entitlement being extended.

The new ordinance also changed the findings required to grant an extensions. Two findings must be made:

- 1) that the findings and conditions of the original approval are still applicable; and,
- 2) that the project still complies with major development standards and planning documents, limited to height, setbacks and floor area ratio (FAR).

The scope of review of the hearing body is limited to these two findings. The Design Commission cannot reopen the design review process for this project.

**Previous Role of the Design Commission and Subcommittee**

On March 12, 2012, the project was presented to the Design Commission for a third and final time extension. The Commission expressed concern regarding the appropriateness of the design; the close proximity to an historic district to the south and an historic building on an adjacent lot; and the architectural contextual response. The Commission further stated that the conditions of approval are quite important and an understanding of compliance with these conditions would need to be demonstrated, including the "coordination of the floor plans". The Commission moved to continue this project so that the Commission can be presented with a more complete presentation package to explain what the original sub-committee [2007] had reviewed and what issues from the original conditions of approval have been resolved.

This project was first presented to the Design Commission for Consolidated Design Review on January 22<sup>nd</sup> of 2007. The project was then continued for further design studies by the commission repeatedly to August 27<sup>th</sup>, September 24<sup>th</sup>, October 22<sup>nd</sup>, and finally approved with conditions on November 26<sup>th</sup> of that year. The architects had worked with staff and a subcommittee assigned to the project (Richard Quirk, Andrew Wilson, and Juliana Delgado) to resolve the issues referenced in the summary below.

Through the concentrated work of the subcommittee and by working with city staff, the design team resolved many of the concerns raised by the commissioners and the Design Commission approved the project subject to a number of final conditions. The commission had determined during this final review of the project that the design, modulation, proportions, coloration and materiality had all improved and that the final paving specifications and corresponding final materials sample board had markedly improved. Ultimately, the commission unanimously approved the project for Consolidated Design Review with final conditions to be resolved prior to

receiving a building permit. After the project had been approved by the commission this building proposal was called for review by the City Council. There was no consensus by the Council and no action was taken; the approval by the Design Commission, therefore, was left unchanged.  
**Original Conditions of Approval**

Original Conditions of Approval – 2007	Applicant's Current Response – 2012
1. The <b>paving material</b> shall relate to the base course cast-stone veneer represented on the elevations. The base course material shall be selected with special attention to the detailing of the corners and the interface with wood and stucco elements on the building.	The paving material of the project is natural stone, same as the base course stone veneer on the building shown on the color/material sample board and more details will be included in drawings for plan check.
2. The elevation drawings shall be revised to include <b>wood fascias on all eyebrow elements</b> of the building	Wood fascias on eyebrow elements where their adjacent walls are wood will be included for plan check. However, stucco fascias are shown where their adjacent walls are stucco. This will match the stucco fascias of the balcony see A7 & A9.
3. The architect shall <b>revise and coordinate the floor plans</b> to reflect the final [approved] design.	Floor plans are revised and coordinated to accommodate the final approved design see A1-A6.
4. The cast-stone <b>cap detail on the balcony rail/parapet</b> shall be included and shall reference the base material used on the building.	Stone cap detail on the balcony wall and parapet will be included in drawings for plan check.
5. The <b>corner element detail where two windows come together</b> shall be reevaluated. (It may be wood or clear aluminum.)	Clear aluminum will be provided on the corner element where two windows come together for plan check.
6. The <b>scale of the [pedestrian] entry gates</b> shall be reinvestigated to consider making this element more substantial. The relocation of this element farther back from the street elevation shall be considered.	Currently the gate is 25' back from street, which aligns with the street elevation of the building. If further back is desired, the gate may be 26' back from street and will be coordinated to the revised plan when submit for plan check see A3.
7. The <b>dimension of the horizontal railings on the balconies</b> shall be reexamined to insure that they are sturdy/strong enough instead of the half-inch dimension presented in the drawings.	1"x2" dimension is presented in current drawings see 2/AD2.
8. The <b>door selection (size and material) shall be reexamined</b> on the front [street-facing] elevation.	In consideration of the room size and the scale of windows on the front elevation of the building, a 3'x8' aluminum door is provided in current drawings see A11, A17, A18 and A31 Door Schedule.
<b>Further Commission Recommendations:</b>	
1. Verify <b>quality of the redwood siding</b> to insure that sap/pitch does not bleed through the solid bodied stain that will be applied.	No Response
2. Add detail for <b>drip edge/cap at the parapet</b> to assist in the protection of the wood siding from future water damage	No Response

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### **Original Findings**

The 2007 approval of Consolidate Design Review made the following findings:

#### Environmental Determination

- The original approval included findings related to CEQA and that a categorical exemption determined that the project was exempt from the California Environmental Quality Act under §15332, (Class 32) “in-fill development projects” and this finding still applies to the current project;

#### Design Guidelines

- Acknowledge that none of the buildings on the property meets the criteria for designation as landmarks, historic monuments, or for listing in the California or National Registers and that the proposed project is consistent with the City-wide Design Principles in the Land-use Element of the General Plan; The City of Gardens Architectural Standards, and the Design Guidelines for Windows in Multi-unit Residential Projects;

