

Agenda Report

November 17, 2014

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

**SUBJECT: APPEAL OF PLANNING COMMISSION DECISION:
CONDITIONAL USE PERMIT #6072, ASSOCIATED LAND USE
ENTITLEMENTS, AND MITIGATED NEGATIVE DECLARATION, AT
260-400 EAST COLORADO BOULEVARD (PASEO COLORADO
REDEVELOPMENT PROJECT)**

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program set forth in Attachment C for the project;
2. Adopt:
 - a. The findings in Attachment A and conditions of approval in Attachment B to:
 - i. Approve a Conditional Use Permit to allow the construction of a non-residential project over 25,000 square feet in size ('Major Project');
 - ii. Approve a Conditional Use Permit to allow a 'Lodging - Hotels, Motels' use;
 - iii. Approve a Minor Conditional Use Permit to allow the construction of a non-residential project over 15,000 square feet in size within the Transit-Oriented Development (TOD) Area;
 - iv. Approve a Minor Conditional Use Permit to allow shared parking;
 - v. Approve a Minor Conditional Use Permit to allow on-site valet parking; and
 - vi. Approve the 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.

EXECUTIVE SUMMARY:

The appellant, Downtown Pasadena Neighborhood Association, has filed an appeal of the Planning Commission's approval of a Minor Variance to provide a greater setback than otherwise permitted by the Zoning Code. The Minor Variance was one of six entitlements approved in conjunction with Conditional Use Permit #6072 for the property located at 260-400 East Colorado Boulevard (Paseo Colorado). The appellant has also stated that the Mitigated Negative Declaration adopted by the Commission is legally inadequate because it does not appropriately analyze impacts on land use. The Commission approved the project with a vote of 7-0 on September 10, 2014.

Although the appeal focused on only one of the six entitlements approved by the Planning Commission (the Minor Variance), by virtue of the appeal the matter before the City Council involves the entirety of the project as identified in the Recommendations section, above. As such, the hearing is a *de novo* hearing, where the City Council will look at the applications as if the Planning Commission had not made a decision. In addition, as stated in the City's Zoning Code (Section 17.72.070 - Processing and Action on Appeals or Calls for Review), as part of appeal review the City Council may:

- a. Consider any issues associated with the decision being appealed or called for review, in addition to the specific grounds for the appeal or call for review.
- b. Reverse, modify, or affirm, in whole or in part, the determination, decision, or action that is the subject of the appeal or called for review; and
- c. Adopt additional conditions of approval that were not considered or imposed by the original applicable review authority, deemed reasonable and necessary.

Therefore, the question before the City Council is not whether the Planning Commission adopted the correct findings to approve the requested entitlements, but whether the City Council itself can make the findings necessary to approve the entitlements and whether those findings are based on evidence in the record.

City staff has reviewed the appeal application, and based on the information that was included, is providing revised findings for the Minor Variance for the City Council's consideration (Attachment A, Findings #36-40). Staff has also revised Condition of Approval #11 (Attachment B), added by the Planning Commission, to further ensure the project provides for a safe and vibrant pedestrian-oriented environment as follows in ~~strikeout~~, underline form:

11. The applicant or successor in interest shall work with City's Design Commission to re-design the southeast corner of the site, adjacent to the intersection of Green Street and Los Robles Avenue, to be visually interesting and inviting to pedestrians. This re-design may include, but not be limited to: additional building massing along Green Street, minimizing the size of the drop-off area to the maximum extent feasible, development of landscaped courtyard/paseos and the

introduction of pedestrian oriented uses and shall balance the programmatic needs of the hotel with the necessity to further promote a pedestrian friendly environment.

The proposed project involves several components fronting along three streets and comprising a portion of the 11-acre Paseo Colorado development as follows: (1) demolition of the 160,000 square foot former Macy's department store and adjacent street-front tenant spaces along Colorado Boulevard; (2) construction of a six-story mixed-use building on the north end of the site, along East Colorado Boulevard, to include 25,000 square feet of ground-floor restaurant and retail space and 71 for-sale residential units on the second through sixth floors; and (3) construction and operation of a six-story, 179-room hotel on the south end of the site along portions of Green Street and Los Robles Avenue. The existing pedestrian walkway in the interior of Paseo Colorado would connect to Los Robles Avenue, providing improved pedestrian circulation and a natural separation between the two buildings. No other modifications to the remainder of the Paseo Colorado site are proposed as part of this project.

An Initial Environmental Study was prepared for the project in compliance with the California Environmental Quality Act (CEQA) and was made available for public review and comment from August 20, 2014 through September 10, 2014. The Study determined there could be significant impacts related to Greenhouse Gas Emissions and Noise/Vibration, but through the incorporation of mitigation measures, these impacts would be reduced to less than significant levels. Impacts to all other study areas were found to be less than significant. Therefore, as required by CEQA, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared for the project.

The appeal argues that four of the five findings required to approve a Minor Variance have not been met, but focuses the majority of its discussion on the assertion that the project is not in conformance with the goals, policies, and objectives of the General Plan and is not in conformance with the purpose and intent of the Central District Specific Plan and Zoning Code. This report provides a detailed discussion of the issues raised in the appeal, as well as the required findings that must be made to approve the other required entitlements.

BACKGROUND:

Existing Site Characteristics:

The Paseo Colorado shopping center is bordered by East Colorado Boulevard on the north, East Green Street on the south, South Marengo Avenue on the west, and South Los Robles Avenue on the east. The entire center is located within the CD-2 (Central District Specific Plan, Civic Center/Midtown) zoning district, which allows for a variety of commercial retail, office, restaurant, and residential uses.

The owner of Paseo Colorado, DDR Corp., owns the commercial portion of the center, while GID Apartments owns the apartment residences (Terraces at Paseo Colorado).

All of the parking facilities however, including the subterranean parking and the structures on South Marengo Avenue and East Green Street, are owned by the Successor Agency to the Pasadena Community Development Commission. Commonly referred to as "Successor Agency" this is, as the name describes, the agency created after the State of California abolished redevelopment state-wide, and is tasked with handling the disposition of property that was owned by the Pasadena Community Development Commission.

The project site encompasses approximately 2.0 acres at the east end of the 11.0-acre Paseo Colorado shopping center. The former Macy's building is 158,879 square feet in size and was constructed in 1981 as part of the Plaza Pasadena indoor shopping mall redevelopment project. Except for the Macy's building, the Plaza Pasadena was demolished and opened as Paseo Colorado in 2001.

The site is located in an urbanized area of Pasadena and is generally surrounded by a mix of retail, commercial, and residential uses. Adjacent uses include office, retail, restaurant, and residential uses to the north; retail, restaurant, and office to the east; the Pasadena Civic Auditorium and Convention Center to the south; and offices to the west.

