



November 14, 2014

Mayor Bill Bogaard
Pasadena City Council
100 North Garfield Avenue
Pasadena, CA
VIA EMAIL

Re: Hyatt Place Hotel

Dear Mayor Bogaard and Pasadena City Council members,

The Pasadena Chamber of Commerce is very aware of the need for additional hotel rooms in Pasadena, especially within walking distance of our Convention Center. Additional hotel rooms will enhance our downtown and provide additional customers for our local retailers and restaurants.

Repurposing the former Macy's site as a hotel makes perfect sense. The proximity to all our downtown amenities, public transportation and the Convention Center will ensure the prosperity of the hotel and enhance the nearby businesses, as well.

The Pasadena Chamber of Commerce is also keenly aware of the importance of the design and quality of construction of our built environment. In reviewing the plans for the Hyatt Place, we appreciate that the design activates the Los Robles side of Paseo Colorado, encourages pedestrian access toward Colorado Boulevard and adds some character and definition along Los Robles Avenue.

We also appreciate that this is a hotel use, and needs to be designed for that use and for the comfortable and easy use of hotel customers. The additional setback for ingress and egress to the hotel is necessary for the hotel to operate in a manner that accommodates the customers. In addition, the design of the Green Street frontage is a tremendous improvement over what currently exists (at a greater than allowable setback from the street).

The Pasadena Chamber of Commerce encourages the Pasadena City Council to uphold the decision of the Planning Commission and deny the appeal of the Hyatt Place Hotel project.

Thank you for your service to the Pasadena Community.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Little". The signature is written over a horizontal line and is somewhat stylized with loops and flourishes.

Paul Little
President and CEO

HYATT PLACE/PASEO COLORADO / 206-400 E Colorado Blvd
CUP #6072 – Variance to exceed allowable setbacks

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November 17, 2014

Mayor Bill Bogaard
Pasadena City Council Members
Pasadena City Hall
100 N. Garfield Avenue
Pasadena, CA 91109

Dear Mayor Bogaard and City Council Members:

The Downtown Pasadena Neighborhood Association (“DPNA”) supports the overall proposed additions and changes for the Paseo Colorado, including the demolition and replacement of the former Macy’s building with a condominium complex, retail and a hotel. However, we have concerns **about the proposed ground-floor setbacks on Green Street and the lack of sidewalk engagement** associated with the proposed Hyatt Place hotel at E. Green Street and S. Los Robles Avenue.

Based upon these concerns, the DPNA filed an appeal on September 22, 2014, of the Planning Commission’s September 10, 2014 approval of a Minor Variance to allow the ground floor of the proposed Hyatt Place hotel to be set back *“at least”* 50 feet from E. Green Street where the maximum allowable setback is five (5) feet (“Minor Variance”). DPNA asserts that the Findings made by the Planning Commission to approve the Minor Variance are not supported by the facts and are antithetical to the key provisions of the *Central District Specific Plan* (the *“Specific Plan”*).

Pasadena’s Downtown should not be changed to fit a formulaic private business model intended for a hotel located in airport/suburban areas. The proposed hotel must be redesigned to fit with the city’s Downtown and follow long-established rules and regulations. The hotel’s site plan, building orientation, and interior programming are not consistent with the Specific Plan. These are not simply poor design elements that can be addressed by the Design Commission; rather, these are fundamental project flaws that must be resolved by the City Council. **Approval of the land use entitlements locks the site plan in place and cannot be modified by the Design Commission.**

THE CITY MUST FOLLOW ITS RULES.

11/17/2014
Item 8



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FUNDAMENTAL REASONS FOR APPEAL

City Council should support the appeal and reject the Minor Variance to exceed the allowable setback because:

- A. **The *Specific Plan* expresses the vision of the citizens of Pasadena to create a pedestrian-friendly Downtown.** The *Specific Plan* that governs this parcel and the entire Downtown was developed based upon an extensive and well-funded community participation effort, resulting in the adoption of the *Specific Plan* by the City Council on November 8, 2004. *Projects must conform to the adopted plan, not the plan to the project;*
- B. The City of Pasadena has made a \$150 million investment to develop the Pasadena Convention Center into a first-class facility in order to attract regional and national conventions and encourage additional private investment in continued revitalization of E. Green Street into a commercial corridor with strong pedestrian orientation. The proposed Hyatt Place hotel across the street must be of this same high quality design and pedestrian orientation to capitalize on this major City investment;
- C. The City of Pasadena has made a \$32.5 million investment into the redevelopment of this site from the inward, auto-oriented single-use Plaza Pasadena mall toward a more outward-facing, pedestrian-oriented mixed-use Paseo Colorado. This investment was made based upon a robust community engagement process and planning effort led by the City Council–appointed Mayor’s City Center Task Force which results were approved by the City Council on April 6, 1998.
- D. **Approval of a Minor Variance for the Hyatt Place hotel would undermine the Specific Plan.**
- E. **The Initial Study/Mitigated Negative Declaration’s findings that the Minor Variance would have “no substantial environmental impact” is unsupported as a “Fair Argument” exists that approval of a minor variance is inconsistent with local land use and zoning laws.**

If the City Council wishes to approve the Hyatt Place project, an amendment to the *Central District Specific Plan* is required because:

- A. The City has not made the proper findings to grant a minor variance pursuant to the Pasadena City Code.
- B. The City’s findings on the Minor Variance are unsupported by substantial evidence.

