

Agenda Report

November 18, 2013

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: CONDITIONAL USE PERMIT #6036 TO ALLOW THE CONSTRUCTION OF A 128-UNIT MIXED-USE PROJECT AND STREET VACATION OF THE NORTHERN TERMINUS OF MERIDITH AVENUE AT 1727-1787 EAST WALNUT STREET AND 235 NORTH ALLEN AVENUE

RECOMMENDATION:

It is recommended that the City Council conduct a Public Hearing and upon its conclusion take the following actions:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Attachment C for the project;
2. Adopt the findings in Attachment A and approve Conditional Use Permit #6036 with the conditions of approval in Attachment B to allow the construction of housing units (as part of a mixed-use project) on the CG-zoned portion of the site;
3. Find that the subject portion of land proposed for vacation is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for street purposes;
4. Declare that the City's interest in the subject portion of land proposed for vacation is in easement only, for public street purposes; and that the land is not owned by the City as fee title; and that it is not subject to the provisions of Chapter 4.02, Sale of Surplus Real Property, of the Pasadena Municipal Code;
5. Adopt a Resolution ordering the vacation of Meridith Avenue from Walnut Street to North End, in accordance with the conditions and recommendations contained in this report and subject to the conditions herein (and referenced and attached as Exhibit C of the Resolution);
6. Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicants; and
7. Direct staff to file a Notice of Determination within five days.

PLANNING COMMISSION RECOMMENDATION:

At a public hearing on October 23, 2013, the Planning Commission voted 8-0 to recommend that the City Council: 1) adopt the environmental documents; 2) approve the Conditional Use Permit; and 3) approve the Street Vacation as recommended by staff and listed in the above recommendation.

In recommending approval of the project to the City Council, the Commission requested a memorandum memorializing some of the underlying assumptions and methodologies (Attachment E 'East Walnut Mixed-Use Project Addendum Traffic Impact Analysis').

Two members of the public spoke in opposition to the project voicing concerns that there would be traffic impacts associated with the project and that there would not be adequate on-site parking. One person, other than the applicant, spoke in favor of the project

EXECUTIVE SUMMARY:

The project is the construction of a mixed-use project of residential, commercial, and restaurant uses consisting of 128 residential units and 5,000 square feet of commercial and restaurant space in two buildings, including one three-level building on the western side (CG-zoned portion) of the site and one four-level building on the eastern side (ECSP-zoned) of the site. The project also includes 203 parking spaces, 134 of which would be located in one subterranean parking level.

The following entitlements are needed:

1. Conditional Use Permit: To construct housing on a CG-zoned site as part of a Transit-Oriented Development (TOD) project;
2. Street Vacation: To allow the vacation of a public street (Meridith Avenue, north of Walnut Street) and relinquish all easement rights to the abutting property owners; and
3. Design Review: To be reviewed by the Design Commission prior to the issuance of building permits. The Design Commission previously reviewed and provided comments on the project through Preliminary Consultation in March 2013.

Consistent with the requirements of the California Environmental Quality Act, an Initial Environmental Study has analyzed the project and determined that the only potentially significant impacts are in the areas of Cultural Resources and Hazards and Hazardous Materials. Further, it was found that these impacts can be reduced to a less than significant level through the incorporation of mitigation measures into the project. All other impacts of the project were found to be less than significant.

BACKGROUND:

Existing Site and Vicinity:

The project site is approximately 1.92 acres in size and is located at the northwest corner of the intersection of North Allen Avenue and East Walnut Street. The site encompasses five parcels, currently occupied by vacant buildings, and the northern terminus of Meridith Avenue as shown in Figure 1 – Site and Zoning below. The parcel on the west side of Meridith Avenue is zoned CG (Commercial, General) and was most recently occupied by the former *Scientific Automotive Repair Garage*. The four parcels on the east side of Meridith Avenue are zoned ECSP-CG-3 (East Colorado Specific Plan, Gold Line-General Commercial area) and are developed with the former *Davis Lumber Company* lumber yard. All existing on-site buildings and surface parking would be removed to accommodate the project.

The site is located in an urbanized area of Pasadena and is surrounded by a mix of retail, commercial, and residential uses. Adjacent uses include automotive repair and multi-family residential uses to the north; a coffee shop, self-storage, and automotive repair to the east; fast food, a glass shop, dental office, antique shop, real estate office, and multi-family residential uses to the south; and a stereo shop and automotive repair to the west.