#### Findings for Compliance with the Tree Ordinance

- Acknowledge that the new development will cause the removal of one protected tree, a Cinnamomum Camphora (camphor tree), with a 36-inch DBH and that the Design Commission previously approved the removal based on the finding that the canopy of the replacement trees (43 new trees @ 24” box or larger) will be of greater significance than the tree canopy coverage being removed within a reasonable time after completion of the project;

#### Consolidated Design Review Conditions/Vesting Tentative Tract Map

- Acknowledge that a Vesting Tentative Tract Map (VTTM # 070403) was approved for this project by the hearing officer on June 4, 2008;
- Acknowledge further that the original approval contained eight conditions of approval, all of which are to be incorporated into construction drawings and/or be further considered by the design team prior to the issuance of a building permit;

### **Project Overview**

The new construction is a 21-unit courtyard-style condominium with subterranean parking. The project, which is replacing 18 existing units on two parcels, is on a half-acre site on the west side of South Marengo Avenue—south of Cordova Street. A two-story multi-unit Colonial Revival complex (1953, architect unknown, eligible for landmark designation) and a four-story residential building (under construction) are north of the site. A two-story Queen Anne style building (1893, Thomas Fellows/J.H. Bradbeer, listed in the National Register, borders the site to the south. A collection of bungalows, traditional style buildings, and 1980s-era townhouses are east of the site.

The new building has two three-story wings set back 25 feet from the property line and organized around a rectangular interior garden. With flat roofs, protruding canopies, horizontal groupings of windows, and plaster-coated walls, it has references, according to the design architect, to Prairie Style antecedents. Designed to comply with the development standards for a RM-48 zoning district, the building has three entrances facing the street. It also has a 15-foot outdoor entrance area, screened by an ornamental gate, with views into the interior garden. Perimeter walkways surround the garden, which lead to unit entrances for the rest of the building.

The subterranean parking level extends the development to the property lines of the site. The concrete deck within the front yard setback is depressed 24-inches below the sidewalk elevation (as required by code) to afford adequate soil depth to accommodate landscape requirements. A 13-foot wide driveway allows access into the subterranean parking garage from the northern most edge of the site along South Marengo Avenue.



Two private elevators lead to two penthouse-level units. These units as well as two street-facing units (#101 and #118) are accessible to individuals with disabilities. Several elevation changes occur in the courtyard. An accessible route through the main garden occurs along the south walkway and provides access to both elevators.

The landscaped courtyard is a viewing garden with a wall fountain. There are three (of six) 36-inch box California Sycamores proposed to be planted in tree wells within the garden area, allowing the trees to fully mature. The landscape plan also indicates planting areas for trees, turf and shrubs within the front setback and provides a green buffer appropriate for this location. Much of the landscaping is in planters over a concrete podium that extends to the property line. Three 36" and four 24" box trees in this location will not fully mature above the podium deck.

*Public Hearing:*

The following persons spoke:

Burke Farrar, applicant

Ruth Christiansen, neighbor

Ann Higginbotham, attorney for the applicant

Joy Selby, resident and representative for 221 S. Marengo Avenue

Theresa Fuentes, Assistant City Attorney, City of Pasadena

*Action #1:*

Moved/seconded by Commissioners Moreno/Maitless to DENY THE APPLICATION:

Vote:	For:	Maitless, Moreno, White
	Against:	Acker, Barar, Byram
	Abstain:	
	Absent:	Hansen, Rawlings, Carpenter

No action taken.

*Action #2:*

Moved/seconded by Commissioners Acker/Barar to ACCEPT STAFF RECOMMENDATION WITH A LETTER TO BE SENT TO THE CITY COUNCIL:

Vote:	For:	Acker, Barar, Byram
	Against:	Maitless, Moreno, White
	Abstain:	
	Absent:	Hansen, Rawlings, Carpenter

No action taken.

Commissioner Comments – 5/29/2012:

- Concerned that the original architect or author of this project is no longer involved and therefore, how does one rationalize the approval of this project that is not backed legally by the original author.
- The issue of compatibility is not addressed for this project.
- How is it possible that the issues raised in the conditions of approval have not been resolved since 2007 and the project has not changed in any way to respond to [possible] changing conditions at the site.
- The Design Commission's charge is to uphold design excellence for the community. There were 5 years to resolve the issues raised by the previous Design Commission and there are worries of what may occur if this project were to be built. There is also a concern that architecture, in this instance, is being treated as a commodity, with the

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original architect and author of the design being replaced with another, and that is offensive.

- This is the Design Commission's chance to stop this project. There is also a concern that no architect was present at the hearing to present this project and that is a serious mistake.

**First Motion:**

Motion not to grant the time extension.

**Second Motion:**

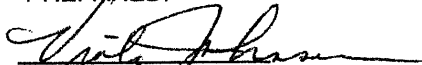
Approval of the staff recommendation with a letter to be sent to the council from the Design Commission explaining the complexity of approving this time extension, such as:

1. Current Traffic Conditions
2. Historic Context and Review
3. Size and changes to the contextual relationship of the project

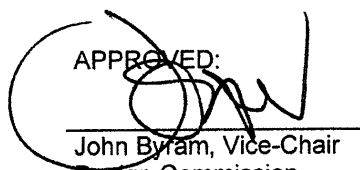
3. **ADJOURNMENT:**

Meeting adjourned at 7:48 p.m.

