



OFFICE OF THE CITY MANAGER

TO: City Council
FROM: Cynthia J. Kurtz, City Manager
DATE: May 17, 2004
SUBJECT: Procedures for Consistency Finding in Development Projects and Application of Process to Raymond Theater Project

On May 3, 2004 the City Council was provided with an overview of the procedures for consistency findings in development projects (**Attachment A**). In addition, an example was provided regarding the Raymond Theatre. At that time the City Council requested additional information relating to:

- 1) What specific revisions had occurred to the Raymond Theatre between January 2002 and March 2004; and
- 2) How staff had conducted the recent consistency findings for that project during concept design review.

Attached are two tables with this information. The first table (**Attachment B**) lists and compares the project at the time the City Council approved necessary zoning variances and certified the EIR (January 2002) with the project as submitted earlier this year for concept design review. The second table (**Attachment C**) lists the conditions of approval (January 2002) and compares these conditions to the project submitted for concept design review. It also indicates at what stage during the development review process the City is likely to confirm that an applicant has complied with each condition of approval.

A third attachment (**Attachment D**), from the City's environmental consultant, analyzes consistency of the current project with the project in the certified EIR. This report concludes, on page 16, "...the modified project will not raise any important new issue regarding the project's significant effect on the environment...[and] the environmental impacts associated with the modified project are similar to or less than those considered in the Addendum and Revised FEIR [p. 16]."

Revisions to Raymond Theater Project

When evaluating the design review submittal for revisions, staff used as a baseline the project description in the Addendum to the Revised Final Environmental Impact Report, dated December 6, 2001, specifically Alternative 7 in this report. This alternative is a modification of the project described in the Revised Final Environmental Impact Report. Because the addendum itemizes the modifications but does not fully describe the original project, the staff relied on the description of the original project in the Revised Final EIR along with the modifications in the Addendum.

Staff also relied on the project plans, which are on file with the Office of the City Clerk in relation to the variance application. These plans, dated August 2000, were initially submitted by the applicant as a part of the application for variances (note that the plans utilized for the EIR predate those used for the variance application). Subsequent to the initial submittal for the

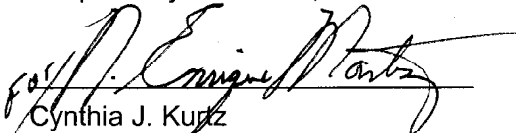
variances, the applicant modified the project design, but did not submit for the record revised/updated project drawings. It is noted that the plans on file with the City Clerk have internal inaccuracies and in places are inconsistent with the project description ^{see note 1}. However, staff relied on these plans because they were the most recent plans that are a part of the official record.

The first column in the first table (Attachment B) describes the project approved by the City Council. As illustrated in the two other columns, there were revisions to the project between January 2002 and March 2004. Two of the changes are substituting work/live areas in the balcony for commercial office suites and adding skylights in the roof over the theater auditorium. However, such revisions are permissible according to the allowable use classifications in the zoning code and the conditions of approval.

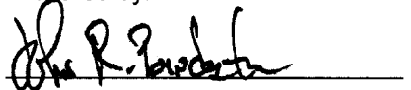
Consistency Determination

As illustrated in the second table (Attachment C), although the project has experienced revisions, these revisions are minor and within the range of what may be expected of a project of this size as it moves through design development. Also, in a number of areas, such as the conservation of ornamental features inside the mezzanine, the project design—which is at a schematic level—has not sufficiently progressed to make a clear determination as to consistency.

Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:


John Poindexter, Planning Manager

Reviewed by:


Richard J. Bruckner
Director of Planning & Development Department

Notes: 1. A clear comparison is difficult because of internal inaccuracies in the August 2000 plans and inconsistencies with the project description that was a basis of the City Council approval of variances. For example, the plans indicate a total project square footage of 77,798 square feet. However, a recalculation of the square footage, allowing for 5,200 square feet on each floor level behind the new balcony wall (instead of the clearly inaccurate 3,400 square-foot figure on the plans) raises the total square footage to approximately 84,429 square feet. Also, the project description in the revised FEIR indicates that the project would have 4 levels inside the partitioned space within the balcony. No section is provided through this area, though, to indicate the configuration of these 4 levels.

ATTACHMENTS

1. **Attachment A** — Letter to City Council, May 3, 2004
2. **Attachment B** — Table comparing Council-approved project and revised project
3. **Attachment C** — Table comparing revised project with conditions of approval
4. **Attachment D** — Consistency Findings for Raymond Theatre Project (Cotton-Bridges Associates, Revised: May 12, 2004)



OFFICE OF THE CITY MANAGER

TO: City Council
FROM: Cynthia J. Kurtz, City Manager
DATE: May 3, 2004
SUBJECT: Procedures for Consistency Findings in Development Projects

On April 19, 2004 the City Council voted to call-up the Design Commission's approval of the Concept Design for the Raymond Theater. During this discussion questions were raised about the process to evaluate consistency of a project as it evolves through the approval process and responds to conditions and mitigation measures. Questions specific to the Raymond Theater project focused on changes/consistency of the project between the first discretionary action, the Design Commission review, and City Council review.

Procedures for Consistency Findings

When projects receive approval by the City Council, Board of Zoning Appeals, Hearing Officer or Design Commission such approval is based on a preliminary design for the project (with the exception of final design review). In such cases, a standard condition of approval will require that the project final design be consistent with the schematic, which was the basis of initial review and approval. Such a standard condition of approval typically reads:

The site plan submitted for building permits shall substantially conform to the site plan submitted with this application except that the project may be modified if such approval has been made by the Zoning Administrator and the Design Commission.

In practice, a project can have significant changes after it has been approved provided that the project adheres to the conditions of approval and the City's codes. Such changes are a normal part of project design development, and such conditions of approval are generally intended to allow some flexibility when such changes occur. In some cases staff may encourage specific changes to improve the project.

When changes occur during design development, staff (i.e. Zoning Administrator) has the responsibility of reviewing the project and determining consistency or inconsistency with the conditions of approval. A consistency review typically also includes review of any environmental determinations or mitigation measures to insure that the project, as modified, does not introduce any new unmitigated environmental impacts over those that were previously identified. When reviewing changes, staff reviews the project to ensure conformance with the original approvals and conditions thereof; and whether the change results in significant new impacts. If a determination is

made that a project has changed substantially, the Zoning Code allows for a project to be modified through a public hearing process.

In most cases, such consistency findings are routine and do not require written documentation. However, on occasion, issues are complex and detailed analysis is prepared. In either situation, such determinations are subject to call for review or appeal to the Board of Zoning Appeals.

Land Use

The zoning code includes a list of permitted land uses and conditionally permitted land uses. A building use may be changed to any permitted use without approval. When a business obtains a business license, the address is checked to ensure that it complies with the permitted uses.

Raymond Theater Example

The Theater site is zoned CD-15 and the adjacent vacant lot is located in the Civic Center Master Plan area. Permitted uses for this zone include a wide range of retail and office uses as well as residential uses. The project conforms to the uses permitted by the code for this zone.