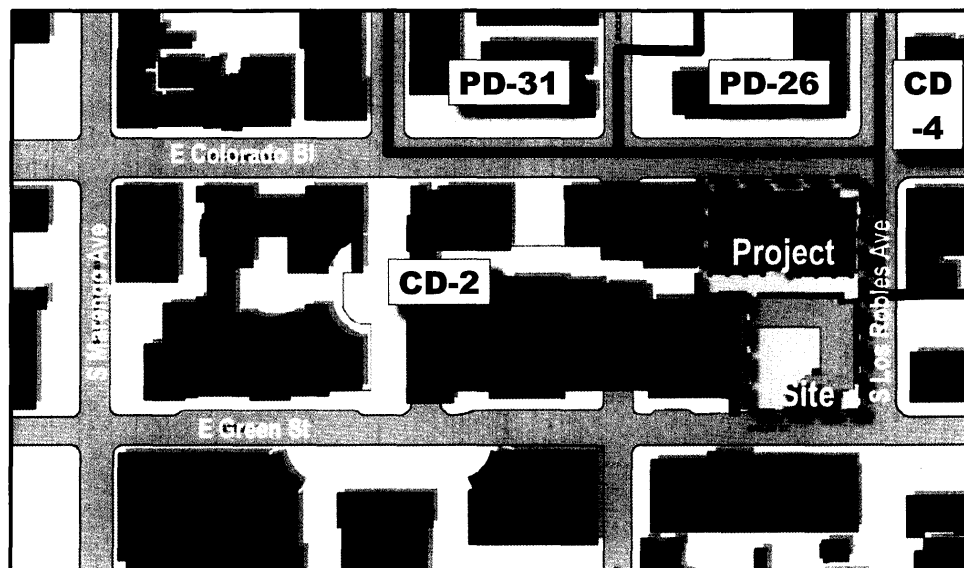


Figure 1 – Site and Zoning

Project Proposal

The proposed project consists of the redevelopment of the former Macy's portion of the Paseo Colorado shopping center, located on the south side of East Colorado Boulevard at the corner of Los Robles Avenue. Specifically, the project would demolish the existing 158,879-square-foot vacant Macy's building, and adjacent street-front tenant spaces along East Colorado Boulevard and, in their place, develop a new six-story mixed-use residential and commercial building and Hyatt Place hotel. The Paseo's central pedestrian mall would also be extended east from its current terminus on the

west side of the former Macy's to establish improved pedestrian orientation by connecting to the east end of the site at South Los Robles Avenue.

The proposed six-story mixed-use building would be located on the northern portion of the existing Macy's footprint, oriented to the corner of East Colorado Boulevard and Los Robles Avenue. It would be approximately 125,000 square feet in total size. Most of the building would reach approximately 75 feet in height, with a maximum height of 90 feet at the Colorado Boulevard/Los Robles Avenue corner. The ground floor would comprise approximately 25,000 square feet of retail and restaurant tenant spaces, while the second to sixth floors would consist of 71 for-sale residential units (one-, two-, and three-bedroom) with lounge spaces and a small fitness center.

The new hotel would be located at the southern half of the site at the northwest corner of East Green Street and South Los Robles Avenue. The 179-room hotel would be adjacent to an existing six-story apartment element of Paseo Colorado and would be six stories in height, with most of the building at approximately 70 feet in height, with limited areas reaching almost 80 feet high. The hotel building would be a reversed and upside-down 'L'-shape (Figure 1), creating a pool deck on the second floor facing south, such that the hotel would not block access to light and air from the existing residences to the west.

The hotel would include typical hotel amenities such as a lobby bar/food service area, meeting space, a business center, and a fitness room. Approximately 6,000 square feet of ground-floor retail space would be included in the hotel building, fronting on the Paseo's central pedestrian mall and on South Los Robles Avenue. Vehicular access to the proposed hotel would be from East Green Street, and where there would be access to a loading/drop-off roundabout between the hotel and East Green Street as well as to the existing underground parking garage via a new vehicular ramp.

The proposed project would result in a total net increase in building square footage of approximately 70,000 square feet (total new square footage of the proposed project less the square footage of the Macy's building proposed for demolition).

PLANNING COMMISSION PUBLIC HEARING:

City staff presented the project to the Planning Commission at its regular public meeting of September 10, 2014. Based on an analysis of the project revisions that have occurred over the last year and completion of the required environmental review, staff recommended approval of the project and related entitlements. At the hearing, two speakers were in favor of the project: 1) the applicant's attorney; and 2) a representative of the local hotel workers union. A member of the Downtown Pasadena Neighborhood Association (DPNA) also spoke in overall favor of the project, but had concerns about its design and layout along Green Street. The DPNA member also requested the parking structure at Green and Los Robles be "greened up" to improve its current bare concrete appearance.

The Planning Commission discussed a number of issues including mixed-use on Colorado, garage ownership, garage modifications, the building (Pasadena Athletic Club) that was demolished to accommodate the Macy's building and its architectural significance, and the existing Macy's building, which does not promote pedestrian activity along Los Robles. The Commission also discussed in detail the corner of Green and Los Robles, and that it could have an improved pedestrian experience. After conducting the public hearing and deliberations, the Commission approved the project with two additional conditions requiring the applicant to work with the Design Commission to:

1. Improve the design and pedestrian experience of the project along Green Street (Attachment B, condition #11); and
2. Add landscaping elements along the Green/Los Robles parking structure (Attachment B, condition #12).

APPEAL:

Downtown Pasadena Neighborhood Association (the "appellant") filed a timely appeal of the Planning Commission's decision to approve the project (Attachment G). The appellant raises two issues: 1) the findings to approve the Minor Variance for increased setback along Green Street cannot be made; and 2) the Initial Study did not properly analyze the General Plan, the Central District Specific Plan, and the Zoning Code, and is therefore legally inadequate. Prior to scheduling the appeal hearing, staff facilitated several meetings between the Applicant and Appellant in an attempt to reach a compromise with respect to the Minor Variance.

Meetings between Applicant and Appellant:

October 7, 2014:

City staff facilitated a meeting between the project applicants, including a new architect, and three members of the appellant organization, DPNA, on October 7th. The intent of the meeting was to provide an opportunity for a dialogue between the groups to determine if there were design alternatives that would alleviate the appellants' concerns.

The meeting included a brief presentation by the architect, David Goodale of Gonzalez Goodale Architects, outlining the project/design goals and site constraints. The architect also attempted to address each of the appellants' concerns and show how the concerns could and could not be addressed. While the meeting was productive in providing a back-and-forth of the issues, ultimately it was agreed that the architect would make a presentation to a meeting of the DPNA board on October 21st to present further detailed designs to facilitate further dialog.

October 21, 2014:

At the October 21st meeting the architect presented a slightly modified project to the appellants. The purpose of the meeting was to show that the applicant was attempting to: 1) respond to the direction of the Planning Commission to activate the Green and Los Robles corner of the project; and 2) address the appellants' request to prioritize the pedestrian over the automobile and increase pedestrian access to the hotel portion of the project. At the conclusion of the meeting, the appellants decided the modified project did not satisfactorily address their concerns, and the project is now before the City Council.

As stated in the Executive Summary, the appeal application has vacated the Planning Commission's decision and the appeal hearing is a *de novo* action in which the City Council assumes discretion over the entirety of the project, irrespective of the Planning Commission's decision.

The action of the Planning Commission, including its adopted findings and conditions of approval are included as reference in this report as Attachment G. However, inasmuch as this is a *de novo* action, staff has provided revised Minor Variance findings in response to the appeal – other findings provided for the Council's consideration remain consistent with those approved by the Commission.