PREPARED:

  
Viola Johnson  
Recording Secretary

APPROVED:

  
John Byram, Vice-Chair  
Design Commission

  
Date

# EXHIBIT H

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

(626) 792-6741

Friday, June 01, 2012

Ms. Michele Bagneris, City Attorney  
City of Pasadena  
100 N. Garfield Ave.  
Pasadena, California 91101

Re: PLN 2006 - 00348  
229-243 S. Marengo Ave.

Dear Ms. Bagneris,

I represent the Prominent Victoria Corporation with respect to its 21 unit condominium project, which was before the Design Commission on May 29, 2012 for a one year extension of the consolidated Design Review Approval, pursuant to Ordinance No. 7202. This hearing was a fully noticed public hearing, continued from two prior fully noticed public hearings on March 12, 2012 and May 14, 2012. If granted, the extension would have given us an expiration date of February 25, 2013.

At the last hearing date for our project on May 14, 2012, James Li, the owner, Burke Farrar, project manager and I met with Theresa Fuentes of your office and Leon White, Principal Planner in charge of design review. At that time, we informed them that due to the lack of a timely response, our application for an extension under Ordinance No. 7202, was complete as submitted pursuant to the Permit Streamlining Act (Calif. Gov't. Code §§65920-65964) on January 11, 2012, and relates back to the original application date of December 12, 2011. Under the Act, the City has 180-days from this date within which to act on the request for extension. Therefore, the deadline for action on our extension request is June 9, 2012. Because May 28, 2012 was the Memorial Day holiday and the next regularly scheduled hearing of the Design Commission was June 11, 2012, after the Permit Streamlining Act 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.

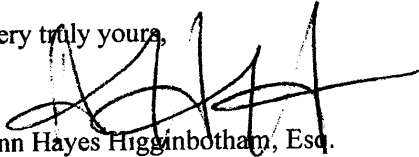
At the May 29 hearing, the Design Commission failed to act - twice. Two motions on the staff report were made and both failed. Since the City failed to act on our request for an extension of time within the time allotted by the Permit Streamlining Act, our application for an extension pursuant to Ordinance No. 7202 is approved by operation of law pursuant to the Act on June 9, 2012. This extension lasts until February 25, 2013. Since the Design Commission did not render a decision, there is not a decision that can be appealed. The City Council cannot call a failure to act for review. Only actions of an inferior tribunal may be called up.

Having a valid extension of time for our project, we will be presenting the Building Department with our plans for plan check soon. We expect those plans to be processed within the time periods of the stated City policy, 30-days to receive corrections. We know that your office will assist us by informing the plan check staff that our request must be processed in accordance with the policy.

PLN 2006 - 00348  
229-243 S. Marengo Ave.  
Friday, June 01, 2012  
Page 2

We look forward to receiving our building permit in a timely fashion and completing this project. We know the City will welcome the millions of dollars in construction tax and related fees which this project will bring into the City. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ann Hayes Higginbotham', with a long horizontal flourish extending to the right.

Ann Hayes Higginbotham, Esq.  
Attorney for Prominent Victoria Corporation

cc. James Li, Prominent Victoria Corporation  
Burke Farrar, Odyssey Development Services  
Theresa Fuentes, Assistant City Attorney  
Leon White, Principal Planner

# EXHIBIT I



PLANNING DEPARTMENT  
PLANNING DIVISION

June 8, 2012

Odyssey Development Services  
51 West Dayton Street, Suite #200  
Pasadena, Ca. 91150

ATTN: Burke Farrar

**RE: NOTICE OF DECISION**  
**Application for Time Extension**  
**Consolidated Design Review**  
**Project: 229-247 South Marengo Avenue—21 Unit Multi-family Complex**  
**PLN2006-00348/PLN 2010-00469**

Dear Mr. Farar:

We are in receipt of the letter from your attorney, Ann H. Higginbotham, to the City Attorney, dated June 1, 2012, in which Ms. Higginbotham asserts that your application has been deemed approved, pursuant to the Permit Streamlining Act. Specific notice that your application could be deemed approved by operation of law is a prerequisite to such a claim (Cal. Gov't Code § 65956; see also Mahon v. County of San Mateo (2006) 139 Cal.App.4<sup>th</sup> 812). The public notice for the Design Commission hearing, however, did not contain the prerequisite language, nor did you avail yourself of the ability to provide such language as allowed in Cal. Gov't Code § 65956(b). Accordingly, your application is not deemed approved pursuant to the Permit Streamlining Act.

On May 29, 2012 at a public hearing in the Permit Center Hearing Room, the Design Commission, acting under the provisions of §17.61.030 of the Pasadena Municipal Code, reviewed your application for a Time Extension for the proposed new construction of a new 21-unit multi-family residential project at the above-referenced address. Two motions to approve or disapprove the project were voted on at this hearing by the commission but no consensus was reached. The failure of the Design Commission to act, however, is an appealable action, pursuant to the Zoning Code. Therefore, the appeal period, as referenced below, is applicable for this project. The appeal period has been extended, in this instance, in order to give the Planning Department additional time to analyze the unique facts presented by the Design Commission with regard to this action.