The first discretionary action for the project was the application for four zoning code variances; these were for height, setbacks, tandem parking, and the number of compact parking spaces. The setback variance permitted the building to have a setback (where one was not permitted) to provide a consistent building setback. After the Board of Zoning Appeals denied the variance application, the City Council approved it in January 2002 with 11 conditions (see attached) as well as mitigation measures. The plans included with the variance application indicated that the building would contain 61 residential units and 28,566 square feet of commercial uses.

Because of litigation, two years lapsed between the original approvals by the City Council and the application for Design Review in Spring of 2004. The plans evolved between the variance application and the submittal for design review. The modified plans conformed to both the development standards as approved by the variance and the permitted land use. The number of residential units was decreased to 36 and the amount of commercial space was increased to 32,500 square feet including 13 work/live units. It should be noted that staff encouraged an expansion of the retail space along a portion of Holly Street.

In reviewing the project, as modified, it was determined that the modified project was within the parameters of the original approval, the conditions of approval, and the mitigation measures identified in the E.I.R. A determination was also made that the modified project did not introduce any new environmental impacts over those that had already been analyzed. In this instance, staff took the extra precaution of contracting with the firm that prepared the environmental documents and requested that they provide their opinion on consistency. They found the project consistent.

Respectfully submitted,



Cynthia J. Kurtz
City Manager

**RAYMOND THEATER
COMPARISON OF COUNCIL-APPROVED PROJECT AND REVISED PROJECT**

REVISED: May 17, 2004

	Council-Approved Project (Jan. 2002)	Revised Project (Submitted for Concept Design Review, March 2004)	Changes
Number of Residential Units	61 units	36 units ¹	-25 units
Height	65 feet	65 feet	No Change
Number of Stories – New building²	6 stories	6 stories	No Change
Number of Stories – Theater Building	7 levels in flyloft; 4 levels inside theater behind balcony. 6 floors in new building.	7 levels in flyloft (5 floors over two levels of parking). 5 floors in theater behind balcony. 6 floors in new building.	1 additional floor in attic area of theater auditorium behind balcony.
Commercial Square Footage (including Holly Street)	34,985 sq. ft. ³	32,500 sq. ft. ⁴	- 2,485 sq. ft.
Retail Along Holly Street	2,089 sq. ft. – located only at corner	5,193 sq. ft. – at corner and along Holly	+ 3,104 sq. ft

¹ This calculation does NOT include the **13 work/live units**. Work-live units are classified as a commercial use.

² The number of stories is calculated using the plans on file with the City Clerk, which are part of the record of approval for the project on January 7, 2002. The findings attached to the decision letter for the height variance issued at this public hearing also refers to six stories (and a height of 65 feet).

³ The **decision letter from the City Clerk** (January 15, 2002) cites a figure of “approximately 28,565 square feet of commercial space.” The source of this figure is the project description in the Statement of Overriding Considerations. This figure, however, does not correspond to the square footages in the **plans on file with the City Clerk** for this decision. The commercial square footage in these plans—using a figure of **5,200 square feet for each new floor level in the balcony area** of the auditorium—amounts to **34, 985 square feet**.

⁴ Changes in the commercial square footage of the project have reduced the number of required parking spaces.

	Council-Approved Project (Jan. 2002)	Revised Project (Submitted for Concept Design Review, March 2004)	Changes
Residential Square Footage	49,444 sq. ft.	50,031 sq. ft.	+ 587 sq. ft.
Number of Parking Spaces Required	157 Parking Spaces	147 Parking Spaces ⁵	- 10 spaces
Number of Parking Spaces Provided	157 Parking Spaces	116 Parking Spaces	- 41 spaces
Number of Parking Credits Required	-----	-----	31
Inclusionary Housing	6 percent	6 percent	No Change
Areas to be preserved	Raymond Ave. Façade; Second-Story Mezzanine; portion of Theater Auditorium as feasible	Raymond Ave. Façade; Second-Story Mezzanine; portion of Theater Auditorium as feasible	No Change

⁵ Applicant has submitted a request to make up the difference in parking (30.5 spaces) through Zoning Parking Credits. Project was not in the Parking Credit Boundary area at the time of its approval in January 2002. This parking calculation does not include the proposed future reduction in parking allowances—in the new zoning code—for projects within a quarter mile of a light rail station.

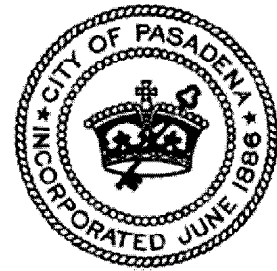
City Council Approval of Raymond Theater Reuse and Mixed-use Project, 01-07-2002	Status of Condition of Approval, Call for Review, City Council, 5-17-04	When Decisions Occur about Compliance with Conditions of Approval
CONDITIONS OF APPROVAL		
1. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments	NO CHANGE.	ONGOING. During design review, building plan check, inspections, etc.
2. The site plan submitted for building permits shall substantially conform to the site plan submitted with this application except that the project may be modified if such approval has been made by the Zoning Administrator and the Design Commission.	NO CHANGE. Site plan (i.e., footprint, envelope, massing, orientation, etc.) is unchanged. Height variance approved by the City Council establishes maximum heights.	ONGOING. During design review, building plan check, inspections, etc.
3. Final building elevations, including material of construction, shall be submitted to and approved by the Zoning Administrator before issuance of any building permits.	NO CHANGE.	PLAN CHECK. A sign-off from Zoning is required before the City issues permits.
4. The applicant or successor in interest shall meet all of the mitigation measures of the Final Environmental Impact Report.	NO CHANGE.	ONGOING & PLAN CHECK. No final sign-offs on plan check and permit set of plans until Zoning Administrator confirms compliance with mitigation measures.
5. A trash enclosure shall be provided in accordance with the requirements of Section 17.64.240 of the Municipal Code. The location of such enclosure shall be approved by the Zoning Administrator and the Public Works and Transportation Department.	NO CHANGE.	PLAN CHECK. Plans show a trash enclosure on the site.
6. Every effort shall be made to preserve the asbestos curtain. In the event that the curtain cannot be preserved, then the applicant or successor in interest shall offer the curtain free of charge to any interested party willing to preserve it.	NO CHANGE. Historic preservation consultant assisting the project will investigate possible preservation on-site of the curtain; no decision thus far.	ONGOING. Zoning Administrator will require written documentation about the feasibility or infeasibility of retaining the curtain before confirming that the applicant has complied with the conditions of approval.

