

## Martinez, Ruben

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**From:** Michael Rachlin  
**Sent:** Monday, November 01, 2021 12:13 PM  
**To:** PublicComment-AutoResponse  
**Cc:** deborah ross; Richard McDonald  
**Subject:** Letter - Agenda Item - No. 11  
**Attachments:** 01 - 801 Landmark Status Call for Review 11-01-21.pdf; 02 - Historic Preservation Commission Letter 10-20-21.pdf

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To whom it may Concern.

Please add my letters to address Item No. 11 on the Agenda for tonight.

Call to Review – Historic Landmark Status.

Thank you.



**Michael Rachlin, AIA, LEED AP**  
*Partner*

**RACHLIN**  
P A R T N E R S

Culver City, CA 90232

11/01/2021  
Item 11

Monday, November 1, 2021

Mayor Victor Gordo  
Pasadena City Council  
**The City of Pasadena**  
165 N Garfield Avenue  
Pasadena, CA 91101

**RACHLIN**  
P A R T N E R S

**RE: CONSIDERATION OF A CALL FOR REVIEW OF THE HISTORIC PRESERVATION COMMISSION DECISION TO  
DENY AN APPLICATION FOR LANDMARK DESIGNATION OF THE PROPERTY AT 801 S. SAN RAFAEL AVENUE  
(CASE NO. DHP2021-00106) (COUNCILMEMBER MADISON)**

Dear Mayor and Members of the City Council:

I am the Architect of Record and one of owners of 801 S. San Rafael Avenue and respectfully ask that you **do not call for review of the Historic Preservation Commission's Unanimous October 19 decision denying Pasadena Heritage's application for landmark designation of our property.**

**it is our understanding under Federal, State and Local regulations that, "Written consent from the property owner(s) is required for designation."**

**We strongly oppose any such designation and the resulting deprivation of our constitutional protected private property rights and as the Owners we do not consent to this designation.**

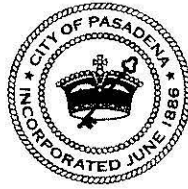
Pasadena Heritage's has filed an application for Landmark Designation which has been denied three times (Twice by the City of Pasadena Planning Department and now by the City of Pasadena Historic Preservation Commission).

I have attached the October 20, 2021 Letter from the Historic Preservation Commission that clearly outlines the reasons the Commissioners cited for its decision to deny the application.

It appears that the continued submission of this matter for Historic Designation is not founded on the merits but because of unwarranted political pressure. We think the City and the Owners deserve better.

Respectfully Submitted

  
**Michael Rachlin, AIA, LEED AP – Partner**  
mrachlin@rachlinpartners.com



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

October 20, 2021

Andrew Salimian, Preservation Director  
Pasadena Heritage  
651 S. St. John Ave.  
Pasadena, CA 91105

Via email: [preservation@pasadenaheritage.org](mailto:preservation@pasadenaheritage.org)

**NOTICE OF DECISION**

**Application for Designation as a Landmark**

**801 S. San Rafael Avenue**

Case #: DHP2021-00106

Council District 6

Dear Mr. Salimian:

At a virtual public hearing on Tuesday, October 19, 2021, the Historic Preservation Commission, acting under Section 17.62.050.B.1 of the Pasadena Municipal Code, **denied** an application for landmark designation of the property at 801 S. San Rafael Avenue. In its discussion, the Commissioners cited the following reasons in support of its decision to deny the application:

1. Insufficient passage of time and scholarly judgement to support a determination of the historical significance of John Van de Kamp (including exceptional significance for properties that have achieved significance within the last fifty years);
2. Lack of integrity of the building and site;
3. Lack of nexus between when John Van de Kamp achieved significance, his productive life, and his time of residency in the house; and
4. Lack of support by the property owner.

Effective Date	Appeals	Call for Review
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**The last day to file an appeal is Friday, October 29, 2021.** This decision becomes effective on **Monday, November, 1, 2021.** Prior to the effective date, the City Council may call for a review of this decision. In addition, you or any person affected by this decision may appeal it **before the effective date** by filing an application for an appeal with a \$2,067.21 all-inclusive fee. Appeals must cite a reason for objecting to a decision. Please note that appeals and calls for review are conducted as *de novo* reviews, meaning that the lower decision is set aside and the entire application is reviewed as a new proposal.