**Effective Date  Call for Review  Appeal**

You are hereby notified, therefore, that **this decision, confirming the inaction of the hearing body and the lack of approval for the time extension for this project, becomes effective on Tuesday, June 19, 2012.** Before the effective date, the City Council may call for a review of

this decision. If the Council calls for a review of this decision, it becomes void, and the application will be considered as a new item. In addition, you or any person affected by this decision may appeal it to the City Council before the effective date by filing an appeal in writing with the City Clerk (room S228, City Hall, 100 N. Garfield Avenue) along with an appeal fee of \$262.65. The last day to file an appeal is **Monday, June 18, 2012**. Appeals must cite a reason for objecting to a decision. Please note that appeals and calls for review are conducted as de novo hearings, meaning that the lower decision is vacated and the entire decision is reviewed anew. Please contact **Mark Odell at (626) 744-7101** to find out if any appeal has been filed or a call for review has been requested for this project or to further discuss the issues raised in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. White', written over a horizontal line.

Leon White  
Acting Principal Planner

xc: Case File; Mayor and City Council; District (6) Field Representative; City Clerk; Director of Planning; Tidemark  
Cases PLN2006-00348/PLN2010-00469



# EXHIBIT J

6/18/2012  
2:57:36PM

**City of Pasadena**  
Permit Center  
175 N. Garfield Ave.  
Pasadena, CA 91101

**Receipt #: 8a20120000000000000630**

Date: 06/18/2012

Project Address: 247 S MARENGO AVE

**Line Items:**

Case No	Tran Code	Description	Revenue Account No	Amount Paid
PLN2010-00469		Appeal; App. <1000	6614-101 / 444100	255.00
PLN2010-00469		Records Mgmt 3% Surcharge	6143-204 / 447100	7.65
<b>Line Item Total:</b>				<b>\$262.65</b>

**Payments:**

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	PROMINENT VICTORIA CORP		1601	DRS	In Person	262.65
<b>Payment Total:</b>						<b>\$262.65</b>

Exhibit J - Receipt of Appeal of Staff Determination

# EXHIBIT K

Exhibit K - Receipt of Appeal of Design Commission "Decision"

**CITY OF PASADENA**

**GENERAL RECEIPT**

RECEIVED FROM BURKE FARRAR DATE 6/18/12  
ADDRESS 1111 - CNEB EXT Dayton St - 4700 CITY Pasadena PHONE # 676 6838159

- MUNICIPAL SERVICES - ACCOUNT # \_\_\_\_\_
- LICENSE \_\_\_\_\_
- PARAMEDIC - INV. # \_\_\_\_\_ INV. AMT. \$ \_\_\_\_\_  
PAID THIS DATE \$ \_\_\_\_\_  
BALANCE DUE \$ \_\_\_\_\_
- PARKING CITATIONS \$ \_\_\_\_\_
- OTHER APPROX. FEE INV. AMT. \$ \_\_\_\_\_  
PLN 2006 - 003488 PAID THIS DATE \$ \_\_\_\_\_  
PLN 2010 - 00469 BALANCE DUE \$ \_\_\_\_\_

<b>AMT. PAID</b> <u>762.65</u>
CODE: _____
<input type="checkbox"/> CASH
<input checked="" type="checkbox"/> CHECK # _____
<input type="checkbox"/> MONEY ORDER # _____
RECEIVED BY <u>[Signature]</u>

**NOTE: NOT A VALID RECEIPT UNLESS ENDORSED ABOVE BY REGISTER OR SIGNATURE**

# EXHIBIT L

*Copy to  
Conform*

Law Offices of Ann Hayes Higginbotham

76 South Grand Ave. Pasadena Ca. 91105

626-792-6741

RECEIVED  
12 JUN 22 PM 2:08  
CITY CLERK  
CITY OF PASADENA

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.

# EXHIBIT M

# Public Notice

(of deemed approval)

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229-247 South Marengo Avenue  
PLN2006-00348 and PLN2010-00469  
**TIME EXTENSION**

**Subject:** An application was filed by Prominent Victoria Corporation (“Applicant”) with the City of Pasadena Planning Division to obtain a one-year time extension of consolidated design review under Ordinance #7202. The application was filed on December 12, 2011 with written requests for the time extension dating to September 27, 2011. The project consists of the construction of a two and three-story residential building consisting of 21 units with 45 subterranean parking spaces, with a total garden area of 3,687 sf. The project also involves the demolition of a single-family house and 17 apartments. No physical changes to the approved plans for the project are part of this application.

**Environmental:** The project has been determined to be Categorically Exempt from the California Environmental Quality Act under §15332, (Class 32) “in-fill development projects.” This exemption applies to in-fill development projects that are consistent with the general plan designation, all applicable general plan policies, and the applicable zoning designation and development standards and that none of the buildings on the property meets the criteria for designation as landmarks, historic monuments, or for listing in the California or National Registers and that this determination still applies to the current project.

**Project Status:** The Planning Director is authorized to grant time extensions under Ordinance #7202, and the project is specifically identified as being eligible for a time extension under Ordinance #7202, (Agenda Report to City Council, November 15, 2010). Despite three public hearings, neither the Planning Director nor the Design Commission has acted to approve or disapprove the application for the time extension.

