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**VIA HAND DELIVERY, ELECTRONIC & U.S. MAIL**

December 8, 2015

*Hand Delivered to December 8, 2015 City of Pasadena Design Commission Meeting*

Noam Maitless, Chair & Honorable Commissioners  
CITY OF PASADENA DESIGN COMMISSION  
100 North Garfield Avenue  
Basement Training Room S018  
Pasadena, California 91101

Mark Jomsky, City Clerk  
Office of the City Clerk  
100 N. Garfield Avenue, Room S22d  
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Charles Peretz, Public Works Administrator  
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**RE: Stewards of Public Land Comment Letter Regarding City of Pasadena Design Commission December 8, 2015 Agenda Item 4.A, Lower Arroyo Seco Archery Range – Review of Lower Arroyo Seco Trail ledge – Natural Barrier.**

Dear Chairman Maitless, Mr. Peretz, City Clerk Jomsky, and Honorable Commissioners

On behalf of the Stewards of Public Land and its members (“**Stewards**”), my Office is providing comments concerning Item 4.A, Lower Arroyo Seco Archery Range – Review of Lower Arroyo Seco Trail ledge – Natural Barrier set to be heard at the December 8, 2015 City of Pasadena (“**City**” or “**Pasadena**”) Design Commission (“**Commission**”) Meeting (collectively “**Item**”).

Stewards requests that the Commission continue the Item until the resolution of the ongoing litigation concerning the Lower Arroyo Seco Archery Range *Stewards of Public Land v. City of Pasadena* (LASC Case No. BS154299) (“**Archery Range Litigation**”). The outcome of this CEQA litigation could substantially change the design and overall concept of this Project and review at this time is premature and will in all likelihood be mooted by resolution of the Archery Range Litigation.

Moreover, Stewards believes that the Commission should request that the City present The Proposal for Lower Arroyo Archery Range and Deal Points for New Agreement with Pasadena Roving

Archers (“**Project**”) to the Commission *in its entirety*. At this point, the City is only presenting a small portion of the changes called for in the Lower Arroyo Seco Park approved by the City Council on February 2 – 3, 2015 and is omitting many critical details necessary to conduct an adequate advisory review.

Finally, Stewards requests that the Commission request that the City prepare a full environmental impact report for the Project as required by the California Environmental Quality Act, Cal. Pub. Res. Code §§ 21100 *et seq* (“**CEQA**”).

The City fails to provide information on the Project requested by the Commission *more than 2 years ago*. In particular, on June 24, 2015, the Commission requested a master signage program, field survey, color palette, landscape plan (indicating the full dimensions of barriers, including the height), and an analysis as to whether the barriers would limit wheelchair accessibility. The City has yet to provide most of this information, precluding the Commission from effectively reviewing the Project.

Moreover, the Item piecemeals the Project, precluding effective review. The Project not only calls for relocation and removal of hiking trails, installation of additional targets, as well as flush mounted shooting location markers, and bow hangers. The *entirety* of the Project should be brought before the Commission for an effective review.

The City’s approach displays a persistent pattern on the part of the City of concealing important information available to the public. The City unlawfully amended the Lower Arroyo Master Plan without public review. The City has also unlawfully withheld documents concerning grant applications. Stewards has submitted multiple Public Records Act requests and has only received one email that vaguely mentions applying for grants from the Easton Foundation, controlled by a major archery equipment manufacturer, nearly two years ago.

Stewards urges the Commission to continue the Item pending resolution of the Archery Range Litigation as the City does not provide adequate information concerning the Item, inappropriately piecemeals the Project, does not comply with the Arroyo Seco Design Guidelines, and attempts to bypass the Commission by requesting only an “Advisory Review” for the Project.

**I. THE CITY DOES NOT PROVIDE ADEQUATE INFORMATION IN RESPONSE TO THE COMMISSION’S JUNE 24, 2015 MOTION TO CONTINUE.**

The Commission should continue the Item. On June 24, 2015, the Commission requested a master signage program, field survey, color palette, landscape plan (indicating the full dimensions of barriers, including the height), and an analysis as to whether the barriers would limit wheelchair accessibility.

While the City provides a limited set of site plans as well as a plant palette., the City’s report is still vague. As the City’s Staff reports notes the location of the plans, as well as placement of boulders and cobbles are yet to be determined, and will be determined at the time of installation. Memorandum from City of Pasadena Department of Public Works from Charles Peretz, Public Works

Administrator to Design Commission RE: Advisory Review For Lower Arroyo Seco Trail Edge – Natural Barrier 2 (“Final plant locations will be determined in the field by Public Works staff. . . . “Additional boulder and cobble placements will be implemented.”).