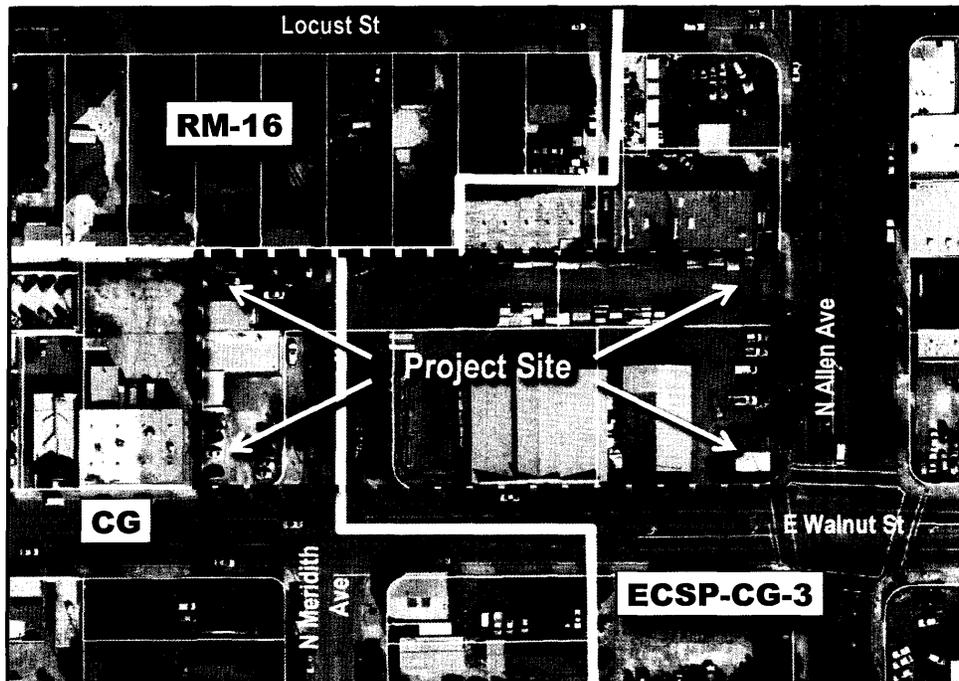


Figure 1 – Site and Zoning

ENTITLEMENTS:

1. Conditional Use Permit: To construct housing on a CG-zoned site as part of a TOD project.

Housing is generally not a permitted use on properties zoned CG (Commercial, General). However, pursuant to Section 17.50.040.E of the Zoning Code, multi-family units are conditionally permitted as part of a mixed-use project on properties that are located within ¼ mile of a light-rail station platform. No zoning entitlement is required to develop a mixed-use project on the East Colorado Specific Plan portion of the site, east of Meridith Avenue, as mixed-use projects are a permitted use.

While the CG district is oriented towards providing a range of retail and service businesses, including those not permitted in the CL (Commercial, Limited) zoning district because they may attract heavy vehicular traffic, the Gold Line Sub Area is targeted towards high density residential development. The area where the project site is located is identified in the East Colorado Specific Plan as an opportunity site for mixed-use development. Although it is only the development of the CG-zoned portion of the site that requires a land use entitlement, the entire project is discussed on the following page.

Development Standards

Residential Density:

Within the CG zoning district, and per the TOD section of the Zoning Code, the maximum allowed residential density is 48 units per acre. Based on that maximum density and an area of 0.44 acres, the maximum allowable density is 21 units for the portion of the site within the CG zoning district. Within the ECSP-CG-3 zoning district the maximum allowable housing density is 60 units per acre. With an area of 1.48 acres, this results in a maximum of 89 units, for a total of 110 units permitted under existing zoning for the portion of the site in the ECSP-CG-3 zoning district. The applicant intends to utilize the Density Bonus provisions of the Zoning Code for affordable housing projects (Chapter 17.43, Density Bonus, Waivers, and Incentives) which would permit an increase in the number of residential units by constructing affordable units. The applicant is proposing to increase the number of units by 18 to 128 units.

In order to construct 'density bonus' units the Zoning Code specifies the percentage increase in total units based on the percentage of very-low, low, or moderate income units that are a part of the project. In this case, the applicant intends to construct ten affordable units on-site of which nine are 'very low income' units and one is a 'moderate income' unit.

The applicant submitted an Inclusionary Housing Plan to the Housing & Career Services Department which was approved in April 2013. As the applicant proceeds through the

development process they will continue to work with the Housing & Career Services Department to satisfy all applicable affordable housing requirements.