Appellant Issue 1: Minor Variance Findings

A Minor Variance to allow a setback of 50 feet is necessary to accommodate a vehicular court on the southern hotel site, adjacent to Green St. The appeal asserts that the Planning Commission failed to make the required findings to approve the Minor Variance. However, based on Pasadena Municipal Code 17.72.070 (Processing and Action on Appeals or Calls for Review), the procedural question before the City Council is whether there is evidence in the record that supports the findings for approval, not whether the Planning Commission was right or wrong. It is staff's recommendation that there is evidence in the record that supports the findings required to approve the Minor Variance, as follows and as included in Attachment A:

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.*

Unlike other development sites in the vicinity, the proposed project is constrained by exceptional, unique physical and land use conditions that constrict development in a variety of ways:

As the eastern bookend of the Paseo Colorado shopping center, the project site is subject to unique constraints that apply to no other property in the same zoning district: its uses must enhance, not conflict with, the existing retail, restaurant, and residential uses of the Paseo Colorado shopping center; it must allow for integration

with the existing Paseo Colorado pedestrian access in its design; and it must develop a parking and circulation plan that integrates with the pre-existing parking structure and parking spaces. Moreover, the subject property is 11-acres in size and is larger than most other parcels within the same zoning district. Accordingly, the project, which includes hotel and residential uses, provides a natural customer base complementary to the pre-existing and new retail and restaurant uses on site and serves as additional overnight accommodations for the downtown area. Because the existing pedestrian path of the shopping center is located on the northern portion of the site, a pedestrian entry way from Los Robles on the northern portion of the site will align best. An alternative design of placing the drop-off/pick-up area at the north side of the hotel building would locate vehicular access close to the new pedestrian walkway, resulting in potentially unsafe conditions. As a result, the southern hotel site is more conducive to vehicular access. Finally, aligning vehicular access with the current curb cuts on Green Street, as proposed by the motor court plan, provides a short, safe, direct path to joining the pre-existing parking structure and facilitates unimpeded vehicular travel and parking for hotel users.

With eastern-facing apartments to the immediate west, the project site must be sensitive to the reasonable needs of its neighbors directly facing the site. Development at the southern property line on the hotel site would block these apartments' access to light and air, whereas the proposed motor court would preserve access to light, air, and views.

With heavily traveled street frontages of Colorado Boulevard and Los Robles Avenue to the north and east, the project site is restricted in where it can develop access points that provide safe ingress and egress not only for vehicles but also for pedestrians. As a result, access from these arterials are problematic, whereas providing access from the lesser-traveled, one-way street of Green, as provided by the proposed motor court, eliminates conflicts with cars traveling in the opposite direction and reduces conflicts with pedestrians, creating a much safer accessway.

Finally, with a slope inclining to the north, the site is constrained in where access into the existing Paseo Colorado parking garage can be located and the existing subterranean garage presents additional development constraints. Because the roof of the garage is approximately five feet above the ground level when viewed from Green Street, the ramp and proposed vehicular drop off cannot be moved further north (because vehicles would not be able to clear the roof line), thereby eliminating the ability to accommodate potentially wrapping the hotel building around the drop off adjacent to Green Street. Accordingly, the proposed access way and motor court comports with the site's existing topography.

Therefore, the minor variance is required to accommodate the design of the hotel motor court off of Green Street in the southern portion of the site because of the exceptional and extraordinary circumstances described above.

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.*

The variance would preserve and allow the applicant to enjoy the substantial property right of direct access to its property from a public street. Urban hotels require an off-street vehicular courtyard for drop-off, pick-up, and potential valet service for easy access to and from the public street. Were the vehicular courtyard to be eliminated, the hotel would not be able to provide easy loading and unloading of luggage, direct access to hotel staff and services, potential valet service, and so could not service its guests to the same standards as comparable hotels, suffering a significant competitive disadvantage and resulting in an unnecessary hardship.

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

The proposed design of the hotel building, such that there will be a building element at the southern property line, while the enclosed areas of the ground floor would be set back approximately 50 feet will not create a hazardous situation that would be harmful to those on the site or nearby. The vehicular courtyard has been designed such that there will be only one driveway access, rather than a 'circular' configuration where vehicles would enter in one driveway and exit out of another. By limiting the configuration to only one driveway, there will be fewer ingress/egress points and therefore fewer points for conflict with traffic traveling on Green Street. Additionally, as proposed and conditioned, the building footprint would not result in detrimental impacts to the adjacent residential building with respect to the enjoyment of light and air currently experienced.

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.*

The project would replace the Macy's building – the last remaining remnant of the Plaza Pasadena project – with residential, hotel, retail and restaurant uses and establish a project in conformance the General Plan:

Guiding Principle 1: Growth will be targeted to serve community needs and enhance the quality of life. This project is located within the City's Central District, away from residential neighborhoods and replace a vacant commercial building and portions of the existing Paseo project, with hotel, residential, retail and restaurant, consistent with the uses allowed in this zoning district.

Guiding Principle 3: Economic vitality will be promoted to provide jobs, services, revenues and opportunities. The project will provide new jobs for those who would work in the hotel, retail and restaurant components of the project and an added customer base (hotel guests and residents) for the surrounding commercial uses.

Guiding Principle 5: Pasadena will be a City where people can circulate without cars.

This project advocates the “park-once” strategy for patrons of the project. Hotel guests are anticipated to arrive predominately by automobile. However, once checked in, guests can easily walk to the convention center and patronize surrounding businesses without having to drive. This project is located within a Transit Oriented Development area, which mandates parking caps and reduced parking. Accordingly, the project takes advantage of shared parking to efficiently use existing automobile parking spaces to serve the proposed uses without having to build additional spaces.

General Plan Policies and Objectives:

The existing Paseo Colorado Redevelopment Project, with residences, restaurant and retail uses, has been found to be consistent with the General Plan adopted in 1994 and updated in 2004. The proposed project, expands upon these uses with the addition of a hotel. The General Plan Land Use Element designates this site within the "Civic Center/Midtown" sub-district, which is intended to support civic, cultural, and public service institutions with a supportive mix of uses. The project advances these goals by providing additional residential options for Pasadena's growing downtown population, new shopping and dining options for both local residents and regional visitors, and accommodations to support the existing business district, the Pasadena Convention Center, and Pasadena's tourist industry.

In addition, the project is consistent with the goals of the General Plan 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); Character and Scale of Pasadena (5.7: Enhanced Environment and 5.10 Spatial Attributes); Diverse Economy (10.3 Business Expansion and Growth, 10.9: Healthy Business Community, and 10.10: Regional Center); and Job Opportunities (11.2: Employment Diversity and 11.7: Increase Jobs).

The project also meets the following Planning Objectives of the Central District Specific Plan: 2 (Identify Growth Areas); 3 (Develop Urban Land Patterns); 5 (Build Housing Downtown); 6 (Reinforce District Character); 11 (Provide Economic Opportunity); 12 (Diversify Downtown Economy); 13 (Encourage Business Retention); 14 (Promote Job Growth); 15 (Maintain Fiscal Health); 22 (Reduce Auto Dependency); 25 (Promote Transit Usage); and 26 (Make Downtown Walkable).