City Council Approval of Raymond Theater Reuse and Mixed-use Project, 01-07-2002	Status of Condition of Approval, Call for Review, City Council, 5-17-04	When Decisions Occur about Compliance with Conditions of Approval
<p>7. The applicant or successor in interest shall preserve the mezzanine space above the entrance lobby including columns, stenciling, and ceiling plaster details. The west wall of the mezzanine shall be retained unless deemed necessary to be removed for structural or functional reasons. Final plans shall be reviewed and approved by the Zoning Administrator.</p>	<p>NO CHANGE. Floor plans delineate these spaces, but at this time there are no specifics about the treatment of ornamental features and finishes. Zoning Administrator will evaluate compliance with this condition before the City issues any building permits. Typically this level of detail is in the 50% design review submittal.</p>	<p>PLAN CHECK. Zoning Administrator will require written documentation about the treatment of the mezzanine spaces and the ornamental features inside these spaces before confirming that the applicant has complied with the conditions of approval. A sign-off on the permitted set of drawings would confirm that the applicant has complied with this condition.</p>
<p>8. The applicant or successor in interest shall respect the theater space particularly from where the balcony begins to the front of the stage. Alterations to this area shall be minimum in order to maintain the character of the theater's interior architecture. Any alteration in this area shall be reviewed and approved by the Zoning Administrator.</p>	<p>MINOR CHANGE. The alterations to this area shall be minimal, and they shall be reviewed and approved by the Zoning Administrator. Alterations, such as skylights and window openings in the new full-height wall, may be allowed if further study (including a report from the historic preservation consultant) confirms that they will respect the auditorium space and have a minimal impact on the character of the interior architecture. Zoning Administrator preliminarily approved the concept of adding skylights to the roof and windows to the new partition wall before the Design Commission reviewed the application for concept design, based on a finding that the changes appear to be minor.</p>	<p>PLAN CHECK. During (or before) reviews of the plans filed for permits, the Zoning Administrator will evaluate compliance with this condition. A report from the historic preservation consultant will be sign-off on the permitted set of drawings would confirm that the applicant has complied with this condition.</p>
<p>9. The applicant shall meet all requirements of Chapter 17.64.240 regarding requirements for a refuse storage area.</p>	<p>NO CHANGE.</p>	<p>PLAN CHECK.</p>
<p>10. The applicant or successor in interest shall make a legitimate effort to sell the auditorium space to a theater use. The applicant shall make such an effort for a period of four months. The Zoning Administrator shall determine evaluate and determine if the applicant has made every effort to sell the space.</p>	<p>NO CHANGE. Applicant contends that efforts to sell the auditorium space have extended beyond four months; the Zoning Administrator has not issued a decision as yet about compliance or non-compliance with this condition.</p>	<p>ONGOING. Zoning Administrator will require written documentation about efforts to sell the auditorium space for a theater use before confirming that the applicant has complied with the conditions of approval. Zoning sign-off on permit set of plans is withheld until Zoning Administrator establishes compliance with conditions of approval.</p>

City Council Approval of Raymond Theater Reuse and Mixed-use Project, 01-07-2002	Status of Condition of Approval, Call for Review, City Council, 5-17-04	When Decisions Occur about Compliance with Conditions of Approval
<p>11. The applicant or successor in interest shall provide 6 percent affordable housing units in compliance with ordinance #6868. The applicant or successor in interest shall negotiate with City staff to try to increase the amount of affordable housing above 6 percent.</p>	<p>NO CHANGE.</p>	<p>PLAN CHECK. Sign-off from Housing/Development Division is required before the City issues a building permit for the entire project.</p>

Revised
Consistency Finding

Raymond Theater Reuse and Mixed-Use Development Project



May 12, 2004

Lead Agency:
City of Pasadena
Planning and Development Department

Consultant to the City:
Cotton/Bridges/Associates
A Division of P&D Consultants, Inc.
800 E. Colorado Blvd., Suite 270
Pasadena, CA 91101
8185.01

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Summary

This Consistency Finding for the Raymond Theater Reuse and Mixed-Use Development project modification (modified project) has been prepared in response to changes to the conceptual design previously approved by the City of Pasadena City Council for the Raymond Theater Reuse and Mixed-Use Development project (approved project) on January 7, 2002. On January 7, 2002, the City Council certified a Revised Final Environmental Impact Report (Revised FEIR) and an Addendum (Addendum) to the Revised FEIR for the approved project. Since approval of the project in January of 2002, the applicant has revised the conceptual design and has filed a Design Review application with the City of Pasadena Planning and Development consistent with City procedures. This Consistency Finding has been prepared to examine the environmental effects of the modified project relative to the effects associated with approved project, as documented in the Revised FEIR and Addendum (State Clearinghouse No. 1999091008) and the public hearing record.

Changes to the Project

The modified project proposes a reduction in the number of residential units, a slight decrease in the overall amount of commercial space, inclusion of live/work units within the Raymond Theater, an increase in commercial frontage along Holly Street in the new building, elimination of previously planned commercial space within the Raymond Theater auditorium area, and the installation of skylights in the theater auditorium ceiling to allow light and air penetration into the space for the benefit of interior live/work units. According to the applicant, the modified project responds to market demand for larger, urban-style apartment units and live/work apartment units in close proximity to the Memorial Park Gold Line station. The auditorium ceiling modifications are required to achieve the requirements of Title 14, Section 12.390 of the Pasadena Municipal Code, which establishes standards for natural light and ventilation. The proposed modified project involves reuse of the Raymond Theater building and construction of a new adjacent building. Together, the theater and new building are proposed to include 36 residential apartments, 32,500 square feet of commercial space (including the live/work units), and 102 parking spaces. The approved project analyzed in the Addendum, Revised FEIR, and public hearing record allows 61 residential apartments, between 28,565 and 34,985 square feet of commercial space, and 157 parking spaces.^a

Purpose of and Authority for this Document

The City has accepted the application for the modified project, and the Planning and Development Department has determined that subsequent environmental review is not required pursuant to the California Environmental Quality Act (CEQA). The City has reviewed the modified project to determine whether a new Negative Declaration or Environmental Impact Report, or other form of documentation, is required for the modified project.

Per the CEQA Guidelines (California Code of Regulations Section 15162), a new Negative Declaration or Environmental Impact Report (EIR) should be prepared when:

^a A discrepancy exists in the public hearing record between the approved plans and the project square footage cited in the City Council decision letter. The approved plans show 34,985 square feet, and the decision letter indicates 28,565 square feet. Planning staff has determined that the approved plans reflect the approved project.

- (1) Changes are proposed in the project which would require important revisions to previous documentation, or
- (2) Changes occur with regard to the circumstances under which the project is undertaken which require important revisions in the previous documentation, or
- (3) New information of substantial importance becomes available which was not known and could not have been known at the time of the previous documentation.

In general, a new EIR or Negative Declaration is required if any of the three conditions cited above would result in a new significant effect not identified in previous CEQA documentation, or if any such condition would provide information regarding new mitigation measures or alternatives capable of mitigating a significant effect, but which are not proposed to be implemented as part of the project.

Conclusion

The City has determined that the proposed modification to the Raymond Theater Reuse and Mixed-Use Development project will result in similar types and levels of impact as those documented in the previous Revised FEIR and Addendum, as the modified project is similar in nature and scope to the project approved in January of 2002.