**Notice is hereby given that if a decision to approve or disapprove the time extension does not occur on or before August 28, 2012, the time extension shall be deemed approved pursuant to the provisions of the Permit Streamlining Act, California Government Code §65920 et seq.**

**Public Information:** The application and information regarding time extension may be viewed at the Pasadena Permit Center, 175 North Garfield Avenue. Written comments may also be mailed or delivered to the Planning Division at the Permit Center address.

**Contact Person:** Mark Odell  
**E-mail:** [modell@cityofpasadena.net](mailto:modell@cityofpasadena.net)  
**Mailing Address:**  
Design & Historic Preservation Section  
175 North Garfield Avenue  
Pasadena, California 91101

**Phone:** (626) 744-7101  
**Fax:** (626) 396-7457  
**Website:** [www.cityofpasadena.net/planning](http://www.cityofpasadena.net/planning)

This notice is provided by the Applicant pursuant to the Permit Streamlining Act, California Government Code §65920 et. seq.

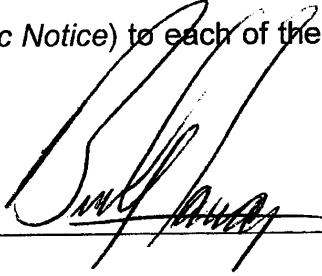
Date of Notice: June 29, 2012



# EXHIBIT N

## Mailing Affidavit

On June 29, 2012, I, Burke Farrar hereby certify that I  
mailed a Public Notice (see *attached Public Notice*) to each of the addresses on  
the attached copy of labels.

Date: June 29, 2012 Signature: 

# Public Notice

(of deemed approval)

---

**229-247 South Marengo Avenue  
PLN2006-00348 and PLN2010-00469  
TIME EXTENSION**

**Subject:** An application was filed by Prominent Victoria Corporation (“Applicant”) with the City of Pasadena Planning Division to obtain a one-year time extension of consolidated design review under Ordinance #7202. The application was filed on December 12, 2011 with written requests for the time extension dating to September 27, 2011. The project consists of the construction of a two and three-story residential building consisting of 21 units with 45 subterranean parking spaces, with a total garden area of 3,687 sf. The project also involves the demolition of a single-family house and 17 apartments. No physical changes to the approved plans for the project are part of this application.

**Environmental:** The project has been determined to be Categorically Exempt from the California Environmental Quality Act under §15332, (Class 32) “in-fill development projects.” This exemption applies to in-fill development projects that are consistent with the general plan designation, all applicable general plan policies, and the applicable zoning designation and development standards and that none of the buildings on the property meets the criteria for designation as landmarks, historic monuments, or for listing in the California or National Registers and that this determination still applies to the current project.

**Project Status:** The Planning Director is authorized to grant time extensions under Ordinance #7202, and the project is specifically identified as being eligible for a time extension under Ordinance #7202, (Agenda Report to City Council, November 15, 2010). Despite three public hearings, neither the Planning Director nor the Design Commission has acted to approve or disapprove the application for the time extension.

**Notice is hereby given that if a decision to approve or disapprove the time extension does not occur on or before August 28, 2012, the time extension shall be deemed approved pursuant to the provisions of the Permit Streamlining Act, California Government Code §65920 et seq.**

**Public Information:** The application and information regarding time extension may be viewed at the Pasadena Permit Center, 175 North Garfield Avenue. Written comments may also be mailed or delivered to the Planning Division at the Permit Center address.

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**Mailing Address:**  
Design & Historic Preservation Section  
175 North Garfield Avenue  
Pasadena, California 91101

**Phone:** (626) 744-7101  
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**Website:** [www.cityofpasadena.net/planning](http://www.cityofpasadena.net/planning)

This notice is provided by the Applicant pursuant to the Permit Streamlining Act, California Government Code §65920 et. seq.

Date of Notice: June 29, 2012

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1 5722-013-004,005  
PROMINENT VICTORIA CORP  
135 N SAN GABRIEL BLVD  
SAN GABRIEL CA 91775-2478 C024