Sincerely,



Amanda Landry, AICP  
Senior Planner  
Design and Historic Preservation Section  
Tel: 626-744-7137  
E-mail: [alandry@cityofpasadena.net](mailto:alandry@cityofpasadena.net)

cc: Property owners (Deborah Rachlin Ross, via email: [drachlin@rpmla.us](mailto:drachlin@rpmla.us) and [drachlin@rossprojectmanagement.com](mailto:drachlin@rossprojectmanagement.com); and Rodney Ross, via email: [rross@rpmla.us](mailto:rross@rpmla.us)); [asalimian@pasadenaheritage.org](mailto:asalimian@pasadenaheritage.org); address file; Energov; City Manager; City Clerk; City Council; City Council District 6 Liaison; Director of Planning & Community Development

## Martinez, Ruben

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**From:** Richard McDonald  
**Sent:** Monday, November 01, 2021 11:55 AM  
**To:** PublicComment-AutoResponse  
**Cc:** Jomsky, Mark; deborah rachlin ross; Michael Rachlin; Rodney Ross  
**Subject:** CC Agenda Item 11 Tonight

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Mark - Please provide the attached statement below to the Mayor and Councilmembers. In addition, we would like to speak at the meeting.

Dear Mayor Gordo and Honorable Councilmembers:

The owners of 801 S. San Rafael respectfully ask that you do not call for review of the Historic Preservation Commission's unanimous October 19 decision denying Pasadena Heritage's application for landmark designation of their property. The owners strongly oppose any such designation and the resulting deprivation of their constitutionally protected private property rights that comes with it.

As the October 20 Decision Letter makes clear, the HPC expressly found that (1) not enough time had passed to support any such designation, (2) there is no scholarly judgment to support it, which is required under the applicable criteria, (3) the integrity of the building and site has been lost and thus cannot support it, (4) there is no nexus between when Mr. Van de Kamp achieved significance and when he lived in the house, and (5) the property owners strongly oppose it because it will diminish the economic value of their property.

No amount of review by the City Council can change these legally required findings. To the contrary, each was supported by expert testimony and substantial evidence. In fact, all of the expert testimony presented at the October 19 HPC hearing proved there is no basis for any such designation under any national, state, or local criteria.

Moreover, staff has twice denied PH's applications in this matter before switching its positions as a result of what we believe was unwarranted political pressure and/or pandering. Each time, staff made the exact same findings as the HPC. At no point has the application been supported by any evidence, let alone substantial evidence, that meets the required criteria. The owners and City deserve better than to have to continue to defend themselves against such mishegoss.

We, therefore, ask that you deny this call for review.

Last, to the extent you decide otherwise, we ask that the City Clerk be instructed to cooperate with us on the hearing date. The owners of this property have the right, and intend to fully participate in any such hearing and thus need to make sure they are available.

Richard A. McDonald, Esq.

Law Office of Richard A. McDonald

Of Counsel, Carlson & Nicholas, LLP

Pasadena, CA 91101

Office Telephone:

Cell Telephone:

Email: [richard@carlsonnicholas.com](mailto:richard@carlsonnicholas.com)

Website: <http://www.carlsonnicholas.com>

**Martinez, Ruben**

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**From:** Todd Hays  
**Sent:** Monday, November 01, 2021 2:16 PM  
**To:** PublicComment-AutoResponse  
**Subject:** public comment - Nov 1st Agenda, Item #11

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Dear City Council,

As a lifelong resident of the City of Pasadena and a decades-long advocate for historic preservation - including six years on the City of Palm Springs Historic Site Preservation Board, a past Board member of Pasadena Heritage, past Chair of the PFAR Historic Preservation Committee and a volunteer for the California Preservation Foundation - I fully support the recent decision of Pasadena's Historic Preservation Commission. These experts were appointed by the City Council and their decision should be upheld and respected.