Central District Specific Plan:

The project is in conformance with the purpose and intent of the Central District Specific Plan and the purposes of the Zoning Code. The Central District Specific Plan, as implemented by the Zoning Code, has site-specific setback requirements shown on Figure 3-7 (Central District Required Setbacks) of the Central District Specific Plan section of the Zoning Code. While some of setback requirements vary for a site depending on whether the project is residential or non-residential, Section 17.50.160 (Mixed-Use Projects) of the Zoning Code requires that mixed-use projects such as this be considered as non-residential projects for the purpose of determining the appropriate setback requirement.

For this site, the setback requirement shall be constructed at the property line (i.e. zero setback) along Colorado Boulevard and Los Robles Avenue whereas along Green Street a building may be set back no more than five feet. As discussed more fully below, the intent of having zero, or a minimal setback, is to promote a pedestrian at the sidewalk and avoid the 'unfriendliness' of having unused areas between the sidewalk and a building. Due to the unusual circumstances identified above, the project requires a variance from the strict application of the setback requirements, but, on balance, the project as a whole is consistent with the intent and purposes this standard.

As shown on the plans submitted for the project, the ground floor of the building along Colorado Boulevard is located at the property line through the use of columns that create a covered patio for outdoor dining for the restaurants. The upper floors where the residences are located are not subject to the same setback requirement which is why the upper floors are set back to create terraces on the upper floors. The east side of the building is located at the property line along Los Robles Avenue, with shallow recesses for visual differentiation and interest.

While the east side of the hotel building is also located at the Los Robles Avenue property line, its south side is setback approximately 50 feet to create vehicular courtyard for drop-off and pick-up

Central District Specific Plan Urban Design Concept Components: The Central District Specific Plan makes recommendations for specific urban design concepts for the Central District (Section 6 of the Central District Specific Plan). These components, Downtown Linkages, The Public Realm, The Public-Private Interface, and The Private Realm directly influence the, "...physical design character for the Central District..." Further, these concepts and strategies are intended to create a, "...mixed-use urban center..." that places importance on the safety and comfort of pedestrians.

Downtown Linkages: This design concept specifically identifies Colorado Boulevard as Pasadena's "Main Street", requiring that it be distinguished from all other streets in the City. To meet this goal, it should have the City's most intense mixed-use

character with a continuous link between the active nodes of the Central District, with retail continuity and active street life. This concept also emphasizes pedestrian connections and routes between activity centers with streetscape improvements and pedestrian-oriented improvements to improve walkability.

The Civic Center/Midtown area is specifically highlighted in the discussion of Downtown Linkages as one of downtown's principal activity centers. The Specific Plan encourages this area to be highly accessible and emphasize its status as the, "...public heart of the community." District-wide Map 21 (Linkage Concept) not only identifies Colorado Boulevard as a main commercial boulevard and Green Street as a multi-modal corridor, both with a strong pedestrian orientation, while the intersection of Colorado and Los Robles is designated as a secondary focal intersection.

The proposed project would increase pedestrian walkability by connecting the interior pedestrian paseo of the Paseo Colorado to Los Robles Avenue by eliminating the barrier of the former Macy's building. Replacing the small retail shops along Colorado Boulevard with fine dining restaurants with outdoor dining will also create a more pleasant and active pedestrian experience along Colorado. Finally, locating the tallest element of the new construction, at 90 feet, at the Colorado/Los Robles intersection will emphasize this corner and make it a focal point of the area.

The Public Realm: This design concept focuses on publically accessible open spaces that range from large public park and recreation facilities to smaller urban outdoor spaces. The objectives of the Public Realm concept include protecting landscape resources and walkability. While the proposed project does not include any public park space, the extension of the pedestrian paseo to Los Robles Avenue will provide greater incentive to utilize this walkway and connect to the Garfield Promenade on the western portion of the site, thereby further solidifying its status a place for the public to gather and congregate. The extended paseo itself will also provide a place for the public to stroll and shop.

The Public-Private Interface: The Public-Private Interface concept is intended to reinforce the connection between, "...human-scale buildings and occupiable outdoor spaces." This is accomplished by situating buildings such that they are focused towards streets and activate the sidewalk. This would support the development of urban land patterns, reinforce the character of the Central District, and walkability. To achieve these goals, the Central District Specific Plan, through the Zoning Code, establishes street setbacks throughout the Central District with the goal of reinforcing the building street wall by locating building consistently at or near the sidewalk.

As noted earlier, new construction on this site along Colorado Boulevard and Los Robles Avenue is required to be located at the property line, while new buildings along Green Street may be set back as far as five feet. As also noted earlier, the

new northern building will be located at the property lines along Colorado Boulevard and Los Robles Avenue, with step-backs at higher levels to create private open areas and visual interest. Along Green Street, a portion of the building, or a “wing-wall” will be located up at the sidewalk, thereby creating a frame for the footprint of the building while the indoor active space will be setback approximately 50 feet behind the vehicular forecourt for guest drop-off and pick-up. While this does not meet the strict requirement of bringing the entire building to within five feet of the sidewalk (see Minor Variance discussion above), it does bring visual interest to the pedestrian along Green Street. This design will also replace the uninviting and unshaded plaza along Green Street with a building and activity. Compliance with the Public-Private Interface Section of the Specific Plan is especially germane to the Minor Variance and therefore is discussed more fully here. In addition, the project meets the purpose and intent of the Central District Specific Plan (“Plan”) with respect to the required setbacks. In the instant situation, commercial buildings developed along Los Robles Avenue and Colorado Boulevard are required to be built to the property line, with a maximum setback of five-feet along Green Street. This requirement is set forth in the Zoning Code and discussed more fully in Section 6 of the Central District Specific Plan. Specifically, District-wide Map 23: Street Setback Concept identifies recommended setbacks within the district. The intent of The Public-Private Interface of Section 6 is to support the following objectives: 1) develop urban land patterns; 2) reinforce the character of the Central District; 3) promote traditional urban patterns; 4) make downtown walkable; and 5) promote community safety. These objectives are discussed within the context of Building-Street Relationship and are achieved through the promotion of Active Streets, Streetwall Continuity, and Pedestrian Oriented Uses.

Active Streets (Page 86 of the Plan): The Plan indicates that, “Downtown’s streets should be active streets in keeping with it’s role as the vibrant core.” Additionally, the Plan indicates that, “In general, new development should orient to the street, and emphasize ground floor uses that engage and activate the sidewalk. Ample sidewalk widths that accommodate streetscape amenities and sidewalk activities such as outdoor dining, window shopping, meeting and strolling are also important...” The Plan references District-wide Map 18: Sidewalk Width Concept to further promote this section. The project promotes active streets: it is oriented toward Colorado Boulevard to the north, Los Robles Avenue to the east, and Green Street to the south. In general, the project emphasizes ground floor uses and includes outdoor dining and retail space and complies with the sidewalk widths identified in District-wide Map 18.