2 5722-013-006  
MOSS RICHARD A & TONI R TR  
16970 KNOLLWOOD DR  
GRANADA HILLS CA 91344-2629 C026

3 5722-013-014  
C & C MANAGEMENT L P  
275 S MARENGO AVE  
PASADENA CA 91101-2774 C021

4 5722-013-009  
BBC DEVELOPMENT LLC  
674 CANTERBURY RD  
SAN MARINO CA 91108-1342 C008

5 5722-013-034  
175 DEL MAR LLC  
600 W BROADWAY #285  
GLENDALE CA 91204-1052 C096

6 5722-013-011  
YOUNG JOSEPH E  
165 E DEL MAR BLVD  
PASADENA CA 91105-2532 C017

7 5722-013-035  
HADDAD SUZAN I FAMILY  
29751 BYRON PL  
CASTAIC CA 91384-3806 R018

8 5722-013-033  
270 S ARROYO PARKWAY LLC  
441 N BEVERLY DR #207  
BEVERLY HILLS CA 90210-4633 C026

9 5722-013-076  
LEE CHAN Y & NANCY FAMILY  
110 W WISTARIA AVE  
ARCADIA CA 91007-8007 C027

10 5722-013-077  
YEUNG YEUNG S  
8917 VALLEY BLVD  
ROSEMEAD CA 91770-1831 C002

11 5722-013-078  
CHIN TRACIE P  
238 S ARROYO PKWY #203  
PASADENA CA 91105-4132 C017

12 5722-013-079  
WANG JOHNSON  
1412 S 2ND AVE  
ARCADIA CA 91006-4112 C040

13 5722-013-080  
CORREA ANGELA  
238 S ARROYO PKWY #205  
PASADENA CA 91105-4132 C017

14 5722-013-081  
SHAW JESSE  
238 S ARROYO PKWY #206  
PASADENA CA 91105-4132 C017

15 5722-013-082  
CHEN VICKY Y FAMILY YUE  
2702 S DIAMOND BAR BLVD #102  
DIAMOND BAR CA 91765

16 5722-013-083  
LEONG RXANE WAI KIU DIANA YUEN PING  
238 S ARROYO PKWY #208  
PASADENA CA 91105-4132 C017

17 5722-013-084  
YAN YANG & CATHERINE  
1348 WESTHAVEN RD  
SAN MARINO CA 91108-2017 C007

18 5722-013-085  
KINIKIN DAVID W & JULIET  
238 S ARROYO PKWY #210  
PASADENA CA 91105-4132 C017

19 5722-013-086  
KAAS OSCAR S FAMILY  
1187 COAST VILLAGE RD #1473  
SANTA BARBARA CA 93108-2737

20 5722-013-087  
JOU BRIAN TSAUR MICHELLE  
238 S ARROYO PKWY #212  
PASADENA CA 91105-4132 C017

21 5722-013-088  
LU MING  
238 S ARROYO PKWY #213  
PASADENA CA 91105-4132 C017

22 5722-013-089  
DONSCHESKI MICHAEL  
238 S ARROYO PKWY #214  
PASADENA CA 91105-4132 C017

23 5722-013-090  
TING HORACE CHAN SUK M  
238 S ARROYO PKWY #215  
PASADENA CA 91105-4132 C017

24 5722-013-091  
WU PAMELA Y  
238 S ARROYO PKWY #216  
PASADENA CA 91105-4132 C017

25 5722-013-092  
KWO LUKE MAK SO SHAN  
238 S ARROYO PKWY #217  
PASADENA CA 91105-4132 C017

26 5722-013-093  
SAGARDIA ELISA  
238 S ARROYO PKWY #218  
PASADENA CA 91105-4132 C017

27 5722-013-094  
SHIH CHUN Y  
238 S ARROYO PKWY #219  
PASADENA CA 91105-4132 C017

28 5722-013-095  
ENRIQUEZ HNR Y BOKERMANN MICHELLE  
238 S ARROYO PKWY #220  
PASADENA CA 91105-4132 C017

29 5722-013-096  
CURRY PATRICIA A & M & P  
1270 CLUB HOUSE DR  
PASADENA CA 91105-2729 C020

30 5722-013-097  
ZHU BEN  
238 S ARROYO PKWY #302  
PASADENA CA 91105-4132 C017

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31 5722-013-098,113  
POLO ENTERPRISES LLC  
2698 BLAZE TRL #RD  
DIAMOND BAR CA 91765-3211 C013