The Revised EIR and Addendum concluded that the approved project has a less than significant impact with respect to land use and planning, transportation and circulation, and construction effects. Further, the Revised EIR and Addendum concluded that the approved project has a significant, unavoidable impact with respect to cultural resources. The analysis herein indicates that the changes to the project will not result in any substantial change with respect to land use and planning, cultural resources, transportation and circulation, and construction impacts. Also, the analysis finds that implementation of the modified project does not raise any important new issue about the project's significant effects on the environment. Further, no substantial change in the circumstances under which the project will be undertaken has occurred that would require revisions to the previous documentation, and no new information has come to light relating to environmental effects or mitigation measures that would change the conclusions of the Revised Final EIR and Addendum. Therefore, the modified project does not require the preparation of a new Negative Declaration or EIR.

Introduction

This Consistency Finding for the modified Raymond Theater Reuse and Mixed-Use Development project (modified project) has been prepared in response to proposed changes to a project previously approved by the City of Pasadena City Council for the Raymond Theater Reuse and Mixed-Use Development project (approved project) on January 7, 2002. On January 7, 2002, the City Council certified a Revised Final Environmental Impact Report (Revised FEIR) and an Addendum (Addendum) to the Revised FEIR for the original project. Since approval of the project in concept in January of 2002, the applicant revised the conceptual design and filed a Design Review application with the City of Pasadena Planning and Development to permit the modifications. This Consistency Finding has been prepared to examine the environmental effects of the modified project relative to the effects associated with approved project, as documented in the Revised FEIR and Addendum (State Clearinghouse No. 1999091008). The purpose of this Consistency Finding is to determine whether the modified project involves substantial change to the approved project reviewed in the Addendum and Revised FEIR in order to establish whether or not a new Negative Declaration or EIR must be prepared for the new project, as required by the CEQA Guidelines, Section 15162.

This document describes the modified project, considers its environmental effects and mitigation measures, and provides additional information relevant to this project.

Under the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (California Administrative Code, Section 15162), no subsequent environmental review shall be prepared for a project for which a Negative Declaration has been adopted or an EIR certified unless the lead agency determines one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous Negative Declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative; or

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

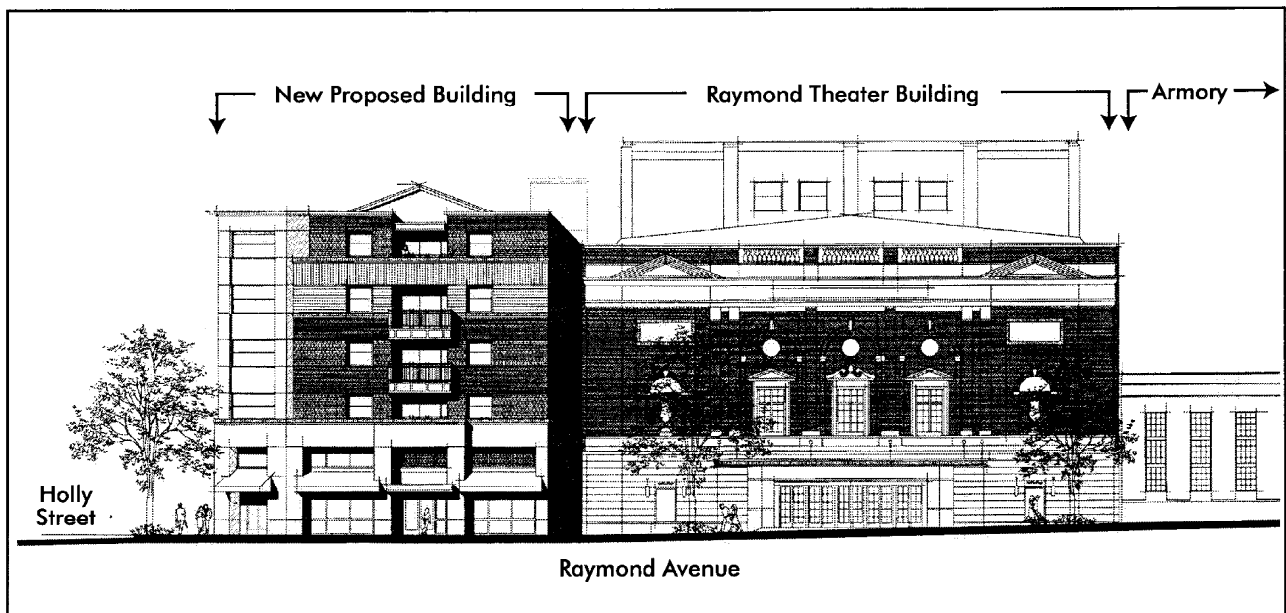
If no new Negative Declaration or EIR is required, supplementary environmental information need not be circulated for public review, but may be considered by the Lead Agency together with the previous Negative Declaration or EIR in making its decision on the proposed project.

Project Description

As identified in the Addendum and Revised FEIR for the approved project, the project applicant has received approval for the adaptive reuse of the Historic Raymond Theater building and construction of an adjacent mixed-use commercial/residential building. Parking for both buildings will be provided beneath the theater and new building and as above-ground structured parking in the new building. The approved reuse of the Raymond Theater building provides for apartment units within the theater fly loft area and stage area, office and commercial uses within the theater foyer and balcony, and commercial uses within the theater auditorium space. The new building on the adjacent lot was approved to contain apartment units and ground-floor retail commercial space. A total of 61 residential apartments (1- and 2-bedroom units), between 28,565 and 34,985 square feet of commercial space, and 157 on-site parking spaces were approved by the City Council for the Raymond Theater building and adjacent new building. The conditions of project approval require the applicant to retain and restore the façade of the Raymond Theater.

The project applicant now proposes a similar reuse and mixed-use development project that consists of 36 residential apartments, 13 live/work units, 32,500 square feet of commercial uses (this total includes the square footage occupied by the live/work units, which the Pasadena Zoning Code defines as commercial space), and 102 parking spaces. The modified project, like the approved project, provides for restoration of the front façade of the theater building to its original 1921 appearance, as shown in Figure 1. However, both the approved and modified projects will result in changes to all other building façades and substantial alterations to the theater's interior. Changes in the development program are shown in Table 1.

As Table 1 indicates, the number of residential units will decrease by 25 units, the total square footage of commercial use will decrease by 2,485 square feet, and parking will decrease by 41 stalls. The extent of commercial space along Holly Avenue will be extended, as the approved project provided only for such space at the corner of Holly Street and Raymond Avenue. No parking is planned within the Raymond Theater building, and the volume of the main auditorium space, minus the balcony, is proposed to remain open from floor to ceiling and used as an atrium to create light and air space for the interior live/work units.