The City Council and other city leaders should exercise their authority to require that the proposed project be consistent with the urban vision set forth in the *General Plan* and the goals, objectives and guidelines set forth in the *Specific Plan* as intended by the citizens of Pasadena.

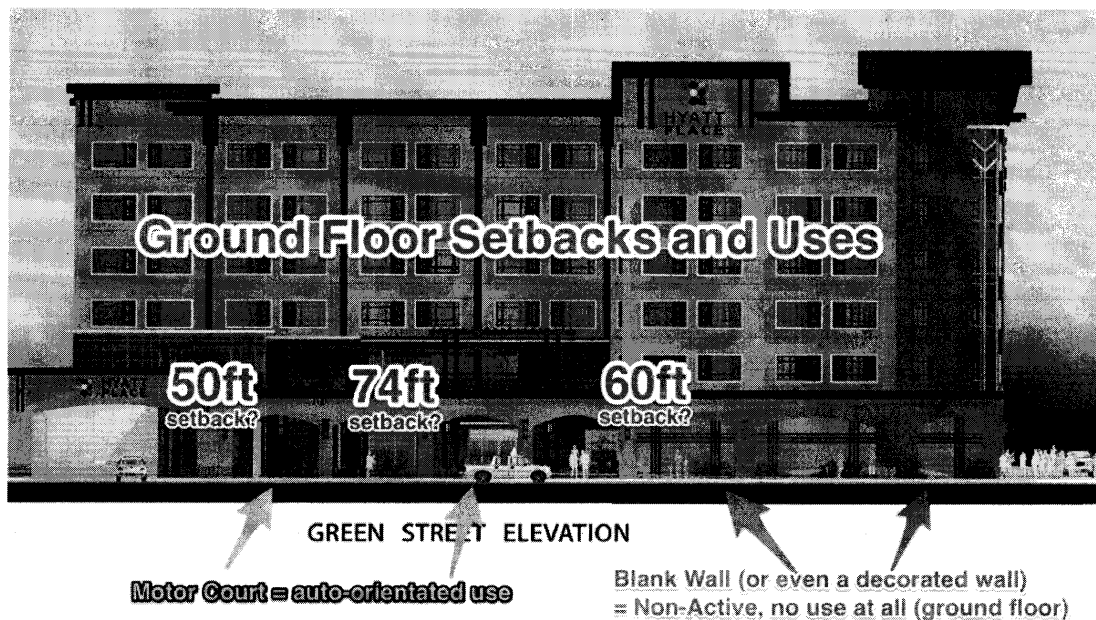


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ISSUES WITH THE PROPOSED HYATT PLACE HOTEL

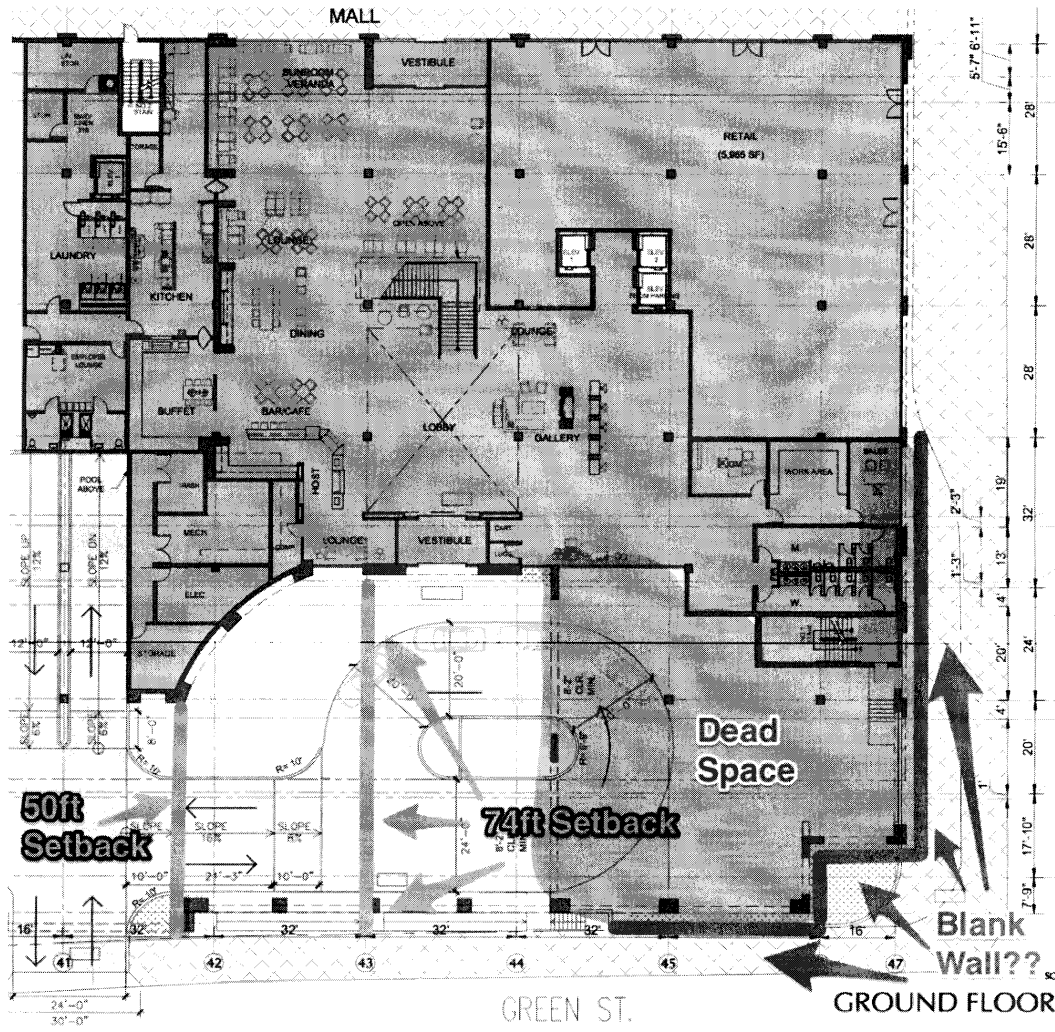
- A. The requested Minor Variance permits the main entrance for the hotel along E. Green Street to be set back **“at least”** 50 feet from Green Street with pedestrian access through the Motor Court, prioritizing vehicles over pedestrians and creating direct auto-pedestrian conflicts.
- B. The proposed 74-foot setback from E. Green Street disengages the hotel from the sidewalk and inhibits its potential contribution to active street life; in fact, it is a large setback **for an auto – oriented use**, which is antithetical to the Specific Plan.
- C. The hotel’s proposed Motor Court **extends and reinforces the Paseo Colorado’s “back-of-the-house” loading docks and other auto-oriented uses** along E. Green Street. Now is the time to **repair** this portion of E. Green Street to Los Robles Avenue, **not reinforce/extend** its predominant vehicle-oriented uses.
- D. Hyatt Place hotels are a limited-service/business traveler brand that operates almost exclusively in airports and suburban locations, not in urban markets. Its building program requires a standard exterior design and interior layout, which though suitable for airport and suburban locations, has not as yet been tested in urban areas like Downtown Pasadena. Specifically, the following major features required by its standard building program are inconsistent with the Specific Plan:
 - 1. The **main lobby is buried in the interior of the project** and is inward-facing onto the proposed extension of the internal *paseo* of Paseo Colorado, causing the entire project to be oriented around the proposed Motor Court on E. Green Street.
 - 2. The primary entrance directly into the hotel is not at the sidewalk, and therefore the entire building is orientated to the motor court, an auto use.





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FINDINGS FOR THE MINOR VARIANCE