Parking:

The proposed parking for the project totals 203 spaces, 134 of which would be located in one subterranean parking level. The 69 at-grade parking spaces would be located behind the ground floor units and commercial space on the eastern portion of the site and would accommodate parking for the retail/commercial businesses, the residences, and residential guest parking. The project meets the parking requirements (including loading and bicycle parking) specified by the Zoning Code, including the TOD section.

The number of required and proposed parking spaces is shown in Table 1 – Parking below, including the mandatory reductions for non-residential uses (25% for office uses and 10% for all other non-residential uses) in the TOD area. With the TOD areas additional parking may be constructed, with approval of a Minor Conditional Use Permit, provided the additional parking is for the general public or is for a specific business or use on a different property. Otherwise, a Variance would be required to exceed these parking reductions. The applicant is not proposing any of these methods to exceed the parking requirements.

Because it has not yet been decided if the non-restaurant portion of the commercial space will be office or a different commercial use, the parking will be reduced from eight spaces to either six (for office) or seven (for all other non-residential uses). As proposed the parking will accommodate seven spaces, so if the eventual use is office, the total parking will reduced from 203 spaces to 202 spaces.

<i>Land Use</i>	<i>Zoning Code Requirement (TOD)</i>		<i>Minimum Spaces Required</i>	<i>Spaces Proposed</i>
Residential	1.0-1.25 / unit < 650 s.f.	64 units	64	64
	1.5-1.75 / unit ≥ 650 s.f.	64 units	96	96
Guests	1.0 per every 10 units	128 units	13	13
Commercial (restaurant)	9.0 per 1,000 s.f.	2,500 s.f.	23	23
Commercial (retail) or Commercial (office)	2.7 per 1,000 s.f.	2,500 s.f.	7	7
	2.25 per 1,000 s.f.	2,500 s.f.	6	6
		<i>Total</i>	<i>202 or 203</i>	<i>202 or 203</i>

Table 1 – Parking

Based on the plans submitted, all parking space dimensions, aisle widths, ramp grades, and accessible spaces meet the Zoning Code requirements. The final number of spaces and all dimension requirements will be verified through the plan check process.

Other Standards:

The project has also been found to be in compliance with other applicable development standards of the Zoning Code including setbacks, encroachment plane, height, floor area ratio, first floor minimum height, refuse storage, and bicycle parking. At the time that plans are submitted for Building Permits, they will be reviewed for compliance with these and all other applicable regulations of the Zoning Code.

2. Street Vacation: Vacation of Meridith Avenue.

The portion of Meridith Avenue proposed to be vacated is 80 feet wide and 120 feet from Walnut Street north to the terminus. It is located one block west of Allen Avenue, between the properties at 1727 and 1757 East Walnut Street. If the street vacation for Meridith Avenue is approved, a portion of the vacated area will be used for the new building construction while the rest will be used as a private driveway to access the project.

The applicant for the street vacation, AMCAL Equities, LLC, is the property owner of 1727 East Walnut Street (the former *Scientific Automotive Repair Garage*) and is developer of the proposed project. The property owner of 1757 East Walnut Street (a portion of the former *Davis Lumber Company*), Mr. Joseph Davis, has submitted a letter to the Department of Public Works in support of the proposed street vacation.

The City's interest in the subject portion of Meridith Avenue is in easement only for public street purposes. The fee title of the proposed vacation area is currently vested in AMCAL Equities, LLC and Mr. Joseph Davis in equal shares; the City does not have fee title. At this time, AMCAL Equities, LLC and Mr. Joseph Davis are negotiating on the sale of the site of the former *Davis Lumber*. Mr. Davis has requested that the final vacation document only be recorded upon proof of ownership and fee title transfer of said property from Mr. Davis to AMCAL Equities, LLC.

The subject portion of Meridith Avenue currently consists of a 17-foot wide sidewalk on both sides and a 46-foot wide roadway. The street terminates abruptly at the north end and provides access only to the two abutting properties at 1727 and 1757 East Walnut Street. The existing condition is not in conformance with Pasadena Standard Plan S-410, the standard design for a cul-de-sac. The existing right-angled configuration does not provide a sufficient turn-around space for public and street maintenance vehicles, rendering it unsafe for motorists.