Source: Togawa & Smith, Inc., February 3, 2004

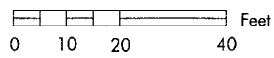


Figure 1
Raymond Avenue Elevation

**Table 1
Comparison of Approved Project and Modified Project**

Approved Project	Modified Project	Change
61 residential units	36 residential units	- 25 units
34,985 sq. ft. of commercial use, as shown on approved plans on file with the City Clerk (a)	32,500 sq. ft. of commercial use, including live/work units	- 2,485 sq. ft.
84,229 sq. ft. total	83,878 sq. ft. total	- 351 sq. ft.
157 parking spaces (Code requires 157)	102 parking spaces (Code requires 116 spaces)	- 55 spaces, with balance addressed through Zoning Parking Credits
2,089 sq. ft of retail along Holly Street (corner only)	5,193 sq. ft of retail along Holly Street	+ 3,104 sq. ft., with retail space extended down Holly Street
65 ft. high new building in 6 stories	65 ft. high new building in 6 stories	No change (b)
Within theater building, residential units located only within the fly loft and stage area. Commercial uses located within the auditorium and balcony. No parking within theater, but parking to be provided beneath theater building.	Within theater building, residential units located only within the fly loft and stage area. Commercial uses located within lobby. Live/work units within the balcony. No parking within theater, but parking to be provided beneath theater building.	Live/work units in the balcony instead of office or commercial uses
6% inclusionary housing	6% inclusionary housing	No change
Link new building to theater by a common underground parking area.	Link new building to theater by a common underground parking area.	No change
Areas Preserved: Raymond Avenue façade, second-story lobby, portion of theater auditorium as feasible	Areas Preserved: Raymond Avenue façade, second-story lobby, portion of theater auditorium as feasible. Skylights introduced within auditorium space.	Skylights within auditorium space to provide light and air to interior live/work units, as required by City code.

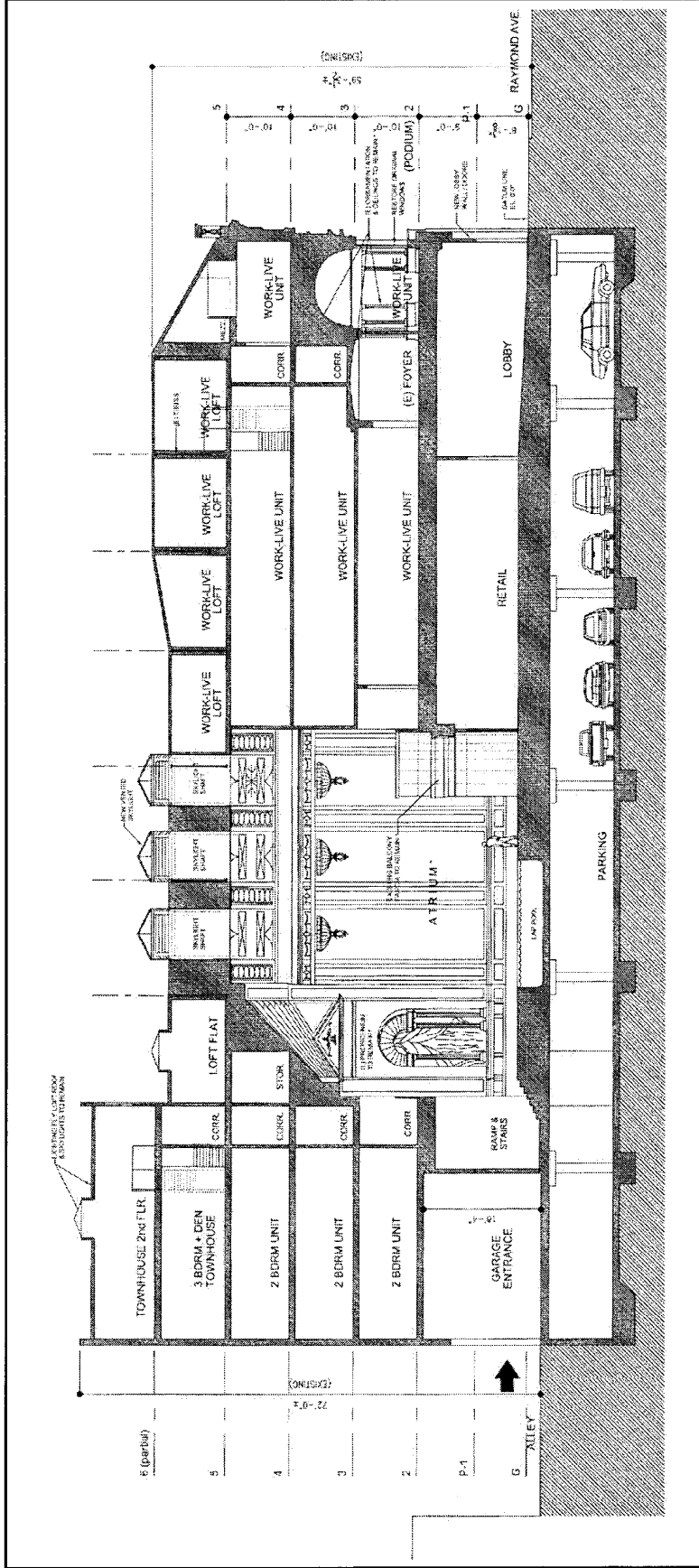
Note:

- (a) A discrepancy exists in the public hearing record. The approved plans show 34,985 square feet, whereas the decision letter of the City Council cites 28,565 square feet. Planning staff has determined that the approved plans reflect the approved project.
- (b) The Revised EIR addressed a 5-story building within a 65-foot building height, the maximum permitted height. The approved plans and elevations on file with the City Clerk show a 6-story new building approved within the same 65-foot maximum building height.

Theater Building: The modified project proposes changes to the design of the approved project to convert the balcony area to live/work units, rather than office or other strictly commercial space, as shown in the approved plans. The modified project also provides the theater auditorium space to serve as an atrium for the live/work units and apartments, with skylights in the auditorium ceiling. Figure 2 shows a cross-section of the modified project reuse plan for the Raymond Theater building.

Interior live/work units within the balcony area will be situated such that no exterior walls will open to the outside. Pasadena Municipal Code Title 14, Section 12.390 requires that all guest rooms, dormitories, and habitable rooms within a dwelling unit – including live/work units – be provided with natural light by means of exterior glazed openings and natural ventilation provided by openable exterior openings. These exterior openings are required to open directly onto a street, public alley, or a yard or court located on the same lot as the building, or required

windows may open into a roofed porch (Municipal Code Title 14, Section 12.400). The City's Building Official has interpreted this provision to include open to the sky.



Source: Togowa & Smith, Inc., February 3, 2004

Figure 2
Cross-Section of Proposed Reuse
of the Raymond Theater



To provide natural light to these interior units in accordance with the City's Municipal Code, skylights are planned in the auditorium ceiling (see Figure 3) to shed natural light into the atrium. Louvered vents are proposed to satisfy the ventilation requirements. Balconies will overlook the atrium within each unit to ensure light exposure per Municipal Code requirements. This development approach will require the cutting of holes into the auditorium ceiling, as shown in Figure 3, for the skylights. This is a new project feature not included in the approved project.