Under the Zoning Code [See *Municipal Code Section 17.61.080.G*], Findings for a Minor Variance to allow the ground floor of the hotel building to be set back at least 50 feet from E. Green Street (**where the maximum allowable setback is five (5) feet**) *cannot be made*. If the City Council wishes to proceed with the Hyatt Place Hotel as proposed, an amendment to the **Central District Specific Plan** would be required through a public process. City Council may only grant a variance if (1) special circumstances exist that make it impossible to comply with the *Specific Plan*; (2) the Applicant will lose a substantial property right, suffer unreasonable property loss, or undue hardship; (3) granting the variance will not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public



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health, safety, or general welfare; (4) the variance conforms to the *General Plan*, the *Central District Specific Plan*, the *Zoning Code*, and would not be a special privilege with respect to limitations on other properties in the vicinity and in the same zone, and (5) the cost to the Applicant is not the primary reason for granting the variance. [See *Municipal Code Section 17.61.080.G.*] ***It should be noted that all five (5) Findings as set forth in the Zoning Code must be made to grant Variances; simply meeting one or two is not sufficient.***

The City Council *cannot* make the Findings as set forth in the Zoning Code to grant the Minor Variance requested by DDR, Corporation, the Applicant. The Findings in the Agenda Report dated November 17, 2014 (“Agenda Report”) do not meet the requirements in the Zoning Code and are unsupported by substantial evidence. The Downtown Pasadena Neighborhood Association has reviewed the proposed Findings and has the prepared the following analysis: (a more detailed analysis is contained in *Attachment No. 2* hereto):

1. ***Proposed Finding:*** “There are exceptional or extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district.” The “special circumstances” as set forth in the Zoning Code are as follows: “**dimension, location, shape, size or surroundings; geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity**”. [See *Municipal Code Section 17.61.080.G.*] Extraordinary circumstances must exist related to land use controls (i.e. the maximum five (5)-foot setback) that make it *physically* impossible to accommodate the use.