Upon the successful ownership transfer for the property at 1757 East Walnut Street, the final vacation will eventually convey all rights to the abutting property owner, AMCAL Equities, LLC. The Department of Public Works has determined that there is no need, present or future, to retain this area for its intended public purpose. Relinquishing all rights of the proposed vacated area will relieve the City from future maintenance responsibilities and any liability associated with the vacated area.

Comments from City Departments, Public Agencies and Others on Street Vacation:

In March 2013, a notice regarding the proposed street vacation was forwarded to various utilities, other City departments, and County agencies. Comments and conditions were received from two City Departments: Pasadena Water and Power and Pasadena Public Works, as well as from AT&T and Charter Communications. These comments and conditions have been included in the Attachment B to this report.

Public Input and Notice:

In addition to the Planning Commission public hearing on October 23, 2013, the project was previously presented to the Design Commission on March 11, 2013 (Preliminary Consultation) and to the City Council on May 20, 2013 (Predevelopment Plan Review). The applicant also held two community meetings at the site on March 23, 2013 and October 12, 2013 where the project was generally well received.

Resolution No. 9316 for the intention to vacate the subject proposed area was adopted at the City Council meeting on October 28, 2013. The City Clerk was directed to publish and post a Notice of Hearing. The Notice of Hearing was published in the *Pasadena Journal* on October 31, 2013 and November 14, 2013. Individual notices about the public hearing were posted and sent to property owners within a 500-foot radius of the proposed vacated area. Three public notice boards were posted on the site (two on East Walnut Street and one on North Allen Avenue) as well.

Compatibility Analysis:

The proposed mixed-use project has been designed to be compatible with the surrounding mix of commercial and residential uses. The greatest mass of the project is appropriately located along Walnut Street and at the corner of Allen Avenue and Walnut Street, a prominent intersection in the city. The lowest mass of the project is located adjacent to the existing residences to the northwest of the site and the proposed setback of 40 feet from these residences far exceed the minimum required setback of 15 feet.

The surrounding area is one in transition, away from commercial/industrial uses towards a vibrant mix of commercial, retail, and residential uses, as envisioned by the East Colorado Specific Plan. This project will not only be a part of this transition, but as the first major development in this area in recent years, it will set a high standard to positively influence future development in the years to come.

COUNCIL POLICY CONSIDERATION / GENERAL PLAN CONSISTENCY:

Staff and the Planning Commission recommend that the proposed project, with residential units and ground floor retail uses, be found consistent with the Land Use Element of the General Plan, adopted in 1994 and updated in 2004, by furthering the following Objectives and Policies:

- Targeted Development (1.1 and 10.1: Targeted Development Areas, 1.2: Specific Plans, 1.3 and 10.2: Transit-Oriented and Pedestrian-Oriented Development, 1.4: Mixed-use);
- Affordable Housing (3.1: Exemption for Affordable Housing, 3.2 Density);
- Character and Scale of Pasadena (5.7: Enhanced Environment and 5.10 Spatial Attributes);
- Housing Conditions (15.1: Sizes and Types, 15.2 Increase Supply, 15.3: Equitable Distribution);
- Transit/Pedestrian Coordination (22.1: Urban Design, 22.3: Pedestrian Access); and
- Participation (27.4: Consultation)

East Colorado Specific Plan

The East Colorado Specific Plan supports beautifying the streetscape, increasing the supply of multi-family and affordable housing, improving multi-modal mobility, and creating focus areas, or “nodes”, to help establish a sense of place. The proposed combination of residential uses with ground commercial uses fits with these goals.

Gold Line Sub-area:

The Gold Line Sub-area of the East Colorado Specific Plan calls for higher density residential units along the Allen Avenue corridor due to the close proximity of both existing residential uses and the Allen Gold Line Station. In addition, this sub-area calls for a mix of uses, including ground-floor retail/commercial and residential and/or office uses above. This would provide a commuter-oriented destination near the station and would also be a gateway to the Specific Plan area.

Residential and Square Footage Allocation:

In 1994, the General Plan allocated 750 housing units and 650,000 square feet on non-residential development to the East Colorado Specific Plan. As of April 29, 2013, 737 housing units and 243,322 square feet of non-residential square footage remain. The 113 rental units and 5,000 square feet of ground floor commercial/restaurant uses proposed on the Specific Plan portion of the site are within these allocations, leaving the Specific Plan with 624 housing units and 238,322 square feet of non-residential space.