Adjacent Building: The approved project and the modified project both provide for a new 65-foot-high building south of the Raymond Theater, on an existing parking lot. As noted in Table 1 above, the City Council approved a six-story building within the same 65-foot building height limit examined in the Revised EIR. The new building includes one level of underground parking and one and one-half levels of above-ground parking, with the lowest level connected to the parking beneath the Raymond Theater. The amount of commercial space within the new structure has increased from the approved project from 2,089 square feet to 5,193 square feet in the modified project. This commercial space will be provided along the ground floor along Holly Street. Residential units will continue to be provided on the second through sixth floors.

Parking Facilities, Access, and Loading Areas: The approved project included 157 on-site parking spaces, including 39 tandem spaces. The modified project provides 102 spaces, including 34 tandem spaces. The applicant proposes use the City's Zoning Parking Credits program to bridge the gap between the number of spaces required by zoning requirements and those shown in the project plans.

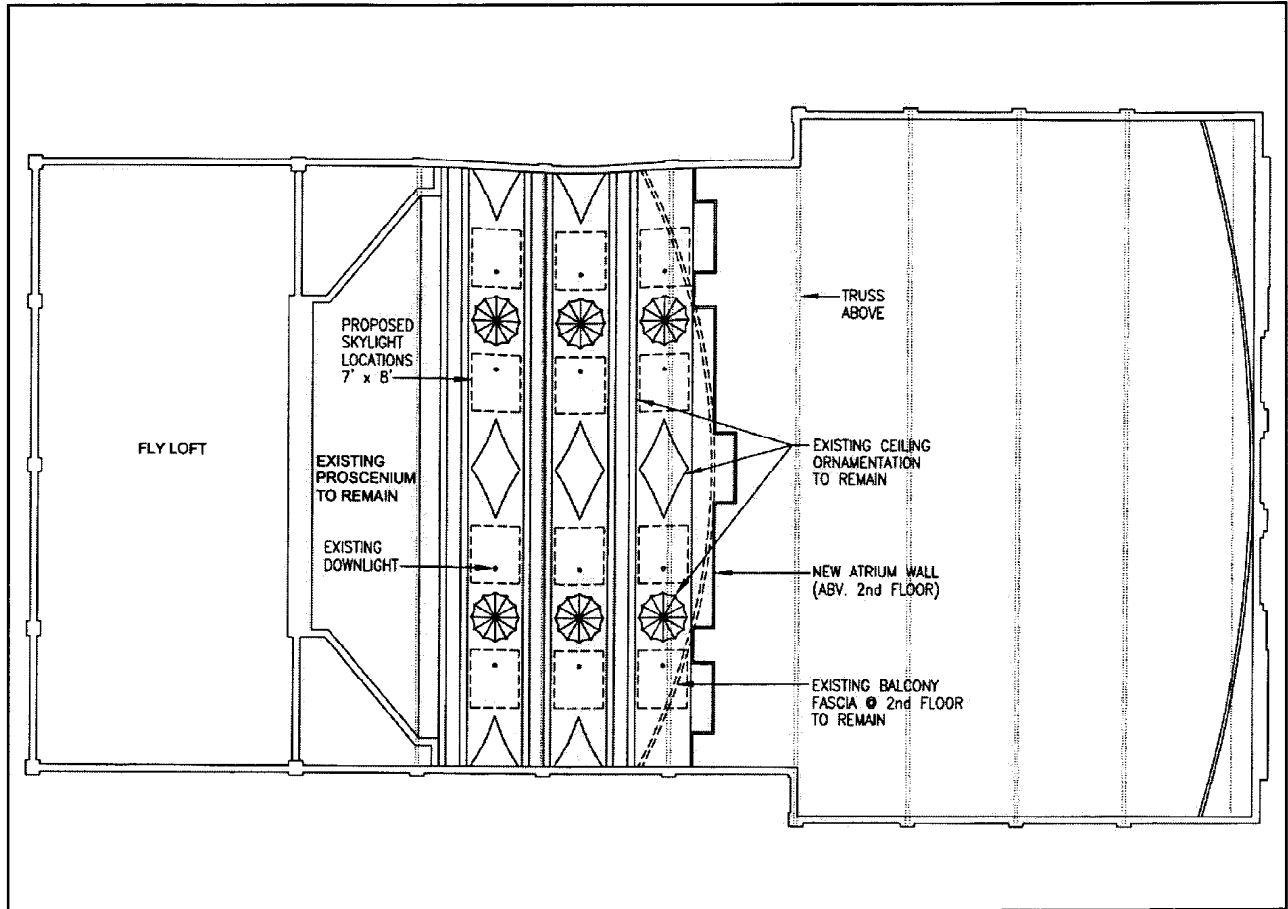
As part of its action on January 7, 2002, the City Council approved a variance to allow tandem parking to serve commercial uses and a variance request to allow for a higher percentage of compact parking spaces than permitted by zoning regulations. Both the approved and modified projects provide parking access into the theater building from Electric Drive. The modified project proposes parking access from Holly Street at the southeast corner of the development (into the new building).

Both projects provide one loading space in the Raymond Theater building (on the first floor within the parking area).

Construction: Once construction activity begins, the project developer anticipates that construction of the modified project, like the approved project, can be completed within a 12-month period.

Changes with Regard to Circumstances under which the Project Was Undertaken

No substantial change with regard to the circumstances under which the project was undertaken has been identified. Since project approval, the Metropolitan Transportation Authority (MTA) Gold Line light-rail system (Gold Line) has been completed; the Gold Line was considered in the Addendum and Revised FEIR. The Gold Line provides direct service between Sierra Madre and Downtown Los Angeles at Union Station, where it connects to other MTA transit lines.



Source: Togawa & Smith, Inc., February 3, 2004

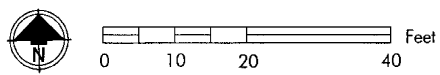


Figure 3
Raymond Theater Atrium Ceiling Detail

Environmental Impact Analysis

The Addendum and the Revised FEIR analyzed four environmental issue areas: Land Use and Planning, Cultural Resources, Transportation/Circulation, and Construction Effects. Three of these issue areas — land use and planning, transportation/circulation, and construction impacts — were identified as potentially significant adverse impacts which, as a result of mitigation measures included as part of the project or required by the City or other agency, can be avoided or substantially lessened. The Addendum and the Revised FEIR indicated that even with implementation of mitigation measures, impacts on cultural resources are significant and unavoidable.

Land Use and Planning

The modified project proposes the same land uses as those approved for the project in January of 2002 and analyzed in the Addendum and Revised FEIR. Land use and planning impacts were determined in the Addendum and Revised FEIR to be less than significant. The City defines live/work units as a commercial use. As concluded in the Addendum and Revised FEIR, the project is compatible with surrounding land uses and implements General Plan land use policies (pages 7 and 44-45, respectively). Like the approved project, the modified project facilitates use of the Gold Line Light Rail system by placing residences and job sites within walking distance to the Old Pasadena Gold Line station (General Plan Land Use Element Policy 1.3 - Transit-Oriented and Pedestrian-Oriented Development). Like the approved project, the modified project is consistent with the land use policies specific to the Central District. The project creates 36 new residential units, and 32,500 square feet of live/work units and retail commercial space. Respectively, these numbers represent 0.70% of the housing units (based on a cap of 5,095 units) and 0.52% of nonresidential development (cap of 6.2 million square feet) planned for the Central District. No new impact results.