Pasadena has an appropriate process and set of procedures to ensure its historic designations are done with thought and integrity. The process both protects and respects private property rights while ensuring there is no disrespect for our architectural treasures nor undue influence from outside entities that may have ulterior motives. If ever there was an entitled action that should be ruled against, this review is it. The property is lacking in integrity and in every other measure of evaluation. The recent decision by the HPC should be respected and allowed to stand.

The City's process is either worth something, or it's not - there is no in-between.

Sincerely,  
Todd Hays

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**TODD Hays, GRI**  
Top 10 Producer / Realtor of the Year  
Past Board Member, Pasadena Heritage  
Past President, Pasadena-Foothills Association of Realtors  
Past Vice-Chair, Palm Springs Historic Site Preservation Board

11/01/2021  
Item 11

Ann D Burckle  
Certified General Real Estate Appraiser

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November 1, 2021

VIA E-MAIL

City Council Members  
City of Pasadena

Re: Public Comments – November 1<sup>st</sup> Agenda, Item #11

Dear City Council:

If there is any common theme that has emerged since the advent of Covid-19, it is the emphasis on individual rights. With this in mind, I am writing you with regard to the continued attempts to "Landmark" 801 South San Rafael Avenue.

In full disclosure, I am a former member of the Board of Directors of Pasadena Heritage. When the landmark efforts were introduced to the organization, I believe I voted for the pursuit of the Landmark designation of this home, however I recall stating, "Why are we devoting so much time to a property that has already been altered? What are we protecting?" At this point, the efforts were under Section C of the Historic Preservation Ordinance. I did not understand that a Landmark action could occur without consent of the property owner, or, at the very least, communication with the property owner in advance of any formal action. I was not involved in subsequent actions to Landmark this home as I resigned my position with Pasadena Heritage.

I am writing to you as a real estate professional. The Landmarking efforts of this property is a slippery slope. Specifically, in imposing preservation controls without the cooperation of the property owner, it is economically punitive. The tenets associated with the "Bundle of Rights" of property ownership is adversely impacted (right to inhabit, right to modify (legally), right to lease, right to sell, etc...). The potential impact on the property is the diminishment of value as there would be a legal restriction assigned to this home. A decline in value results in lower property taxes paid, and this would, in turn, impact the city (and county) coffers.

It is my understanding that this neighborhood resisted a Landmark status involving the entire neighborhood. As such, it seems counterintuitive that the neighborhood would support the Landmark efforts of a single property. A typical argument to Landmark the property is in the preservation of property values within a said area. Perhaps the local neighborhood shares the belief that changes to 801 South San Rafael Avenue will negatively impact the surrounding area. While it is difficult to quantify any declination in surrounding property values, the purchasing habits of prospective buyers are quite forgiving. Generally, a buyer is intent upon qualifying a prospective purchase of a home based upon the characteristics of the respective home in contrast with their respective housing needs. Unless adjacent properties are egregiously dissimilar, these properties rarely impact the value of the surrounding area. As such, any histrionics regarding the preservation and/or retention of property values presents a shallow argument.

As a resident of Pasadena, I thank you very much for considering these observations.

*Ann D Burckle*

11/01/2021  
Item 11

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## Martinez, Ruben

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**From:** Rian Barrett <  
**Sent:** Monday, November 01, 2021 2:25 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Letter to City Council for Agenda Item 11 Nov. 1, 2021  
**Attachments:** PFAR Landmark Letter Review to CC 2021 11.1.21v. 2.pdf

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On behalf of the Pasadena-Foothills REALTORS®,

Attached you will find our letter in opposition of the re review of agenda item 11 on today's City Council Agenda. The review of landmark status for 801 S. San Rafael.

Thank you,  
Rian Barrett



Rian Barrett  
Vice President, Staff/ Government Affairs  
Director  
Phone                      Mobile  
Web [pfar.org](http://pfar.org) Email  
Pasadena, CA. 91106

11/01/2021  
Item 11

# PASADENA FOOTHILLS REALTORS®

November 1, 2021

Mayor and City Councilmembers  
City of Pasadena  
Via Email

RE: Agenda Item 11

Dear Mayor and Members of the City Council:

We write in opposition to Councilmember Steve Madison's request for review of item DHP#2021-00106. We have followed this case as it has developed in the previous months. We are deeply concerned with continued overreach by the city regarding the landmarking of 801 S. San Rafael.