ENVIRONMENTAL ANALYSIS:

In accordance with the requirements of the California Environmental Quality Act, an Initial Environmental Study ('Initial Study') was prepared in order to identify and analyze the project's potential impacts on the environment. Some of the topic areas that were analyzed include Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Noise, and Transportation/Traffic. Of the topic areas that were analyzed, the only potentially significant impacts were found to be in the areas of Cultural Resources and Hazards and Hazardous Materials, but that these impacts will be reduced to a less than significant level because mitigation measures will be incorporated into the project. These potential impacts and their mitigation measures are described below. For all other topic areas it was determined that there would be less than significant or no impacts.

Cultural Resources: Impacts Mitigated to a Less Than Significant Level

It will be necessary to excavate approximately 31,000 cubic yards of soil in order to construct the one level of subterranean parking. In doing so, it is possible, albeit unlikely, that heretofore undiscovered archeological and/or paleontological resources may be uncovered. If archaeological and/or paleontological resources once existed on-site, it is quite probable that previous grading, construction, and modern uses of the site have either removed or destroyed them. However, in the unlikely event that such resources are discovered, two mitigation measures have been created to deal with such situations. These mitigation measures require that if archeological and/or paleontological resources are discovered a qualified archaeologist and/or paleontologist be retained in order to investigate the discovered resources. With the incorporation of these mitigation measures, the potentially significant impacts would be reduced to a less than significant level.

Hazards and Hazardous Materials: Impacts Mitigated to a Less Than Significant Level

As detailed in the Initial Study, the site has been occupied by a variety of industrial and commercial uses as far back as 1927, including sheet metal, lumber, and auto repair business. Notably, the northern portion of the site was developed with railroad tracks owned and operated by the Atchison, Topeka, and Santa Fe Railway Company from sometime prior to 1928 to the late 1980s.

Investigation of the project site concluded that several areas of the site contain soil contamination that must be addressed and mitigated when the site is developed. To mitigate these potentially significant impacts to a less than significant level, mitigation measures have been crafted that require the remediation and proper disposal of any contaminated soil, asbestos, and lead-based paint on the site, as well as the proper disposal of the hydraulic hoists in the former *Scientific Automotive Repair Garage*. With the incorporation of these mitigation measures, the potentially significant impacts would be reduced to a less than significant level.

Transportation/Traffic: Impacts at a Less Than Significant Level

The traffic study prepared for the project studied seven street intersections and four segments. The study found the project will generate 883 net daily trips, with 59 net trips in the AM peak hour and 80 net trips in the PM peak hour. It was determined that none of the street intersections would be impacted by project-related traffic and that the traffic increase at the street segments would range from an increase of 0.5% to an increase of 2.2%, less than the significant impact threshold of 5.0%.

However, the Planning Commission questioned several aspects of the traffic study including the methodology used in selecting intersections and street segments to be analyzed, trip generation adjustments (e.g., internal capture of trips between land uses in a mixed-use development, proximity to transit, etc.), and potential changes to the results of the street segment analysis. In response to these questions an addendum (Attachment E) to the traffic study was prepared by the traffic consultant.

The addendum provided background information to explain the methodology of selecting intersections and street segments as well as how the internal capture of trips is estimated. The addendum also summarized the results of the street segment analyzed if no credit is given for the internal capture of trips (i.e. all trips are vehicular and no residents patronize the commercial uses). This resulted in a slight increase of trips on the segments from the previous range of 0.5% to 2.2% up to 0.6% to 2.4%. These increases are negligible and do not result in a change to the conclusion that the impacts will be less than significant.

FISCAL IMPACT:

The project will generate revenue from plan check fees and building permit fees. The applicant shall be responsible for all costs associated with processing the street vacation and meeting all the conditions set forth in the street vacation.

Respectfully submitted,



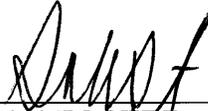
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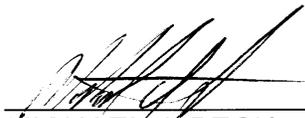
David Sinclair, LEED AP
Planner

Concurred by:



SIOBHAN FOSTER
Director of Public Works
Department of Public Works

Approved by:



MICHAEL J. BECK
City Manager

Attachments: (6)

- Attachment A – Specific Findings for Approval
- Attachment B – Conditions of Approval
- Attachment C – Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program
- Attachment D – Initial Environmental Study
- Attachment E – 'East Walnut Mixed-Use Project Addendum Traffic Impact Analysis' (October 25, 2013)
- Attachment F – Plans