Moreover, the City omits additional information that the Commission requested on June 24, 2015 including a field survey and analysis as to whether the barriers would limit wheelchair accessibility.

These omissions are particularly galling in light of the amendments to the Lower Arroyo Master Plan and the City’s Archery Ordinance, adopted on September 28, 2015, that allows an *unlimited* amount of archery targets in the Lower Arroyo Seco Archery Range as well as allowing the City Manager to “determine where archery is permitted,” allowing the City Manager to designate archery anywhere in the City including expanding the boundaries of the Lower Arroyo Archery Range.

**II. THE CITY INAPPROPRIATELY ATTEMPTS TO PIECEMEAL THE PROJECT, PRESENTING SMALL PIECES OF THE PROJECT TO THE COMMISSION.**

The Commission should be allowed to review the entirety of the Project, rather than reviewing mere piecemeal parts of the Project in order to allow the Commission to provide effective recommendations. The City fails to present the entirety of the Project to the Design Commission despite numerous parts of the Project requiring design review. The Project proposes to install natural barriers and permanent signage to separate archery from other park uses, remove a hiking path bisecting the interior of the Archery Range, relocate 150 linear feet of trail, reconfigure existing targets, remove storage containers, add additional targets to the existing Archery Range including targets 14, 15 as well as a temporary “sight in” target on Sundays, and designate an exclusive parking space for Pasadena Roving Archers. In order to implement the Project, the City had to amend the Municipal Code to authorize the City Manager to designate land exclusively for archery and amend the Lower Arroyo Master Plan to remove references to the number of targets in the southern archery range. With the exception of the natural barriers, none of the other portions of the Project are being presented to the Commission at this time. The Commission should request that the City provide the *entirety* of the Project to the Commission for review.

**III. THE NEED FOR THOROUGH DESIGN REVIEW IS ILLUSTRATED BY THE ITEMS NONCOMPLIANCE WITH THE GENERAL PLAN, LOWER ARROYO SECO MASTER PLAN, ARROYO SECO DESIGN GUIDELINES, AND PROJECT APPROVAL.**

Design review for this Project is badly needed given the Project’s extensive proposed physical changes, non-compliance with the City land use ordinances and Municipal Code. In order to implement this Project, the City already has had to amend the Pasadena Municipal Code and the Lower Arroyo Master Plan. However, the Project remains inconsistent with a number of other City land use ordinances, including the General Plan, Lower Arroyo Seco Master Plan, Arroyo Seco Design Guidelines, and even its underlying project approvals.

a. **The Project Is Inconsistent With the City's General Plan.**

The Project is inconsistent with the Land Use as well as Green Space Recreation and Parks Elements to the City's General Plan. All California counties and cities are required to adopt a comprehensive, long-term general plan for the physical development of the county or city. Cal. Government Code § 65300. All projects must be consistent with the City's General Plan. Governor's Office of Planning and Research (2001) A Citizen's Guide to Planning, [http://ceres.ca.gov/planning/planning\\_guide/plan\\_index.html](http://ceres.ca.gov/planning/planning_guide/plan_index.html) (last visited February 1, 2015).

The Project is inconsistent with the City's General Plan Land Use Element ("**Land Use Element**"). City of Pasadena (2004) General Plan Land Use Element. The Land Use Element states that the City shall "preserve . . . open space in . . . residential areas of the City . . ." and that "[o]pen spaces and streets should be as carefully designed and preserved as buildings." *Id.* at 9–11. The significant alterations to the Park, including permanent barriers, signage, and targets would undermine the priority to preserve open spaces.

The Project is also inconsistent with the City's General Plan Open Space & Conservation Element ("**Open Space and Conservation Element**"). City of Pasadena (2012) General Plan Open Space & Conservation Element. The Open Space and Conservation Element cites the Arroyo Seco as one of "Pasadena's most prominent examples of . . . open space, providing **spaces for active and passive recreation**, rich biodiversity and flood control infrastructure." *Id.* at 13. It provides that the City should "[p]reserve currently zoned open spaces, natural open spaces, hillsides, viewsheds, watersheds and recreational areas." *Id.* The City is required to "[p]reserve, restore and maintain the natural character of the . . . Arroyo Seco . . ." *Id.* at 14. Approving the Project would undermine the open space characteristics of the Park by dedicating it exclusively to archery rather than a mix of active and passive recreation, as well as install additional manmade infrastructure undermining its natural character

The Project is inconsistent with the City's General Plan Green Space, Recreation and Parks Element ("**Green Space Element**"). City of Pasadena (2007) Green Space, Recreation and Parks Element. The Green Space Element requires that the City **promote multi-faceted use of the Arroyo**, City of Pasadena - Lower Arroyo Archery Range and Deal Points for New Agreement with Pasadena Roving Archers, improve aesthetics, preserve historical elements, as well as balance natural habitat and recreational needs. *Id.* at 4–5. Moreover, the Green Space Element requires the City to "[p]romote the shared use of public . . . land and facilities for community recreational uses . . ." *Id.* at 12. Finally, the City is required to balance special events with local recreational needs, providing "adequate land resources to hold large special events while not unreasonably displacing recreational areas." *Id.* At 13. Dedicating the Archery Range exclusively for archery use would run counter to the mandate that the City preserve multi-faceted use of the Arroyo.