Renovation of the front façade of the Raymond Theater to its original appearance is included as part of the proposed project and the approved project. In keeping with General Plan Land Use Element Objective 5 - Character and Scale of Pasadena, the design plans for the modified project are subject to Pasadena Design Commission review to determine whether any design enhancements or modifications are required to fully implement this objective.

Both the approved project and the modified project irretrievably alter the character, function, and overall integrity of the theater by changing the use to residential units and retail space. These uses fail to achieve complementary historic resource preservation objectives of the Pasadena General Plan Land Use Element Objective 6 - Historic Preservation and are not consistent with General Plan Land Use Element Policy 6.3 - Adaptive Reuse. However, like the original project, the modified project will be required to incorporate the following mitigation measures which, as concluded in the Addendum and Revised FEIR (pages 8 and 50, respectively), will reduce impact with respect to adaptive reuse to a less than significant level.

- LU-1. Detailed design aspects of the project shall be reviewed by the City's Design Commission, which will have the responsibility of ensuring that final project design plans respond to and are consistent with applicable criteria contained in the Civic Center Specific Plan and the Pasadena Downtown Urban Design Guidelines. The applicant shall submit draft plans to the Design Commission for consideration, and

any revisions directed by the Commission shall be incorporated into final design plans to be presented to planning staff for final approval. No building permits shall be issued until final design plans have been approved and findings made that the project conforms to the Civic Center Specific Plan and the Pasadena Downtown Urban Design Guidelines.

LU-2. All design and construction of the project shall comply with final design plans.

LU-3. All additions or changes to the project in the future shall be subject to the requirements of mitigation measures LU-1 and LU-2 above.

Conditions under the modified project are the same as those considered in the Addendum and the Revised FEIR, and impact will be less than significant after mitigation.

Cultural Resources

Both the approved and modified projects introduce new building elements into the Old Pasadena National Register Historic District that potentially contrast in scale or character with the historic district. The modified project, like the approved project, introduces new building elements into the setting for the Civic Center National Register Historic District, and such elements may be out of scale or character with the historic district. Similar to the approved project, the modified project proposes restoration of the theater's Raymond Avenue elevation to its 1921 appearance, a potentially beneficial environmental impact.

The approved project included substantial alteration of the theater auditorium that would result in loss of the building's historic fabric, particularly the majority of its interior character-defining features. The modified project introduces an additional alteration to the interior, namely an alteration to the ceiling of the theater auditorium space to accommodate skylights (previous Figure 3). While the treatment of the skylights will be performed to mimic ceiling patterns and integrate into the overall design, the integrity of the ceiling will be disrupted.

As discussed on page 64 of the Revised FEIR, compliance with the Secretary of the Interior's Standards will reduce impacts to the historic theater. The following mitigation measures are required to implement the project:

CR-1. Prior to the issuance of building permits and as part of the application for design approval, the applicant shall submit plans and elevations, together with other supporting documentation, detailing the rehabilitation and restoration of the Raymond Theater. This information shall include product specifications, materials samples, large-scale drawings, and similar items illustrating all aspects of the rehabilitation work to the historic portions of the building. Such plans will include documentation indicating how the integrity of these features will be protected during the construction phase of the project. The Zoning Administrator and the Design Commission will review and approve this documentation. The City shall withhold building permits for the project until the Zoning Administrator and Design Commission complete their review of this information.

CR-2. All restoration work shall be performed in accordance with the *Secretary of the Interior's Standards for Rehabilitation*. Restoration of the original (or early) painted

finish on the brick facing the east façade should be considered as part of the rehabilitation.

- CR-3. The applicant shall hire a qualified professional, experienced in historic preservation and the conservation of historic materials, to participate in the design of the rehabilitation and restoration of the Raymond Theater. This professional shall also monitor all construction activities affecting the historic exterior and interior features of the Raymond Theater that are required to be preserved or restored. The designated professional shall have the authority to halt construction work in the event of potential damage to such elements, and to work with the City on appropriate remediation.
- CR-4. Prior to the issuance of any building permit, the applicant shall produce a documentation survey of the property in accordance with the Historic American Building Survey (HABS) standards. This documentation shall include archival quality photographs of exterior features, elevations, and significant interior features of the Raymond Theater. Scaled, "as-built" site plan and floor plans shall also be produced. A historic documentation report shall be included in the documentation package. The documentation package will be archived at an appropriate location determined by the City of Pasadena.
- CR-5. The applicant shall hire a historian meeting the professional qualifications of the National Park Service to assemble photographic, archival-recorded histories, and other materials on the theater's history. The City shall solicit proposals for locating materials in the most appropriate location, which may include the Pasadena Public Library. A report summarizing and documenting the materials shall be completed prior to the issuance of building permits.
- CR-6. The design of the new building shall be reviewed by responsible City decision-making bodies for compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties*, as well as the *Civic Center Specific Plan* and the *Downtown Pasadena Urban Design Guidelines*.
- CR-7. Alterations to the secondary facades of the Raymond Theater shall be reviewed by responsible City decision-making bodies for compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties*, as well as the *Downtown Pasadena Urban Design Guidelines*.

The Secretary of the Interior's Standards proscribe that alterations and modifications of use of historic properties should minimize changes to character-defining features, materials, spaces, and distinctive features. As concluded in the Addendum and Revised FEIR (pages 10-11 and 66, respectively), even with mitigation, the original project will result in an unavoidable, significant effect on a historic resource. The modified project will similarly result in an unavoidable significant effect.

The project applicant provided the City with a memorandum drafted by Historic Resources Group, LLC dated March 5, 2004 addressing the manner by which the applicant proposes to comply with the mitigation measures adopted in connection with the certified Addendum and Revised FEIR. San Buenaventura Research Associates (SBRA), a historic resources consulting firm under contract to the City of Pasadena, has reviewed this memorandum, as well as the approved project and the modified project, and has determined that the proposed mitigation plan complies with the adopted mitigation measures. When applied to the proposed

changes to the project, this plan will serve to minimize nonreversible alterations to character-defining features, materials, spaces, and the distinctive features of the historic property; will provide for the documentation of historic features; and will provide for on-site monitoring during construction. The mitigation listed above and incorporated into prior environmental documentation will apply to the modified project.

Based on this review, SBRA has concluded that while the impacts of the modified project will continue to be significant and adverse, these impacts are not new and are not substantially increased in severity when compared to the impacts addressed in the Addendum and Revised FEIR. Further, SBRA has concluded that the adoption of additional mitigation measures will not serve to substantially reduce these impacts. No additional mitigation is available or required to further reduce these unavoidable significant impacts identified in the Addendum and Revised Final EIR.

Conditions under the modified project are the same as those considered in the Addendum and the Revised Final EIR, and impact is significant and unavoidable.