Streetwall Continuity (Page 86 of the Plan): The Plan indicates that, “Setbacks [recommended in the Plan] reflect existing and/or anticipated character of a street, but generally encourage buildings that are focused on the sidewalk. Where intense commercial and pedestrian-activity is desired, build to the front property line for a majority of a block face.” The Plan references District-wide Map 23: Street Setback Concept to further promote this section. The request for a variance from the maximum street setback along Green Street is based on the exceptional conditions

that are applicable to the subject property as identified in Finding 1, above. However, notwithstanding the variance, the project promotes the concept of streetwall continuity. The project includes approximately 240 feet of frontage along Colorado Boulevard, where the building is built to the property line and focused on commercial and pedestrian activity. The project also includes 370 feet of frontage along Los Robles Avenue, where new buildings with [retail, windows, etc.] are proposed to be built to the property line and create an appropriate streetwall that would replace an expansive, blank wall that turns its back to the sidewalk exists presently.

Pedestrian-Oriented Uses (Page 86 of the Plan): The Plan indicates that, "It is imperative that retail storefronts and walk-in commercial uses are maximized along Downtown's shopping streets and main commercial corridors. The continuous presence of active uses will sustain interest and generate intense pedestrian traffic where it is most desired." District-wide Map 24: Pedestrian-Oriented Use Concept indicates that ground-floor pedestrian oriented uses are required along Colorado Boulevard. The project would introduce retail and restaurant uses along the Colorado Boulevard consistent with District requirements.

The Private Realm: Height limits in conjunction with floor area ratios (FAR) work to guide private sector development and regulate building envelopes in the Private Realm concept. Through the implementation of the Zoning Code, these limits are intended to balance the sometimes competing interests of economic growth and vitality and protecting historic buildings and residential neighborhoods. The FAR maximums in the Central District Specific Plan are aimed at allowing greater size along Colorado Boulevard to reinforce its place as, "...the City's preeminent street." Further, the development of a, "...broad mixture of uses, emphasizing commercial and mixed uses" is recommended to be accommodated.

As noted later in the Conditional Use Permit discussion, new construction on this site is limited to a FAR of 3.0 and adding this project to the existing center will result in a FAR of 2.24. Further, this site also has a height limit of 75 feet, with up to 90 feet with height averaging. Both these height maximums and the height averaging concept are a part of the Private Realm concept and enforced through the Zoning Code.

Central District Specific Plan: Civic Center/Midtown Sub-District:

The project site is located in the Civic Center/Midtown sub-district of the Central District Specific Plan. Within the Specific Plan, sub-district character is defined along with the character of individual precincts within each sub-district. Each sub-district also includes linkage concepts and proposals for the sub-district. These characteristics and proposals are summarized below.

Sub-district & Precinct Character: As stated in the Central District Specific Plan, the objective of the Civic Center/Midtown Sub-district is to, ..."strengthen its role as the

symbolic and governmental center of the City, encouraging the presence of civic, cultural, and public service institutions, while augmenting the character of the area with a supportive mixture of uses.”

The project site is within the Midtown/Paseo Colorado precinct (B-2), which specifically notes the construction of Paseo Colorado as reestablishing the Bennett Plan’s historic visual connection between the Central Library and the Civic Auditorium. It is noted in the Specific Plan that development in this area should continue to focus attention and activity along the Colorado Boulevard commercial corridor.

Linkage Concept: The “Civic Center/Midtown Linkage Concept” map identifies Colorado Boulevard as a “Main Commercial Boulevard”, while Los Robles Avenue and Green Street are shown as “Multi-modal Corridors”, both with a priority on the streetscape and strong pedestrian orientation. The pedestrian paseos within Paseo Colorado are mid-block passages and principal outdoor space is shown conceptually on the western portion of the site, just west of the Garfield Promenade.

Civic Center/Midtown Proposal: Relevant to the project, the Civic Center/Midtown Proposal encourages: 1) civic identity, including a complementary mix of commercial and residential uses to add to the vitality of the area; 2) mid-town commercial enterprise with a mixture of residential and commercial uses along Colorado Boulevard (residential uses are specifically excluded from the ground floor along Colorado Boulevard); and 3) visual and physical connections by further strengthening the sub-district’s already strong connectivity.

The project would replace a vacant department store building with pedestrian-level and pedestrian-engaging restaurant and retail uses with upper floor residences and a destination hotel for visitors and guests to the area. The development would not only extend the existing pedestrian paseo east to Los Robles Avenue, but it would also eliminate the pedestrian-unfriendly building frontage along Los Robles, which is currently a large blank wall, with pedestrian-scale development that is visually interesting.

As noted above, the site is constrained as a result of being part of the Paseo Colorado shopping center site that must integrate with pre-existing structures and uses; having a residential use to the west that would have access to air, light, and views blocked by development of the southern portion of the site; lying adjacent to two heavily-traveled streets that, if access were provided from these streets, could compromise pedestrian and vehicular safety, whereas providing access from the one-way, lower-traffic Green Street would enhance safety; and where topographic slope features of the site prevent relocating the proposed access point any further north, obviating any potential development wrapping around the motor court. Due to these exceptional and extraordinary circumstances, granting the proposed setback minor variance will not be a grant of special privilege.

5. *Cost to the applicant of strict compliance with the setback requirement is not the primary reason for the granting of the variance.* Cost to the applicant has not been considered a factor at any time throughout the review of this application.

Appellant Issue 2: Adequacy of the Environmental Review

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/Vibration, and Transportation/Traffic. The Study was made available for public review and comment from August 20, 2014 through September 10, 2014. Of the topic areas that were analyzed, the only potentially significant impacts were found to be in the areas of Greenhouse Gas Emissions and Noise/Vibration, but that these impacts will be reduced to a less than significant level because mitigation measures will be incorporated into the project. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C) was therefore prepared for the project. Per the Planning Commission's adoption of the Mitigated Negative Declaration, a Notice of Determination was filed with the Los Angeles County Recorder's Office on September 15, 2014.

Below is a brief summary of the potential impacts Greenhouse Gas Emissions and Noise/Vibration and the applicable mitigation measures. Following is a discussion on Transportation/Traffic and Aesthetics, two topic areas where it was determined there would be less than significant or no impacts.

Topic Areas: Potentially Significant Impacts and Mitigation Measures:

Greenhouse Gas Emissions: Impacts Mitigated to a Less Than Significant Level: In response to growing scientific and political concern with global climate change, California has adopted a series of laws to reduce emissions of greenhouse gases (GHGs) to the atmosphere from commercial and private activities in the state. Construction and operation of the proposed project would generate GHG emissions through construction activities, gas, electric, and water use, solid waste disposal, and motor vehicle use.

The California Global Warming Solutions Act of 2006, commonly known as AB 32, requires that statewide GHG emissions be reduced to 1990 levels by 2020. In 2008 the California Air Resources Board (CARB) determined that achieving the 1990 emission level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business as usual" or BAU). In 2012 CARB revised its analysis and concluded the necessary reduction from BAU needed to achieve the goals of AB 32 is approximately 16 percent.

To achieve a 16 percent reduction in the GHG emissions compared to BAU, and thereby mitigate the potentially significant impacts to a less than significant level, a four-part mitigation measure was crafted as shown in the Initial Study and the Mitigation and Monitoring Reporting Program in Attachment C.

These mitigation measure includes: 1) all buildings constructed shall achieve Tier 1 of Title 24, Part 1 green building standards; 2) all buildings shall include pre-wiring or conduit for solar photovoltaic or install an on-site solar system; 3) storage areas for recyclables and green waste shall be provided; and 4) indoor water conservation measures shall be incorporated, such as use of low-flow toilets, urinals, and faucets.