**b. The Project Is Inconsistent With the Lower Arroyo Master Plan.**

The Project is inconsistent with the LAMP, requiring additional amendments to the Master Plan and environmental review. City of Pasadena (2003) Lower Arroyo Master Plan. The Project allows for an unlimited number of targets within the Archery Range, when the LAMP limits the Southern Archery Range to 14 targets. *Id.* at 4-9. Moreover, the Master Plan requires development of a design standard and access to the targets, which have yet to be developed. *Id.* Finally, the Master Plan lays out a specific trail system, which will require amendment in order to accommodate the relocation of approximately 150 linear feet of trail necessary to relocate target 14 onto public property and maintain regulation shooting distances. *Id.* at 4-10; Staff Report at 7. City Council should opt not to approve this Project in order to conduct additional environmental analysis on this

**c. The Project Is Inconsistent With The Arroyo Seco Public Lands Ordinance.**

The Project is inconsistent with the Arroyo Seco Public Lands Ordinance, City of Pasadena Municipal Code (“**PMC**”) §§ 3.32.010 – 3.32.340 (“**Public Lands Ordinance**”). Approving the Project would require an amendment to the City of Pasadena Municipal Code. The Archery Range falls within the City of Pasadena Arroyo Seco Natural Preservation Area (“**Natural Preservation Area**”), which includes the Lower Arroyo from the south city limit to the Holly Street bridge” as well as the flood control channel area . . . south of Brookside park.” PMC § 3.32.100. The Project’s approval of new structures, approval of excavation activities, and expansion of archery within the Park is at odds with the intent for the area to be treated as a “natural preserve” and conflicts with the Public Lands Ordinance. Approving the Project would require an amendment to the Public Land Ordinance.

The Project’s installation of new structures, including barriers, irrigation systems, permanent targets, flush mounted shooting location markers, temporary targets, bow hangers, as well as the removal and replacement of PRA storage containers, are barred by the Public Lands Ordinance which limits new structures to those “required for utility operations, park maintenance and protection of plant and animal communities.” PMC § 3.32.110(B). Moreover, the Public Lands Ordinance requires new structures to be “conceal their visual presence.” The new barriers are expected to be conspicuous in order to keep non-archery uses out of the Archery Range.

The installation and establishment of the new barriers and realignment of trails within the Park is barred by the Public Lands Ordinance. Excavation and landfill activities are barred in the Natural Preservation Area except for “repairs . . . [and] undergrounding of utilities . . . .” PMC § 3.32.110(G). Fertilizer use is barred in the Natural Preservation Area in order to prevent “[w]astes, fertilizers or polluted waters . . . to enter the waters or sources for the waters of this area.” PMC § 3.32.120(C).

Installation of the new barriers would involve installing an irrigation system requiring using a “trenching unit . . . . [to] dig the irrigation line trenches, importing stones by truck, as well as movement and placement of stones utilizing tractors. Charles Peretz, Parks and Natural Resources Administrator, City of Pasadena (2015) Memorandum to John Bellas, Environmental Coordinator,

Planning & Community Development Department Regarding Exemption Status of the Proposed Lower Arroyo Archery Range 3 (“**Exemption Memorandum**”). Moreover, establishment and maintenance of the new barriers may require use of fertilizer, barred by the ban against use of fertilizers in the Natural Preservation Area under Section 3.32.120(C) of the Pasadena Municipal Code.

Moreover, removal and realignment of trails in order to accommodate the new Archery Range will require “clearing of ground level vegetation,” “grading,” and “scarifying the trail surface,” by hand and use of a “Bobcat or similar sized machine . . . .” All of these actions are barred by the Public Lands Ordinance.

Finally, the Project will expand archery in the Natural Preservation Area, as the Project will “construct at least one new target [in actuality two, reinstatement of Target 14 as well as installation a new “sight in” target] and may require the relocation of several others.” Exemption Memorandum at 2. The Public Lands ordinance provides that existing uses, such as archery, “**may** be allowed to remain **but not allowed to expand.**” The Project is at odds with the Public Lands Ordinance and adoption of the Project will require amending the Public Lands Ordinance, in of itself requiring additional environmental review.