32 5722-013-099  
YANG QING XU XIAO W  
238 S ARROYO PKWY #304  
PASADENA CA 91105-4132 C017

33 5722-013-100  
LUNA JOSHUA A  
238 S ARROYO PKWY #305  
PASADENA CA 91105-4132 C017

34 5722-013-101  
TOM SAMMY Y & LILY F  
238 S ARROYO PKWY #306  
PASADENA CA 91105-4132 C017

35 5722-013-102  
CHANG CHI LUNG & JACQUELINE W  
238 S ARROYO PKWY #307  
PASADENA CA 91105-4132 C017

36 5722-013-103  
LEE HING W FAMILY TRUST  
19345 SAN JOSE AVE  
CITY OF INDUSTRY CA 91748-1420

37 5722-013-104  
WANG JULIE J  
238 S ARROYO PKWY #309  
PASADENA CA 91105-4132 C017

38 5722-013-105  
SADEK MONA W  
5830 VIA SUSANA  
RIVERSIDE CA 92506-3603 C029

39 5722-013-106  
ESQUIVEL GIL M  
238 S ARROYO PKWY #311  
PASADENA CA 91105-4132 C017

40 5722-013-107  
ASLAN ADLIN  
238 S ARROYO PKWY #312  
PASADENA CA 91105-4132 C017

41 5722-013-108  
WANG MEEI LING  
238 S ARROYO PKWY #313  
PASADENA CA 91105-4132 C017

42 5722-013-109  
YU WEI FELIX  
238 S ARROYO PKWY #314  
PASADENA CA 91105-4132 C017

43 5722-013-110  
ISHIDA C T 2010 FAMILY TRUST  
238 S ARROYO PKWY #315A  
PASADENA CA 91105-4132 C017

44 5722-013-111  
GOSSETT LINDA K  
238 S ARROYO PKWY #316  
PASADENA CA 91105-4132 C017

45 5722-013-112  
VASQUEZ ELIAS A JR & BEATRICE A  
238 S ARROYO PKWY #317  
PASADENA CA 91105-4132 C017

46 5722-013-114  
FONG TANIA  
238 S ARROYO PKWY #319  
PASADENA CA 91105-4132 C017

47 5722-013-115  
HWANG PEGGY  
238 S ARROYO PKWY #320  
PASADENA CA 91105-4132 C017

48 5722-013-116  
LEUNG KAI S  
238 S ARROYO PKWY #401  
PASADENA CA 91105-4132 C017

49 5722-013-117  
CHEN JERGIN & ANGELA S  
238 S ARROYO PKWY #402  
PASADENA CA 91105-4132 C017

50 5722-013-118  
HUANG SHANE C  
18872 JEFFREY AVE  
CERRITOS CA 90703-6100 C052

51 5722-013-119  
LEE JAY & JUNG  
7751 CLIFDEN CT  
DUBLIN CA 94568-5572 C076

52 5722-013-120  
WILLIAMS MITCH & SOPHIA  
238 S ARROYO PKWY #405  
PASADENA CA 91105-4132 C017

53 5722-013-121  
LIN GRACE  
17025 ROYAL VIEW RD  
HACIENDA HEIGHTS CA 91745-5718

54 5722-013-122  
PARK SUNG E  
238 S ARROYO PKWY #407  
PASADENA CA 91105-4132 C017

55 5722-013-123  
LUE JASON  
238 S ARROYO PKWY #408  
PASADENA CA 91105-4132 C017

56 5722-013-124  
LIAO GEANNIE  
238 S ARROYO PKWY #409  
PASADENA CA 91105-4132 C017

57 5722-013-125  
TSANG DAVID  
238 S ARROYO PKWY #410  
PASADENA CA 91105-4132 C017

58 5722-013-126  
CHANG CHI HONG CHEN LI CHEN  
238 S ARROYO PKWY #411  
PASADENA CA 91105-4132 C017

59 5722-013-127  
SURJADINATA KENNETH U NGUYEN AMY  
238 S ARROYO PKWY #412  
PASADENA CA 91105-4132 C017

60 5722-013-128  
KESHISHIAN ERIC L  
238 S ARROYO PKWY #413  
PASADENA CA 91105-4132 C017

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61 5722-013-129  
TITTMANN PAUL T & JENNY  
238 S ARROYO PKWY #414  
PASADENA CA 91105-4132 C017