It should also be noted that several State-led GHG emissions-reducing regulations have recently taken effect, such as AB 1493 which will reduce the amount of GHGs emitted from passenger vehicles. In addition, Pasadena Water and Power (PWP), which is subject to California's Renewables Portfolio Standard, is required to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020. To this end, between 2006 and 2012, PWP reduced its purchase of coal-generated electricity from 67 percent of its total power mix to 47 percent, a reduction of 23 percent. Over the same time span, PWP increased its purchase of renewable forms of electricity generation by 24 percent.

In conclusion, the GHG analysis for this project found that the implementation measures noted above, in concert with AB 1493 and the increase in renewable energy resources, will in combine for a total reduction of project GHG emissions by 28 percent compared with BAU, which is well beyond the 16 percent reduction threshold.

Noise/Vibration: Impacts Mitigated to a Less Than Significant Level: To determine the potential for significant noise impacts a noise study (BonTerra Psomos, April 2014) was prepared. The study examined the potential for noise impacts resulting from construction and operation of the project. The study concluded that the impacts would be less than significant from project-generated traffic, including truck traffic during demolition and construction.

The study did conclude there could be significant noise impacts from stationary sources, such as heating, ventilating, and air conditioning equipment, hotel pool area activities, traffic noise impacts on Colorado Boulevard to proposed residences, and impacts from noise and vibration from the demolition and construction activities.

Specific to construction-related noise and vibration impacts, the threshold for significant impact from construction equipment, per Section 9.36.080 (Construction equipment) of the Pasadena Municipal Code, is a noise level 85 dBA at a distance of 100 feet from such equipment. The noise study found while the maximum noise from demolition, grading, and building activities would not exceed 85 dBA when measured 100 feet away (84 dBA, 79 dBA, and 79 dBA, respectively), these activities would exceed 85 dBA when measured 25 feet away (96 dBA, 87-91 dBA, and 85-86 dBA, respectively), to account for the Terraces apartments to the west of the site.

To mitigate the potentially significant impacts from operations and construction to a less than significant level, mitigation measures have been crafted as shown in the Initial Study and the Mitigation and Monitoring Reporting Program in Attachment C.

These mitigation measures include: 1) design techniques and noise insulation of heating, ventilation, and air conditioning (HVAC) units, swimming pool equipment; 2) limitations on radios, televisions, and similar devices in the pool area; 3) limiting the hours of the pool area to 5:00 a.m. to 10:00 p.m.; and 4) the retention of a professional structural engineer to review construction drawings and prepare a report to include vibration level limits and specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded.

Topic Areas: Less Than Significant or No Impacts:

Transportation/Traffic: The project's traffic study (Raju & Associates, June 2014) studied 40 street intersections and 25 street segments and found the project will generate 2,867 daily trips, with 108 trips in the AM peak hour and 215 trips in the PM peak hour of a typical weekday. Currently (2013 baseline conditions), 39 of the 40 analyzed intersections are projected to operate at Level of Service (LOS) C or better during the morning peak hour. During the PM peak hour, 38 of the 40 study intersections are projected to operate at LOS C or better. The future year (2016) projections without this project found that 39 of the 40 study intersections would operate at LOS D or better during the morning peak hour, while during the evening peak hour, 38 of the 40 study intersections would operate at LOS D or better. Furthermore, when incorporating the proposed project into the LOS analysis, none of the studied intersections would be significantly impacted such that the LOS would fall below D.

The traffic study also included analyses of: freeway impacts through Congestion Management Program (CMP) monitoring intersections; Pedestrian Environmental Quality Index (PEQI) analyses; Bicycle Environmental Quality Index (BEQI) Analysis; and Multimodal Level of Service (MMLoS). No significant impacts to any of these topics areas were found.

Aesthetics (View Impacts): To examine potential view impacts, particularly of the San Gabriel Mountains to the north, "before and after" visual simulations from key vantage points of the proposed project were prepared (Figures 9-11 in the Initial Study). Based on these simulations, and the project's compliance with the height restrictions of the Zoning Code, it was found that the available views of, and across the site, are not unique scenic vistas and do not contain valued visual resources. While the views of the site would be altered, scenic views of the San Gabriel Mountains would not be substantially diminished compared to existing conditions.

The environmental review that was conducted in accordance with the requirements of CEQA. As discussed more fully above, and documented in the 'Land Use and Planning', section of the Initial Study the project is not in conflict with the goals and purposes of the General Plan, Central District Specific Plan, or the Zoning Code.

OTHER REQUIRED ENTITLEMENTS:

1. Conditional Use Permit: To allow the construction of a non-residential project over 25,000 square feet in size ('Major Project').

Section 17.61.050.J.2 (Major Construction) of the Zoning Code requires the approval of Conditional Use Permit for the construction of a nonresidential project, or a nonresidential portion of a mixed use project, that exceeds 25,000 square feet of gross floor area. This threshold is based on the gross size that is constructed; no credit is given for demolition.

In order to approve a Conditional Use Permit, it is necessary that six specific Findings of Fact (Attachment A) be made as required by the Zoning Code. These findings concern the project's compliance with the goals and policies of the General Plan and Central District Specific plan, its compatibility with the existing development in the vicinity, and its potential effect on the health, general welfare, and public safety of persons residing and working in the neighborhood.

The property is within the Civic Center/Midtown sub-district of the Central District Specific Plan as shown on 'District-wide Map 9: Sub-district Concept'. As stated in the Specific Plan, the objective of the Civic Center/Midtown sub-district is to, "...strengthen its role as the symbolic and governmental center of the City, encouraging the presence of civic, cultural, and public service institutions, while augmenting the character of the area with a supportive mix of uses."

The proposed 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 (see *2-Conditional Use Permit* below). The Central District Specific Plan requires pedestrian-oriented uses (which include restaurants and retail businesses) along Colorado Boulevard. Additionally, the project is consistent with a number of objectives of the General Plan to promote Targeted Development (1.1 and 10.1: Targeted Development Areas, 1.3 and 10.2: Transit-Oriented and Pedestrian-Oriented Development); Character and Scale of Pasadena (5.7: Enhanced Environment and 5.10 Spatial Attributes); and Diverse Economy (10.3 Business Expansion and Growth, 10.9: Healthy Business Community, and 10.10: Regional Center).

Following is an analysis of how the project complies with specific development standards of the Zoning Code.

Development Standards:

Residential Density: As shown in Figure 3-6 (Central District Maximum Residential Density) of the Zoning Code, the maximum allowed residential density for this site is 87 units per acre. Over the entire 11-acre site this would allow as much as 950 dwelling

units, regardless of whether they are rental or ownership. Adding the 71 proposed ownership units to the existing 387 rental apartments on the site totals 462 units, far less than what is permitted. If one were to limit the residential density calculation to just the two-acre site where the project is proposed, the proposed 71 units is less than the 174 that would otherwise be permitted.