**d. The Project Is Inconsistent With the Arroyo Seco Design Guidelines.**

The Project is inconsistent with the Arroyo Seco Design Guidelines, requiring additional amendments to the Design Guidelines and environmental review. City of Pasadena (2003) Arroyo Seco Design Guidelines. The Project does not conform with the design principles set forth in the Design Guidelines, which include limiting the creation of man-made objects and preserving the historical and cultural elements of the Park. *Id.* at I-3 – 4. Construction standards for targets have yet to be established as required by the Design Guidelines. *Id.* at 5-8. Signage for the Project cannot be implemented until completion of a comprehensive signage program as required by the Design Guidelines. *Id.* at 6-2.

Finally, the Project’s installation of barriers does not conform with the Design Guidelines rules regarding landscape, wells, fences, gates, as well as roads and trails. *Id.* at 2, 7-1 – 8-3. The Item does not specify placement of irrigation systems required for the Project, eventhough the Guidelines require that irrigation systems not be exposed. Guidelines at 2-7. The Item fails to identify if the plant palettes chosen for the Project are “indigenous to nearest open space areas” as required by the Guidelines. Guidelines at 2-6. Finally, the Item fails to comply with the Arroyo Seco Public Lands Ordinance which the Guidelines integrate by incorporation. Guidelines at 2-3.

**IV. THE CITY INAPPROPRIATE ATTEMPTS TO STRIP THE COMMISSION'S AUTHORITY AS THE ARROYO SECO DESIGN GUIDELINES REQUIRE THAT THE DESIGN COMMISSION CONDUCT A FULL DESIGN REVIEW OF CHANGES IN THE LOWER ARROYO, NOT MERELY REVIEW THE CHANGES.**

The Item requires the Commission to conduct a full design review. Section 3.1 of the Design Guidelines states that “[a]ll projects shall be subject to the requirements for design review pursuant to the Pasadena Municipal Code.” (emphasis added). Moreover, Section 5.5.2 of the Design Guideline provides that “[p]ermanent physical barriers as well as a signage program will keep other recreational users of the range separated from targets and shooting lanes and shall be reviewed by the Recreation and Parks Commission and the Design Commission.” (emphasis added). Finally, Section 2.80.110 of the Pasadena Municipal Code (“PMC” or “Municipal Code”) notes that the Commission is required to “[c]onduct design review for "public projects" as defined and set forth in the zoning code.”

The Commission is required to conduct a full design review for the Project. The City’s request that the Commission merely provide an “advisory review” of the Item blatantly contravenes the terms of the Design Guideline and Municipal Code.

**a. The City Has Consistently Attempted to Conceal The Project From Public Review.**

The City has consistently attempted to exempt the Project from public, including asking for a merely “advisory review” of this Item. From first improperly exempting the Project from CEQA environmental review at the February 2 – 3, 2015 City Council meeting to illegally amending the Lower Arroyo Master Plan without conducting a public hearing or receiving approval from either the City Design Commission or the City Planning Commission, and misrepresenting to City Council the status of the City’s operating agreement with the Pasadena Roving Archers at the September 21, 2015 City Council meeting; the City’s current attempt to bypass the Commission is simply another act consistent with a pattern of chicanery, hooliganism, and incompetence by the City.

Even the City Council has expressed concern regarding how City Staff has handled this Project. Councilmember Victor Gordo at the February 2 – 3, 2015 City Council meeting noted that the Project “essentially delegate[s] authority to the City Manager, and/or his staff, thereby amending the Lower Arroyo Master Plan (LAMP) outside of a public process . . . [and] expressed concern that such a change is an inappropriate delegation of duty. City of Pasadena (Feb. 2, 2015) City Council Minutes 18.

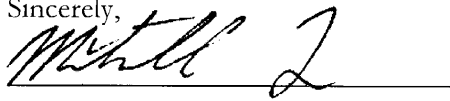
V. **A FULL ENVIRONMENTAL IMPACT REPORT IS REQUIRED.**

The Project proposes extensive physical changes to the Lower Arroyo that will significantly alter the historical, biological, and recreational balance of the area. A full environmental impact report is required before the Project is allowed to proceed.

VI. **THE COMMISSIONS SHOULD REJECT OR CONTINUE THE ITEM AND ORDER A FULL ENVIRONMENTAL IMPACT REPORT.**

Stewards respectfully requests that the Commission reject or continue the Item and order that the City conduct a full environmental impact report for the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai

Attorneys for Stewards of Public Land