Analysis of Proposed Finding: Evidence presented in the Agenda Report Finding directly pertains only to this developer’s business strategy for the redevelopment of this site for retail, residential and hotel uses, as opposed to physical conditions on the site. This business strategy includes the proposed extension of the existing internal pedestrian walkway; the need of the project not to compete with existing Paseo uses; the 11-acre size of the parcel; the garage “roof line” that results from construction of the hotel, and the fact that E. Green Street is more conducive to vehicular access and reduced conflict with pedestrians than Colorado Boulevard or S. Los Robles. These circumstances are not relevant to the *physical* constraints imposed by the site and the provisions of the *Specific Plan*.

THESE FINDINGS CITED ARE EITHER “SELF-CREATED HARDSHIPS” (WHICH ARE NOT ALLOWED), IRRELEVANT, NOT SUPPORTED BY THE EVIDENCE OR NOT EXCEPTIONAL/EXTRAORDINARY CONDITIONS APPLICABLE TO THE PROJECT SITE.



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2. **Proposed Finding:** *“The Applicant will lose a substantial property right or suffer an unreasonable property loss or unnecessary hardship.”*

Analysis of Proposed Finding: For this Finding to be made, it would have to be established that without this variance, the developer would lose a substantial property right, including the ability to operate a hotel. The CD-2 zone permits residential uses, restaurant uses, and retail uses as a matter of right, while the proposed hotel use (‘Lodging – Hotels, Motels’) is *not* permitted by right. Therefore, a hotel use is *not the only use allowed* on the site.

Also, assuming a hotel use, there are no facts to support the Agenda Report’s Finding that a variance is necessary for the property to enjoy direct access to and from a public street, or that “direct access” entails a motor court. The agenda report does not provide any facts to support the assertion that “Urban hotels require an off-street vehicular courtyard” or that an off-street vehicular courtyard cannot be accomplished without a variance.

A ground-floor, visible-from-the-street motor courtyard is not necessary to operate a hotel, and many urban hotels such as the ***duisit 2 Constance Hotel*** and the proposed ***Kimpton Hotel at the YWCA*** have no such motor courtyards at all. Therefore, the applicant does not lose an *existing* property right or suffer unreasonable property loss or unnecessary hardship.

THE PROPERTY IS FULLY DEVELOPABLE IF THE APPLICANT CONFORMS TO THE EXISTING MAXIMUM FIVE-FOOT SETBACK REQUIREMENT AND THE APPLICANT WILL NOT SUFFER A SUBSTANTIAL OR UNREASONABLE PROPERTY RIGHT OR PROPERTY LOSS.

3. **Proposed Finding:** *“Granting the Variance will not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public health, safety, or general welfare.”*

Analysis of Proposed Finding: The Finding focuses solely on the design for the ingress and egress of the proposed circular vehicular courtyard, stating that one point of ingress and egress is better than more than one. This Finding is irrelevant as to whether granting the Minor Variance would be detrimental or injurious to property or improvement or to the public health, safety or general welfare and ignores the relevant issue that the setback for vehicular ingress and egress (1) impairs the pedestrian experience of E. Green Street and (2) is detrimental because it extends the vehicular and loading dock activities that exist to the west on E. Green Street. Although the minimum 50-foot setback is not expected to be detrimental or injurious to the residential property to the west on the basis of light, air and views, this assumes that the proposed design for the motor court is the only possible



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solution, and the only way to address the adjacent residential property's light, air and view issues. Finally, potential effects on any other properties or improvements in the vicinity of the project site or to the public health, safety or general welfare are ignored.

NO FACTS AND, THEREFORE, NO ANALYSIS WERE OFFERED TO DEMONSTRATE HOW THE PROPOSED SETBACK WOULD NOT BE DETRIMENTAL TO OTHER PROPERTIES IN THE VICINITY OF THE SITE AND/OR TO THE GENERAL WELFARE, SAFETY, AND HEALTH.

4. ***Proposed Finding:*** *"The variance is in conformance with the General Plan, the Central District Specific Plan, and the Zoning Code, and would not be a special privilege with respect to limitations on other properties in the vicinity and in the same zone."*

Analysis of Proposed Finding: The Agenda Report analysis is based upon the desirability of having a hotel use and the design as presented by the Hyatt Place hotel, not on the setback request. It assumes there is only one way to design a hotel, i.e. by using the formulaic program and design of the Hyatt Place hotel brand, a standardized business model intended for airport and suburban locations. **Moreover, the analysis attempts to justify granting the proposed setback on Green Street because "...the project as a whole is consistent with the intent and purposes of this standard." The setback on Green Street cannot be justified on this basis and must stand on its own.** Granting such a setback is not in conformance with the goals, policies and objectives of the *General Plan*, the purpose and intent of the *Central District Specific Plan* as well as the purposes of the *Zoning Code*. For example, the proposed Hyatt Place hotel does not conform to this basic provision of the *Specific Plan*:

"The District-wide Urban Design Concept - The Public-Private Interface" in the *Central District Specific Plan* states that Downtown's streets should (a) "be active, with new development oriented to the street with an emphasis on ground-floor uses that engage and active the sidewalk"; (b) "reinforce the building street wall with buildings consistently built at or near the sidewalk", and (c) "maximize the retail store fronts and walk-in commercial uses along Downtown shopping streets and main commercial corridors in order to sustain and generate intense pedestrian traffic where is it most desired". (p. 86)

Sections of the *Central District Specific Plan* cited by in the Agenda Report Finding regarding "*Central District Specific Plan Urban Design Concept Components*", "*Downtown Linkages*", "*The Public Realm*", "*The Public-Private Interface*", "*Active Streets*", "*Streetwall Continuity*", "*Pedestrian-Oriented Uses*", the *Private Realm*", "*Sub-district and Precinct*



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Character”, and “Linkage Concept” are either taken out of context and misrepresented or state that they are fulfilled on Colorado Boulevard and Los Robles Avenue.

Granting the *“at least 50-foot setback”* on E. Green Street would be to accommodate a formulaic program of a private business interest that dictates an exterior and interior design intended for airport/suburban locations that is antithetical to the goals, policies and objectives of the *General Plan* and the purpose and intent of the *Central District Specific Plan* as well as the purposes of the *Zoning Code*. ***It is a question of: “Shall the Hyatt Place program and site plan be changed to conform to Pasadena’s Specific Plan?” or “Shall the Specific Plan be changed to conform to the Hyatt Place brand program and site plan?”***

GRANTING THE REQUESTED SETBACK ON E. GREEN STREET IS DIAMETRICALLY OPPOSED TO THE PROVISIONS OF GENERAL PLAN, THE CENTRAL DISTRICT SPECIFIC PLAN AND THE ZONING CODE. ON THIS BASIS, GRANTING OF SUCH A REQUEST WOULD BE A “SPECIAL PRIVILEGE” WHICH IS PROHIBITED UNDER THE ZONING CODE.

5. Finally, the cost to the Applicant of strict compliance with the setback requirements is not the primary reason for granting the variance. ***ACCORDING TO THE STAFF REPORT, COST WAS NOT A FACTOR IN THE REVIEW OF THE APPLICATION.***

RECOMMENDATIONS TO BE CONSIDERED

- A. The proposed motor court on E. Green Street should be relocated elsewhere on the property, either in the interior of the parcel, away from the sidewalk, or on the subterranean level, so that auto-orientated uses do not dominate the street activity and create a less pedestrian-friendly environment.
- B. Instead of the Motor Court and blank wall that is proposed for the corner of E. Green Street and S. Los Robles Avenue, the existing open area should be transformed with space filled in with **ACTIVE USES on the ground floor (i.e. pedestrian-oriented uses) that respect the required setbacks as set forth in the Zoning Code and the Specific Plan.**
- C. The lobby should be facing out to the street with main entrances to the hotel on E. Green Street and S. Los Robles facing the sidewalk; buildings that front multiple streets should provide a **main entrance** along each street.
- D. Pedestrian linkages should be enhanced and reinforced along Green Street between the Civic Center/Mid-town District and the Playhouse District. The E. Green Street and S. Los Robles



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elevations of the Hyatt Place Hotel should be designed to be pedestrian friendly in order to strengthen this pedestrian linkage.

- E. The developer should work closely with the community in making the changes and additions. This engagement will result in a more economically successful hotel in an urban place and a better fit with the Civic Center/Mid-town District and Downtown Pasadena as a whole.

For the reasons set forth in this letter and in our Appeal Application dated September 22, 2014, the DPNA requests that you do not grant the Minor Variance as requested by Applicant.

Thank you for your consideration.

Sincerely,

Greg Gunther, President
DOWNTOWN PASADENA NEIGHBORHOOD ASSOCIATION

Marsha V. Rood, FAICP / Christine Fedukowski
DPNA Land Use, Economic Development, and Mobility Committee

cc: Michael Beck, City Manager
Vince Bertoni, Director of Planning and Community Development

ATTACHMENT #1

Analysis of Proposed City Council Findings for the Proposed Minor Variance Setback, Paseo/Hyatt Place Hotel, CUP #6072

ANALYSIS OF PROPOSED PASEO/HYATT PLACE HOTEL

MINOR VARIANCE FINDINGS: CUP #6072

I. Purpose of Variances

The purpose of Variances, according to the *Zoning Code*, is to allow variations from the development standards of the Zoning Code. Special privileges are prohibited. According to the *Zoning Code* [See *Municipal Code Section 17.61.080.G*], a Variance “may only be granted when, because of special circumstances applicable to the subject property, including *dimension, location, shape, size, or surroundings; geographic, topographic, or other physical conditions on the site or in the immediate vicinity*; or from *street locations or traffic conditions in the immediate vicinity*, the strict application of this Zoning Ordinance denies the *property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary, and non self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.*” [Emphasis added]. Also, a “Variance shall not be granted that would have the effect of granting a special privilege(s) not shared by other property owners in the vicinity and under identical zoning districts.”