Floor Area Ratio: The maximum allowable Floor Area Ratio (FAR), the ratio of building size (not including parking areas) to size of the site, is 3.0, or three times the size of the site, as shown in Figure 3-9 (Central District Maximum Floor Area Ratio) of the Zoning Code. With a total lot area of 11 acres, the total maximum allowable FAR for all buildings on this site is 1,437,500 square feet. The total of the buildings on the site is will be 1,074,109 square feet, which is a FAR of 2.24. For just the two-acre area where the project is located, a 3.0 FAR is 261,360 square feet. The new buildings will total 229,090 square feet, for a FAR of 2.63.

The Draft Land Use Element Map, approved by the City Council in April 2013, and currently under environmental review, would continue to allow a maximum FAR of 3.0 on this site.

Height and Height Averaging: Figure 3-8 (Central District Maximum Height) of the Central District zoning district shows specific allowable heights throughout the Central District. For this site, a maximum height of 75 feet is permitted, although through height averaging (see explanation below), portions of the building may be as tall as 90 feet.

As shown in the submitted plans for the project, the heights of the Paseo Colorado shopping center vary significantly from a low of 18'-6" to as high as 119 feet (the existing tower element in the center of the development). The new hotel would vary in height from 24.3 feet (the pool deck on the second floor) to 85 feet on the northeast corner of the building. The new retail/residential building would vary in height from 21 feet at the recreation deck to 78 feet with several taller elements at 84 feet and 90 feet.

Height averaging (Section 17.30.050.B) is a process by which the Design Commission may approve additional height above the maximum allowed. The purpose of height averaging is to provide flexibility in developing a viable project that also protects view corridors, provides visual transitions in height and massing, emphasizes intersections or other prominent locations and contributes to a more visually compelling skyline. The amount of additional height that can be approved through the height averaging process is limited to no more than 30 percent of the building footprint, provided that the average height over the entire footprint does not exceed the maximum building allowable height.

In order to approve height averaging, the Design Commission must make a number of findings. These findings include analyses that the additional height preserves views, provides for a more interesting skyline, will result in a superior design, will not be injurious to adjacent properties or uses, and is consistent with the objectives and policies of the Central District Specific Plan and General Plan. In the event that the Design Commission is unable to make the necessary findings to allow the additional

height, the project shall be redesigned to comply with the 75-foot maximum allowable height.

Parking: The project does not include the construction of any new parking facilities as the existing parking facilities will be utilized. These three facilities are the subterranean parking levels below Paseo Colorado (1,822 spaces), the Marengo parking structure at northwest corner of Marengo Avenue and Green Street (714 spaces), and the Los Robles parking structure at southwest corner of Los Robles Avenue and Green Street (519 spaces). These facilities total 3,055 parking spaces with 2,563 parking spaces currently reserved for commercial use and 492 parking spaces reserved for residential.

Because the total parking requirement for the existing and new uses per the City's Zoning Code is of 3,298 spaces, but will be used by multiple uses with differing peak demand times, the applicant has undertaken a shared parking analysis. The sharing of parking between multiple uses is permitted by section 17.46.050 (Shared Parking) of the Zoning Code, provided a Minor Conditional Use Permit is approved for the shared parking. The applicant has submitted such an application and analysis of the request and the shared parking study is described later in this report in *4-Minor Conditional Use Permit*.

The shared parking study found that when taking into account the number of available spaces (3,037 spaces, due to the loss to 18 spaces to accommodate the new parking ramp to access the subterranean parking level) and the peak demand time, both time of day and time of year, the sharing of parking between all of the uses of Paseo Colorado can be accommodated.

Other Standards: The project has also been found to be in compliance with other applicable development standards of the Zoning Code including the minimum 15-foot height requirement of the first floor (17'-6" and 18'-0" proposed), refuse storage, bicycle parking, and residential community space. At the time that plans are submitted for Building Permits, they will be reviewed for full compliance with these and all other applicable regulations of the Zoning Code.

In conclusion, staff recommends approval of the Conditional Use Permit for the construction of a non-residential project over of 25,000 square feet in size (Major Project) based on the findings in Attachment A and subject to the conditions of approval in Attachment B.

2. Conditional Use Permit: To allow a 'Lodging - Hotels, Motels' use.

Section 17.30.030 (CD District Land Uses and Permit Requirements) of the Zoning Code permits a new hotel or motel in the CD-2 zoning district through the approval of a Conditional Use Permit.

As noted above in *1-Conditional Use Permit* the proposed project meets the applicable development standards for Floor Area Ratio, building setback along Los Robles, and

height will reviewed by the Design Commission through height averaging. The proposed 50+ foot setback from Green Street is discussed below in *6-Minor Variance*. In addition the proposed parking arrangement whereby parking will be shared amongst the other retail, restaurant, and entertainment businesses in the Paseo Colorado shopping center is discussed below in *4-Shared Parking*.

The hotel developer has a number goals and intents for the hotel portion of the project, due to the site's close proximity to Paseo Colorado, the Central District, and the Pasadena Convention Center. Not only would the hotel's location within the Paseo Colorado provide for a wide variety of restaurant, retail, and entertainment opportunities for hotel guests, the hotel is also within easy walking distance of Old Pasadena and the Playhouse District, thereby providing an even greater number of restaurant, retail, and entertainment options.

The hotel itself will provide food and beverage service and will have meeting space, a pool deck, and a fitness center. Due to the close proximity of the Convention Center, as well as several opportunities for smaller gatherings, the hotel will not market itself as a location for weddings, wedding reception, or similar gatherings. The type of guest the hotel is aiming for are business and leisure travelers to Pasadena. It is expected that the new hotel will bring approximately 40,000 people to Paseo Colorado per year.

In conclusion, staff recommends approval of the Conditional Use Permit for the construction of a hotel ("Lodging - Hotels, Motels") based on the findings in Attachment A and subject to the conditions of approval in Attachment B.

3. Minor Conditional Use Permit: To allow the construction of a non-residential project over 15,000 square feet in size within the Transit-Oriented Development (TOD) Area.

The Zoning Code section on Transit-Oriented Development (17.50.340) requires that any commercial or industrial project that is more than 15,000 square feet in size that is located within ¼ mile of a light-rail station platform, or within the designated Central District Transit-Oriented Area (Section 17.30.030, Figure 3-5), be reviewed through the Minor Conditional Use Permit process. The entire Paseo Colorado is located within the latter.

The development standards of the TOD section provide for a, "...mixture of commercial, high-density residential, mixed-use, public, and semi-public uses in close proximity to light rail stations, encouraging transit usage in conjunction with a safe and pleasant pedestrian-oriented environment." Further, "...these standards emphasize intensification of development and reduced reliance on motor vehicles."

In order to approve such a Minor Conditional Use Permit, it is necessary that three specific TOD Findings of Fact be made, in addition to the six findings required for a Conditional Use Permit. These additional findings are that the project: 1) consists of a use, or mix of uses, that encourage transit use and is oriented toward the transit user; 2)

is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit; and 3) encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.

The project includes ground floor restaurant uses oriented toward Colorado Boulevard and retail uses oriented toward South Los Robles Avenue and encourages pedestrian activity by locating these uses adjacent to pedestrian sidewalks. Further, the pedestrian paseo will be extended east from its existing terminus on the west side of the existing Macy's to South Los Robles Avenue. The close proximity of the building to other uses such as retailers, offices, restaurants, in the vicinity provides an opportunity for hotel guests and residents to access these businesses without driving an automobile, furthering the goals of the TOD. Residents will also have access to numerous employment opportunities in the City's Central District, also without needing an automobile.