A cornerstone of homeownership is private property rights, and with it, one's ability, within reason, to make needed renovations to a property.

Beginning last year, the property owners at 801 S. San Rafael applied to make renovations. These applications were both reviewed and approved by the Pasadena Planning Department. Additional renovations were planned and submitted for the property which were subsequently reviewed and approved.

At one point, the Zoning Appeals Board walked back the decisions of the Hearing Officer and Planning Department and granted an appeal to disapprove that project request. As the City Council, you each reviewed those decisions, and through a divisive argument, agreed to again have the property reviewed for landmarking. Once the project was sent back to the Historic Preservation Commission, that committee found that the property only met four of the seven criteria for the home to be landmarked. The appropriate amount of time Mr. Van DeKamp had been deceased did not meet the criteria for an appropriate amount of time for members of the community to look at the request with objective eyes, and most importantly, ***the commission decided unanimously that the decision to landmark a home should be a decision that the owner of the property must make willingly.***

We are dismayed that Mr. Madison has again brought this item up against multiple decisions of his own staff. We have concerns that Mr. Madison is not working in the best interests of the community, but is standing with a few who have other motives. He has repeatedly gone against staff recommendations to force further study and review of a decision that was upheld by the Historic Planning Commission.

The Pasadena-Foothills Association of REALTORS® has represented real estate professionals for over 100 years in the San Gabriel Valley. We value the Pasadena community and its extensive architectural history. However, we our concerned outside sources are using the Council to take

“multiple bites at the apple” to receive the decision they find most advantageous. We urge the Council to continue to be consistent in their application of policies relating to real estate matters. We remain concerned that these types of inconsistencies will have a troubling impact on our market, negatively impact homeowners, and erode good faith in how government is run.

The City of Pasadena has clear policies that they should apply consistently. Not applying consistent rulings to landmark issues, as set forth by policies the Council approved and amended in March, will only dilute the process with inconsistent rulings. This will cause a ripple effect of uncertainty within the landmark overlay market across the city of Pasadena. We urge you to apply your standards in a clear and consistent way.

We again reiterate that we appreciate and respect the input and knowledge of Pasadena Heritage. However, we remain concerned with their assessment of properties eligible for landmark status—especially when they depart from the standards that they helped create for the City.

John Van De Kamp, the prior owner of the property in question, was a well-regarded Pasadenian, but his legacy as the primary reason for landmark status has been decided unanimously by the Historic Preservation Commission. Upon its most recent hearing the Historic Preservation Commission heard both parties and reviewed the case on the landmarking of 801 S. San Rafael. Many of the commissioners at the meeting gave their input regarding the property and unanimously made their decision to not uphold the landmarking of the property mainly due to the wishes of the current property owner.

By again reviewing and delaying this the decision of the HP Commission, we can only surmise that this is a frivolous attempt to prevent renovations. This is dangerous. Landmark status is a powerful tool which should be used for its intended purpose. It should be used to ensure the preservation of unique architectural and significant historical properties for future generations. We must wield that power with deliberate caution. By repeatedly submitting appeals and applications for landmark status without the current homeowner’s consent, Pasadena Heritage, through Council Member Steve Madison, has in effect forced its will upon a private property owner and seeks to infringe upon their property rights.

Finally, we applaud the Historic Preservation Commission for their even-handed application of the criteria for landmark designation. We appreciate the sentiment of the Commission for seeking the input of the current homeowner and their wishes. It’s important for homeowners to have the ability to make educated decisions regarding its landmark status.

Even with the most recent amendments to the Historic Preservation Ordinance, this property should not qualify for landmarking status as it does not meet the defined criteria of the Pasadena Municipal Code. We urge the Council to err on the side of consistent, articulable, and predictable standards. We ask the Council to uphold the decision of the Historic Planning Commission and not designate 801 S. San Rafael as a landmark property.

Sincerely,  
Rian Barrett, Government Affairs Director  
Pasadena-Foothills Association of REALTORS®