It should be noted that all the Findings must be made to grant Variances; simply meeting one or two is not sufficient.

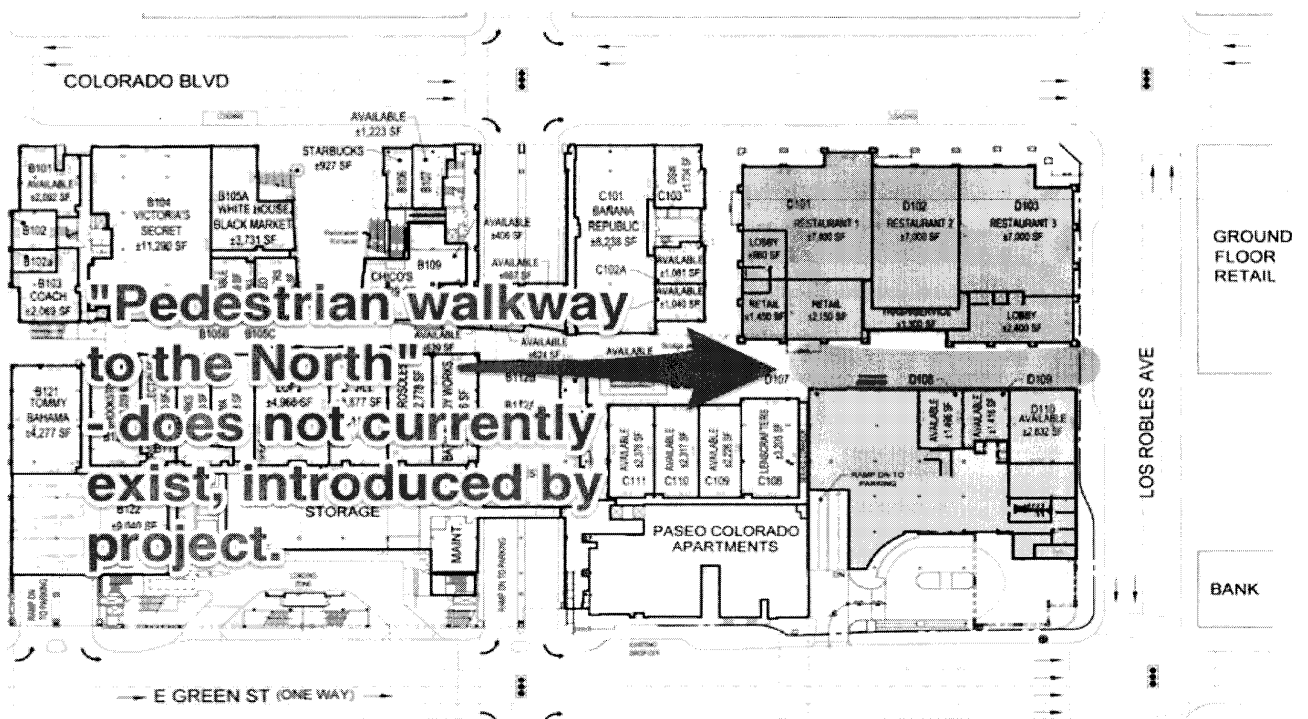
II. Conditional Use Permit #6072 – Proposed City Council Variance Findings for a Minor Variance, Proposed Hotel on Macy’s Site, Paso Colorado

Minor Variance: “To allow the ground floor of the hotel building to be set back at least 50 feet from Green Street where the maximum allowable setback is five feet.” (Emphasis added)

The City Council *cannot* make the Findings as set forth in the Zoning Code to grant the Minor Variance requested by DDR, Corporation, the Applicant. The Findings as set forth in the Agenda Report dated November 17, 2014, are irrelevant and/or not fact-based, and do not fulfill the purpose for Variances as set forth in the Zoning Code. The Downtown Pasadena Neighborhood Association has reviewed the proposed Findings and has the prepared the following analysis:

“1. There are exceptional or extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district.”

a. **Proposed Findings: {Please see pages 7 and 8 of the Agenda Report}**



- b. **Analysis of Proposed Findings:** Extraordinary circumstances must exist related to land use controls (i.e. the maximum five (5)-foot setback) making it *physically* impossible to accommodate the *use*. Most of the evidence presented directly pertains to the developer's need and needs of the shopping center, not the extraordinary circumstances or conditions on the property that require an at least a 50-foot setback. For example, the project proposes to extend the existing internal pedestrian walkway through the (Macy's) site to Los Robles. Because the pedestrian walkway (a) does not exist as a current condition on the site; (b) would be introduced only as part of the new project, and (c) is not a requirement of the Zoning Code, **the pedestrian walkway is not a special circumstance applicable to the subject property**. In addition, if the extended pedestrian walkway to Los Robles Avenue were a hardship, it would be a **"self-created hardship"** which is not allowed as a Finding pursuant to the Zoning Code. Also, the size of the parcel may be larger than other parcels in the area, but it is an irrelevant difference. The size of the parcel has no bearing on whether or not the project can comply with the Zoning Code set back of a maximum of five (5) feet. The Finding states that the uses cannot compete with existing uses in the Paseo. This is a *business decision*, not a unique property restriction based upon special circumstances applicable to the property and is irrelevant. The "roof line" to the garage is again a *self-created "hardship"*. The "roof line" is determined by the building envelope of the new hotel, and where the Applicant chooses to "cut the hole" for the ramp in the proposed project hotel. Finally, the argument that E. Green Street is more conducive to vehicular access and reduces conflict with pedestrians than Colorado Boulevard or S. Los Robles is not relevant to "unique circumstances" that require an at least 50-foot setback.