In addition to the required TOD findings, the project also complies with several transit and pedestrian-oriented policies, goals, and objectives of the General Plan including Land Use Element Policies 1.3, 1.4, and 10.2 (Transit-Oriented and Pedestrian-Oriented Development and Mixed Use). In addition, the project meets several planning objectives on the Central District Specific Plan including #5 (Build Housing Downtown), #25 (Promote Transit Usage), and #26 (Make Downtown Walkable). Finally, this project is required to comply with the City's Transportation Demand Management and Trip Reduction Ordinance requirements, as managed by the City's Department of Transportation. This ordinance requires carpooling, information dissemination on alternative transportation options, and other techniques to reduce trips to the site. Bicycle parking will also be provided in accordance with the Zoning Code regulations.

In conclusion, staff recommends approval of the Minor Conditional Use Permit for a project in the Central District Transit-Oriented Area based on the findings in Attachment A and subject to the conditions of approval in Attachment B.

4. Minor Conditional Use Permit: To allow shared parking.

Section 17.46.050 (Shared Parking) of the Zoning Code permits the sharing of parking between multiple uses, with the approval of Minor Conditional Use Permit, when it can be shown that the hours of operation between the uses can occur without conflict. In order to approve such a Minor Conditional Use Permit, it is necessary that two specific shared parking Findings of Fact be made, in addition to the six findings required for a Conditional Use Permit. These additional findings are: 1) the spaces would be available as long as the uses requiring the spaces exist; and 2) the quality and efficiency of the shared parking would equal or exceed the level that is otherwise required.

To analyze the feasibility of shared parking on the site a shared parking study (Raju & Associates, March 2014) was prepared. The study evaluated the existing and future project parking conditions and a shared parking model based on the Urban Land

Institute's (ULI) Shared Parking Concepts was developed to estimate both weekday and weekend day parking demand.

Based on the current Zoning Code parking requirements, the construction of the project would result in a parking requirement of 3,298 spaces (2,646 commercial parking spaces and 652 residential) while the current parking inventory for Paseo Colorado is 3,055 parking spaces (2,563 parking spaces for commercial use and 492 parking spaces reserved for residential). This parking is divided amongst three locations: subterranean parking underneath Paseo Colorado (1,822 spaces); the Marengo parking structure at northwest corner of Marengo Avenue and Green Street (714 spaces); and the Los Robles parking structure at southwest corner of Los Robles Avenue and Green Street (519 spaces).

The study found that the current weekday peak parking demand occurred at 1:00 PM where 1,688, or 66%, of the 2,563 commercial spaces were occupied while the current Saturday (weekend) peak parking demand occurred at 3:00 PM where 2,184, or 85%, of the 2,563 commercial spaces were occupied. Using the ULI's shared parking model, it was estimated that the weekday future peak parking demand during a peak holiday month (December) was approximately 2,448 spaces occurring at 6:00 PM. On Saturdays, the peak parking demand during the peak holiday season was estimated to be approximately 2,424 spaces at 8:00 PM.

After taking into account the loss of 18 spaces subterranean parking spaces to accommodate the new parking ramp off of Green Street and an existing parking agreement with the Security Bank Building at 234 E. Colorado Boulevard for 230 spaces (75 subterranean parking spaces and 155 spaces in the Marengo Parking Structure), the study found there would still be adequate parking supply available throughout the day and at all times of the year.

In other words, with 652 spaces reserved for residential uses and 230 spaces available per the Easement and Parking Agreement, there would be 2,155 spaces (3,037 spaces - 652 spaces - 230 spaces = 2,155 spaces) available for commercial uses. The peak parking demand during the holiday season was estimated to be 1,796 spaces for commercial uses.

Based on this analysis, the study concluded there would be adequate parking supply available for all components of Paseo Colorado at all times of the year.

Based on the analyses and conclusions in the shared parking study, and the findings in Attachment A, staff recommends approval of the Minor Conditional Use Permit to allow shared parking subject to the conditions of approval in Attachment B.

5. Minor Conditional Use Permit: To allow on-site valet parking.

For many hotels it is common to offer the option of valet parking for hotel guests. In this case however, while the hotel developer does not have immediate plans to offer valet

service, it is possible they may wish to offer it after the hotel opens. In order to offer on-site (i.e. on private property) valet parking a Minor Conditional Use Permit is required, per Section 17.46.020 (Valet Parking) of the Zoning Code.

In this case, staff finds on-site valet parking for the hotel will support hotel operations, and by extension, support the existing business district, the Pasadena Convention Center, and Pasadena's tourist industry. In addition, it will meet a number of goals of the General Plan and Central District Specific Plan by encouraging pedestrian travel by making it easier for a hotel patron to access the site and make use of the hotel and the amenities of Paseo Colorado.

To ensure that the valet parking operation does not have unintended consequences, such as vehicles queuing onto Green Street and blocking traffic, staff is recommending a condition of approval (Attachment B, #25) requiring the submittal of a valet parking plan (where to drop-off/pick-up, amount of queuing space, etc.) to the Zoning Administrator and Department of Transportation for review and approval, prior to the occurrence of on-site valet parking.

The applicant has also indicated the desire to offer curb-side valet parking to patrons of Paseo Colorado. Because this would occur in the public right-of-way it is subject to the review of the Department of Transportation, not the Planning & Community Development Department. A condition of approval (Attachment B, #26) to this effect has been added.

In conclusion, staff recommends approval of the Minor Conditional Use Permit to allow on-site valet parking based on the findings in Attachment A and subject to the conditions of approval in Attachment B.

Comments from City Departments and Divisions:

Comments and conditions on the street vacation were received from several City Departments: Planning Division, Building Division, Housing and Career Services Department, Fire Department, Public Works Department, and Transportation Department. These comments and conditions have been included in the Attachment B to this report.

CONCLUSION:

Based on the analysis of the project as proposed and conditioned, staff recommends that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C) and that project be approved based on the findings in Attachment A and subject to the recommended conditions of approval in Attachment B which include the revisions identified in this report.

FISCAL IMPACT:

The project is anticipated to generate incremental sales and property tax. In addition, based on comparable hotels in the City, the project is estimated to generate approximately \$920,000 annually in Transient Occupancy Tax. The residential component of the project, which consists of 71 condominiums, would result in total Residential Impact Fees of \$1,450,000, based on current fees. The project would also generate additional fees for plan check review, building permits, and other development-related fees.

Respectfully submitted,



VINCENT P. BERTONI, AICP
Director of Planning & Community
Development Department

Prepared by:



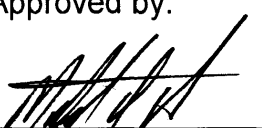
David Sinclair, LEED AP
Planner

Concurred by:



David Reyes
Deputy Director of Planning & Community
Development Department

Approved by:



MICHAEL J. BECK
City Manager

Attachments: (7)

- Attachment A – Findings of Fact
- Attachment B – Conditions of Approval
- Attachment C – Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program
- Attachment D – Initial Study
- Attachment E – Application Plans
- Attachment F – Appeal Application
- Attachment G – Decision of the Planning Commission