Transportation and Circulation

The analysis in the Addendum and Revised FEIR indicated that the project will not result in a significant impact on the local or regional road systems, on public transit, pedestrian travel, or parking (pages 13 and 84, respectively). The approved project was estimated to generate 1,718 daily vehicle trips. Based on the assumptions and methodology used for the March, 2000 traffic study in the Addendum and the Revised FEIR, the modified project is estimated to generate up to 1,762 daily vehicle trips, not accounting for any trip reduction credits that may be applied due to project proximity to a Gold Line station.^b This represents only a slight increase in vehicle trips relative to the approved project. Traffic impacts associated with the modified project are comparable to those considered in the Addendum and the Revised FEIR, and no additional or revised mitigation is required.

Construction Impacts

The applicant indicates that the construction time frame for the modified project, like the approved project, is approximately 12 months. Like the approved project, excavation of an underground parking garage is required for the modified project. Construction activity associated with the modified project, like the approved project, will generate intermittent high noise levels, add truck and construction equipment traffic to streets in the area, disrupt pedestrian activity on Raymond Avenue and Holly Street, produce dust from grading and pollutant emissions from construction equipment, and result in "dirty" stormwater runoff. The modified project will not result in any new or different construction activity impacts. Mitigation measures included in the Addendum and Revised FEIR to reduce impacts to a less than significant will apply to the modified project.

The Revised FEIR and Addendum indicate that construction activities have the potential to affect the historic integrity of historic elements to be retained, e.g. the front façade (pages 14-15 and 88, respectively). The Revised FEIR and Addendum include mitigation measures listed below to reduce the impact to a less than significant level. The modified project will involve

^b Trip generation rates are drawn from *Trip Generation 6th Edition*. Apartment rate is 6.63 trips/day. A worst-case scenario commercial rate of 40.67 trips/day per 1,000 s.f. for specialty retail use is assumed. No rates are provided for live/work units, which for worst-case analysis purposes here are considered specialty retail use.

similar construction activities on the Raymond Theater, with the exception that the ceiling will be cut for construction of the skylights. Mitigation measure C-2 below, which applies to the approved project, adequately addresses impacts associated with the modified project.

- C-1. A telephone number and a name of a contact person for both the applicant and the City for registering comments or complaints shall be posted in a clearly visible manner along the perimeter of the site.
- C-2. The applicant shall submit final design plans and construction plans to the City's Zoning Administrator for approval prior to beginning any work on the Raymond Theater. These plans show how the applicant and/or the applicant's contractors intend to ensure that the historical integrity of the Raymond Theater will be protected during construction.
- C-3. All construction staging areas shall be located at least 500 feet from residences and/or other noise sensitive uses.
- C-4. Muffled construction equipment shall be used. All construction equipment shall be properly tuned.
- C-5. All construction vehicles over 6,000 pounds shall use designated truck routes and then the most direct route to and from the site.
- C-6. A flagperson shall be employed to direct traffic when construction vehicles access the project site and staging area(s).
- C-7. Deliveries of construction materials, hauling of exported soil, and other construction activities requiring access to the site by large vehicles shall be scheduled during off-peak hours to the extent possible.
- C-8. A solid fence no less than eight feet in height, or other dust-control feature acceptable to the City Building Official, shall be provided around appropriate portions of the site perimeter.
- C-9. A covered pedestrian walkway adjacent to structures being worked on shall be provided along the site boundary.
- C-10. If any sidewalk is blocked during construction, alternate routes for pedestrians shall be clearly marked with signs approved by the City.
- C-11. The ARTS bus stop shall be temporarily relocated to a location specified by City Transportation staff, who will consult as necessary with the Pasadena Blue Line Metro Construction Authority and Los Angeles County Metropolitan Transportation Authority. The developer shall fund the cost of such relocation.
- C-12. If project construction coincides with construction of the Los Angeles to Pasadena Blue Line in the immediate vicinity (planned for October 2000) to July 2003), the City will require the developer to provide a construction management plan that minimizes potential conflict.

Consistency Finding

The above analysis indicates that the modified project will not raise any important new issue regarding the project's significant effect on the environment. No new mitigation measures beyond those required of the approved project and identified in the Addendum and the Revised FEIR will be required for the modified project.

Therefore, the City hereby finds that the environmental impacts associated with the modified project are similar to or less than those considered in the Addendum and the Revised FEIR for the approved project. The mitigation measures included in the Addendum and Revised FEIR to reduce project impacts to a less than significant level will be applied to the modified project. No new mitigation measures have been identified that would substantially reduce potentially significant environmental impacts. In making this consistency finding, the City has reviewed the modified project, the Addendum, the Revised FEIR, and the public hearing record and has determined that:

- 1) The modified design of the Raymond Theater Reuse and Mixed-Used Development project does not propose any substantial change to the Raymond Theater Reuse and Mixed-Use Development project, approved by the Pasadena City Council on January 7, 2002, which will require major revisions of the Addendum dated December 6, 2001 or the Revised FEIR dated November, 2000, both of which were certified by the City Council on January 7, 2002.
- 2) The modified project will not occur under any substantial change in the circumstances under which the project will be undertaken, and thus will not require major revisions of the Addendum or Revised FEIR.
- 3) No new information of substantial importance shows that:
 - (a) The modified project will have one or more significant effects not discussed in the previous Addendum and Revised FEIR;
 - (b) The modified project will have substantially more severe significant effects than those previously examined;
 - (c) The mitigation measures previously found to be infeasible would now be feasible and would substantially reduce one or more significant effects but are rejected by the project proponents; or
 - (d) Mitigation measures considerably different from those analyzed in the previous Addendum and Revised FEIR that would substantially reduce one or more significant effects are rejected by the project proponents.

As provided for in the California Code of Regulations Section 15162 (CEQA Guidelines), no subsequent Negative Declaration or EIR shall be prepared for a project for which an EIR has been adopted unless any of the above findings cannot be made. Environmental impacts associated with the modified project are the same as those associated with the approved project, and the Addendum and Revised FEIR prepared for that project are valid for the modified project.

References

City of Pasadena Municipal Code Title 14, Building and Construction, Chapter 12 - Housing Code. Section 390: Natural Light and Ventilation and Section 400: Origin of Light and Ventilation. <http://www.ci.pasadena.ca.us/cityclerk/municode.asp>.

Revised Final Environmental Impact Report, Raymond Theater Reuse and Mixed-Use Development, Volumes I and II. State Clearinghouse No. 1999091008. City of Pasadena. November 2000.

Addendum to the Revised Final Environmental Impact Report, Raymond Theater Reuse and Mixed-Use Development Project. City of Pasadena. December 6, 2001.

Raymond Theater Concept Design plans. Togawa & Smith Architects. February 3, 2004.

Raymond Theater Reuse Consistency Finding. San Buenaventura Research Associates, March 8, 2004.

Raymond Theatre Development Concept Design Historic Preservation Issues. Historic Resources Group. March 5, 2004.

Plans and Elevations on File with City Clerk, Raymond Theater Reuse and Mixed-use Project, January 7, 2002.