2. ***“Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.”***

a. ***Proposed Finding:*** *[Please see page 9 of the Agenda Report]*

b. ***Analysis of Proposed Finding:*** For this Finding to be made, it has to be established that without this variance, the developer would lose a substantial property right, including the ability to operate a hotel. The statement that “urban hotels require an off-street vehicular courtyard ... ” is not supportable. In fact, the ***dusit 2 Constance Hotel*** and the proposed ***Kimpton Hotel at the YWCA*** site have no such motor courtyards. Also, other uses - residential, restaurant, and retail - are permitted as a matter of right in the CD-2 zone, while the proposed hotel (‘Lodging – Hotels, Motels’) requires the approval of a Conditional Use Permit. Therefore, a hotel use is *not the only use allowed* on the site, and the Zoning Code specifically requires a CUP for such a use. In addition, the variance is not required for the Applicant to enjoy direct access to its property from a public street. The property is fully developable if the Applicant conforms to the existing setback, including as a hotel. ***Therefore, the City Council cannot make a Finding that the strict application of the Zoning Ordinance would: (1) deny the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts; (2) deny the preservation and enjoyment of a substantial property right of the applicant, and (3) create unreasonable property loss or unnecessary hardship.”***

3. ***“Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.”***

a. ***Proposed Finding:*** *[Please see page 9 of the Agenda Report]*

c. ***Analysis of Proposed Findings:*** The Finding focuses solely on the design for the ingress and egress of the proposed circular vehicular courtyard, stating that one point of ingress and egress is better than more than one. This Finding ignores the relevant issue that the setback for vehicular ingress and egress impairs the pedestrian experience of E. Green Street; moreover, it is detrimental because it extends the vehicular and loading dock activities that exist to the west. In fact, the proposed vehicular courtyard severely impairs E. Green Street’s ability to achieve a strong pedestrian orientation as called for in the *Specific Plan* (as described in “4.” below). Therefore, this Finding does not justify the need for the at least 50-foot setback. Although the proposed at least 50-foot setback is not expected to be detrimental or injurious to the residential property to the west on the basis of light, air and views, the analysis assumes that the proposed design for the motor court is the *only possible solution*, and that any others could not be able to address the adjacent residential property’s light, air and view issues. Finally, potential effects on any other properties or improvements in the vicinity of the project site or to the public health, safety or general welfare are ignored/not addressed. Therefore, no facts or analysis were offered to show that the proposed setback of a least 50 feet from E. Green Street would not be “*detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.”*

4. ***“Granting the application is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.”***

a. ***Proposed Finding: [Please see pages 9 – 15 of the Agenda Report]***

b. ***Analysis of Proposed Finding:*** The Agenda Report analysis is based upon the desirability of having a **hotel use and the design as presented by the Hyatt Place hotel**, not on the setback request. It assumes there is only one way to design a hotel – which is the formulaic program and design of the Hyatt Place hotel brand, which is a standardized business model intended for airport and suburban locations. **Moreover, the analysis attempts to justify granting the proposed setback on Green Street because “...the project as a whole is consistent with the intent and purposes of this standard.” *The setback on Green Street cannot be justified on this basis and must stand on its own.*** In terms of ***Downtown Linkages***, the analysis states that because Colorado Boulevard is more important than Green Street as a connector among the Downtown Districts, it is acceptable to grant the setback on Green Street. However, the *Specific Plan* on “Map 21: Linkage Concept” for the Civic Center/Midtown District clearly shows Green Street as a **“Multimodal Corridor w/ Commercial Character (strong pedestrian-orientation)”** from Fair Oaks Avenue eastward beyond Lake Avenue. ***Fulfilling the Linkage requirement on Colorado Boulevard does not fulfill it on Green Street.***

The ***Public Realm*** arguments presented regarding interior access from Los Robles to the paseo mall are not explained or justified and are irrelevant to the setback request. In terms of ***The Public-Private Interface***, the Finding argues that although granting the setback the “wing-wall” of the hotel does not meet the “strict requirement” of bringing the entire building to within five (5) feet of the sidewalk the “wing-wall” creates “visual interest” and it is better than what is there now. *In fact, this “building element,” as it is referred to in the Agenda Report, functions merely as a screen to hide vehicular movement and the lack of active ground floor uses.* In terms of ***Active Streets***, again, the argument is that this requirement is met “in general” because there are active pedestrian uses on Colorado and Los Robles. As such, the argument actually acknowledges that the design does not meet the “Active Streets” requirement on E. Green Street. In terms of ***Streetwall Continuity***, the concept of streetwall continuity *is taken out of context and misrepresented.* In fact, the concept means that where intense commercial and pedestrian activity is desired (in the case, on E. Green Street), it is important to build to the front property line with active uses. Also, the Finding is based upon this requirement being met on Colorado Boulevard and Los Robles. However, this is irrelevant and does not justify the need for an at least 50-foot setback on E. Green Street. In terms of ***The Private Realm***, the fact that height and FAR requirements are met is irrelevant and does not justify the requested at least 50-foot setback.