62 5722-013-130  
KAM WAYNE C & LING S  
238 S ARROYO PKWY #415  
PASADENA CA 91105-4132 C017

63 5722-013-131  
ARROYO CORDOVA PROPERTY LLC  
1412 S 2ND AVE  
ARCADIA CA 91006-4112 C040

64 5722-013-132  
T & T INVS LLC  
225 S LAKE AVE #300  
PASADENA CA 91101-3009 C015

65 5722-013-133,135  
ARROYO CORDOVA PROPERTY LLC  
11601 WILSHIRE BLVD #1650  
LOS ANGELES CA 90025-1752 C056

66 5722-013-134  
COHEN GERARD & E FAM TRUST  
4550 ALTA CANYADA RD  
LA CANADA CA 91011-2028 C015

67 5722-013-016  
NIU HSIEN C & MARIA C  
221 S MARENGO AVE #1  
PASADENA CA 91101-2790 C021

68 5722-013-017  
RAHIMTOOLA YASMIN  
221 S MARENGO AVE #2  
PASADENA CA 91101-2700 C021

69 5722-013-018  
ICHIHANA JO ELLEN HANEMOTO CORE  
221 S MARENGO AVE #3  
PASADENA CA 91101-2731 C021

70 5722-013-019  
SUTTER GARY L  
221 S MARENGO AVE #4  
PASADENA CA 91101-2731 C021

71 5722-013-020  
VELOZ ALEJANDRO  
221 S MARENGO AVE #5  
PASADENA CA 91101-2792 C021

72 5722-013-021  
TROUTNER TODD N  
125 MAUNA LOA DR  
MONROVIA CA 91016-2017 C009

73 5722-013-022  
SELBY JANICE J  
221 S MARENGO AVE #7  
PASADENA CA 91101-2730 C021

74 5722-013-023  
SOTOMAYOR IVAN & EUGENIA CARMEN  
221 S MARENGO AVE #8  
PASADENA CA 91101-2730 C021

75 5722-013-024  
LU YI  
2038 TURNBULL CANYON RD  
HACIENDA HEIGHTS CA 91745-4025

76 5722-013-025  
WANG SHU FAN  
221 S MARENGO AVE #10  
PASADENA CA 91101-2793 C021

77 5722-013-026  
HERRERA MARGARITA  
221 S MARENGO AVE #11  
PASADENA CA 91101-2729 C021

78 5722-013-027  
JOY RONALD D & BETTY H & RONALD  
2819 VIA PAJARO  
CARLSBAD CA 92010-1348 C023

79 5722-013-031  
HEARN EDWIN J III  
370 COLUMBUS AVE #3C  
NEW YORK NY 10024-5114 C077

80 5722-013-038  
HAMMOND ROBERT L FAMILY  
217 S MARENGO AVE #101  
PASADENA CA 91101-5509 C021

81 5722-013-039  
HUNG JULIE  
217 S MARENGO AVE #102  
PASADENA CA 91101-5509 C021

82 5722-013-040  
WU CHUN SHAN  
217 S MARENGO AVE #103  
PASADENA CA 91101-5509 C021

83 5722-013-041  
CHINN DOUGLAS O & EVA J TR  
1336 N SANTA ANITA AVE  
ARCADIA CA 91006-2418 C038

84 5722-013-042  
ROSS ROBERT K & ROBIN  
2587 N ALTADENA DR  
ALTADENA CA 91001-2835 C004

85 5722-013-043  
WALDRON JEFFREY F  
217 S MARENGO AVE #106  
PASADENA CA 91101-5509 C021

86 5722-013-044  
HUANG LI AN  
217 S MARENGO AVE #107  
PASADENA CA 91101-5509 C021

87 5722-013-045  
CLIFFORD CHRISTOPHER S  
217 S MARENGO AVE #108  
PASADENA CA 91101-5509 C021

88 5722-013-046  
DUPERE IRA C  
217 S MARENGO AVE 109  
PASADENA, CA 91101

89 5722-013-047  
SAKULVISIT ARADA  
217 S MARENGO AVE #110  
PASADENA CA 91101-5508 C021

90 5722-013-048  
LIN THOMAS J  
9 S GRAND AVE #9  
PASADENA CA 91105-1602 C014

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91 5722-013-049  
ELLIOTT DARREN  
217 S MARENGO AVE #112  
PASADENA CA 91101-5508 C021

92 5722-013-050  
HAMMOND CATHY  
217 S MARENGO AVE #201  
PASADENA CA 91101-5508 C021

93 5722-013-051  
KAMETANI YUMI CHEUNG ALBERT  
217 S MARENGO AVE #202  
PASADENA CA 91101-5508 C021

94 5722-013-052  
WAITE KEITH N  
217 S MARENGO AVE #203  
PASADENA CA 91101-5508 C021

95 5722-013-053  
MARIANI JSPH A JR CAMPOS GABRIELLA  
217 S MARENGO AVE #204  
PASADENA CA 91101-5508 C021

96 5722-013-054  
LUO SONNY  
217 S MARENGO AVE #205  
PASADENA CA 91101-5510 C021

97 5722-013-055  
TING CHEN KUO  
217 S MARENGO AVE #206  
PASADENA CA 91101-5510 C021

98 5722-013-056  
TOUR MARY Y  
217 S MARENGO AVE #207  
PASADENA CA 91101-5510 C021

99 5722-013-057  
BARTHOLOMEW LAURA L  
217 S MARENGO AVE #208  
PASADENA CA 91101-5510 C021

100 5722-013-058  
SCHMOKER KELLY  
217 S MARENGO AVE #209  
PASADENA CA 91101-5510 C021

101 5722-013-059  
CHORNG YNKAI SHIN CHORNG JIMMY  
1207 KASHLAN RD  
LA HABRA HEIGHTS CA 90631

102 5722-013-060  
SILVERMAN DAVID FAMILY  
1380 OPECHEE WAY  
GLENDALE CA 91208-1967 C004

103 5722-013-061  
SEVILLA TIRA & MARK A M  
217 S MARENGO AVE #301  
PASADENA CA 91101-5511 C021

104 5722-013-062  
RICH MARC L  
217 S MARENGO AVE #302  
PASADENA CA 91101-5511 C021

105 5722-013-063  
CARRASQUILLO ALMA  
3210 PALOMA ST  
PASADENA CA 91107-2021 C016

106 5722-013-064  
JANOYAN SHAHAN V  
217 S MARENGO AVE #304  
PASADENA CA 91101-5511 C021

107 5722-013-065  
LIEN BRENDA  
217 S MARENGO AVE #305  
PASADENA CA 91101-5511 C021

108 5722-013-066  
SIU MANDY M  
217 S MARENGO AVE #306  
PASADENA CA 91101-5511 C021

109 5722-013-067  
PRIL HYNEK & KATERINA  
945 N MAIN AVE  
FALLBROOK CA 92028-1520 C007

110 5722-013-068  
MARTINEZ LUIS  
217 S MARENGO AVE #308  
PASADENA CA 91101-5511 C021

111 5722-013-069  
SCHOENI RICHARD A & DONNA R  
18144 LAKE FOREST DR  
PENN VALLEY CA 95946-9456 H004

112 5722-013-070  
CHING SAMUEL C WONG JENNIFER  
217 S MARENGO AVE #310  
PASADENA CA 91101-5512 C021

113 5722-013-071  
YOUNG MICHAEL W  
217 S MARENGO AVE #401  
PASADENA CA 91101-5512 C021

114 5722-013-072  
WANG YING  
217 S MARENGO AVE #402  
PASADENA CA 91101-5512 C021

115 5722-013-073  
MULLANE DONALD A  
217 S MARENGO AVE #403  
PASADENA CA 91101-5512 C021

116 5722-013-074  
KONIDARIS NICHOLAS P II  
217 S MARENGO AVE #404  
PASADENA CA 91101-5512 C021

117 5722-012-035  
PETESCH CHARLES R  
155 CORDOVA ST  
PASADENA CA 91101

118 5722-012-036to063  
TERRABELLA LLC  
277 PLEASANT ST #204  
PASADENA CA 91101

119 5722-012-016,17,18,19,23  
TAYLOR NANCY J  
1036 S VALENCIA ST  
ALHAMBRA CA 91801-4932 C055

120 5722-012-020/5722-013-028,029,030  
PILLER HOWARD TR  
151 W GLENARM ST  
PASADENA CA 91105-3422 C028