In conclusion, granting the ***“at least 50-foot setback”*** on E. Green Street is to accommodate a formulaic program that dictates an exterior and interior design intended for airport/suburban locations. ***The Specific Plan and the Hyatt Place hotel program and site plan are simply incompatible.*** This formulaic program is antithetical to the goals, policies and objectives of the *General Plan* and the purpose and intent of the *Central District Specific Plan* as well as the purposes of the *Zoning Code*. ***It is a question of***

whether the Hyatt Place brand program and site plan are changed to conform to the Specific Plan or the Specific Plan is changed to conform to the Hyatt Place brand program and site plan.

The proposed setback of at least 50 feet fails each and every provision of the Specific Plan as set forth below. Granting of such a request would be a “special privilege” which is prohibited. The reasons for this conclusion are based upon comparing the proposed Hyatt Place hotel to the *Central District Specific Plan* provisions including, but not limited to, the following:

- The *Central District Specific Plan* is very clear in the section entitled, “Activate the Street Edge”, “*Intent*”, that having **“public use at the ground floor is critical to a socially and visually stimulating Downtown, and street level facades offer the greatest opportunity to support pedestrian activity. Multiple storefronts, shop entrances, and activities enliven the street, sustain attention, and provide a safe pedestrian environment.”** (p. 155)
- In the *Central District Specific Plan*, “**Map 21: Linkage Concept**” for the Civic Center/Midtown District shows **Green Street** as a “**Multi-modal Corridor w/ Commercial Character (strong pedestrian-orientation)**” from Fair Oaks Avenue eastward beyond Lake Avenue (p. 79).
- An important concept of the *Central District Specific Plan* is that of “**Downtown Linkages**” – that the subdistricts of the Downtown (e.g. the Civic Center and the Playhouse District) should be interconnected and complementary of one another (p. 76), be accommodating to pedestrians (p. 78), and support development along “multi-modal corridors” (p. 78).
- “The District-wide Urban Design Concept - The Public-Private Interface” in the *Central District Specific Plan* states that Downtown’s streets should (a) “be active, with new development oriented to the street **with an emphasis on ground-floor uses that engage and active the sidewalk**”; (b) “reinforce the building street wall with buildings consistently built at or near the sidewalk”, and (c) “**maximize the retail store fronts and walk-in commercial uses along Downtown shopping streets and main commercial corridors in order to sustain and generate intense pedestrian traffic where is it most desired**”. (p. 86)
- The *Central District Specific Plan* states that Downtown’s **buildings shall support pedestrian activity**, calling out the need for “interest generating uses...such as walk-in commercial uses, multiple doors and transparent windows.” (p. 62)
- “**Site services and parking facilities are to face away from public spaces and activities**” (p. 130);
- “**Parking and services should be sited to allow desired uses and activities – locate parking behind buildings interior to a block to support pedestrian-oriented streets**” (p. 145).
- “**Where the building meets the sidewalk should be a place of intense interaction**” (p. 145).

- The *Central District Specific Plan* states in its “Recommendations”: (a) “Promote active, pedestrian-oriented uses with a high degree of transparency along the street; uses should be readily discernable to the passer-by”; (b) “Design buildings to encourage multi-tenant occupancy and walk-in traffic at the street level as far as feasible, uses which have little need for walk-in traffic should be discouraged from street-front locations”, and (c) “Rely on shop windows and entrances to animate the street and sustain attention; provide generous street-level windows and encourage storefronts that are predominantly transparent glass.” (p. 155)
- “Provide well-marked, articulated building entrances oriented to streets and public space.” (p. 156)
- “Although visual and physical connectivity throughout the Sub-district has been traditionally strong, it should be further enhanced through streetscape, walkway and open space improvements, and preservation of key axes.” (p. 105)
- “Orient main building entrances to directly face the street; buildings that front multiple streets should provide a main entrance along each street.” (p. 156)
- “Accentuate the entrance(s) to a building’s main lobby or interior office space; these main building entrances should be prominent in terms of size, articulation, and use of materials.” (p. 156)
- “Locate service, loading, and storage areas away from public streets and public spaces, as far as feasible.” (p. 151)
- “Screen views of automobiles from public view and adjacent sensitive land uses, including adequate screening for parking garages.” (p. 150)
- One of the seven Guiding Principles of the *General Plan* is the “Pasadena will be a city where people can circulate without cars”.
- Objective 29 of the *Central District Specific Plan* is to “**Make Downtown Walkable**” (p. 35).