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August 17, 2015

Mayor Terry Tornek  
Members of the Pasadena City Council  
City of Pasadena  
100 N. Garfield Avenue  
Pasadena CA 91101

Subject: City of Pasadena General Plan Land Use and Mobility Elements; Final EIR

Dear Mayor Tornek and Members of the City Council:

I served as the City’s Development Administrator in the Housing and Development Department from 1982 – 2000 and was tasked with revitalizing what was then a very dilapidated Downtown Pasadena. In that role, I pioneered for Pasadena the economic development strategy of place-based economics; Downtown Pasadena has become a national and international model of how to revitalize a dying Min Street. It is within this context that I am offering my remarks.

Winston Churchill famously said, “We shape our buildings, and afterwards our buildings shape us.” That is why it is so important to get the General Plan right. The “General Plan” is literally the “People’s Plan” – it essentially the “operating manual” from the people to their elected representatives. The question is: Do we want a **City of Choice** or a **City by Default**? More growth is called for in the proposed General Plan, particularly in the Central District – we need to get it right if it is to go forward and be successful.

**I. CONSIDER A MORATORIUM ON ALL NEW DEVELOPMENT UNTIL WE CAN GET IT RIGHT**

***Growth for the sake of growth is the ideology of the cancer cell.*** Artful harmonious new construction that resonates with the general population is sorely lacking. As growth has occurred in Downtown Pasadena over the past fifteen years, many citizens have questioned “over development” and the associated (a) increase in density; (b) traffic congestion; (c) loss of open space and views; (d) loss of “small-town” character; (e) declining air quality, and (f) more and louder urban noise. Others have cited the **lack of** (a) compatible building design with the adjacent built environment; (b) quality construction; (c) public spaces, and (d) a Pasadena expression of design. Of particular offense are the “mono use”, large apartment complexes that seem to be popping up everywhere. More and more citizens are opposing development because they perceive change as a “trading down” of the environment in which they have invested and have come to know and love. In other words, people do not want their investment diminished by the next project – they have a stake in stasis.

***City staff promotes developers’ interests time and time again: Who is advocating and promoting the City’s interests?*** The Green Eye Shade Guys have taken over the role of planning and community development – they know the price of everything and the value of nothing. Also, developers’ attorneys threaten Commissioners with legal action related to “conflict of interest” if they oppose a particular project, thereby eliminating a possible negative vote. To get it right, that is, to follow adopted plans, rules and regulations, citizens have had use their own money to pay for attorneys, sue the City, appeal decisions of the Design and Planning Commissions to the City Council, organize in groups around specific projects, meet with public officials, spend long hours analyzing staff reports and writing letters to various advisory bodies and the City Council, review project drawings at City Hall which are not available online, prepare and give public presentations to Design and Planning Commission meetings, and so forth. However, the City Council’s commitment to serve Pasadena’s citizens is clear based upon a statement from Former Mayor Bill Bogaard: ***“...the Citizens are increasingly demanding a seat at the table and are building their political power, legal acumen, and sophisticated methods of protest. As a direct result, city-building in Pasadena is becoming more the result of bargained agreements among opposers than of a compelling shared vision for the future.*”**

## II. MORE GROWTH: TO CAP OR NOT TO CAP?

Development “caps” divert attention from the heart of the matter, and provide false sense of security with respect to defending Pasadena’s way of life and specialness. “Caps” do not insure design standards of high quality; appropriate mix of uses to create attractive, inviting, and affordable places to live, work and play; or create neighborhoods that are not reliant on cars. ***Building a livable city is more than a numbers game – VMT, FAR, carbon emissions, number of units, number of square feet, use of water and energy - and other performance measures.*** Density should not be at the expense of losing our sense of place - respect for our historic buildings, local culture, what makes Pasadena special, public health, diversity and equity, among other things. The process of creating a sustainable, people-oriented compact environment is as much art as science - *the way we live largely determines the way we move.* If we do not hold developers to these principles, goals, and policies, there will be failure, whether or not the city is low-density or high density, or how many residential units and non-commercial square footage is allowed to be built. **THE QUALITY OF DEVELOPMENT IS CRITICAL; QUALITY CANNOT BE ACHIEVED SIMPLY BY LIMITING QUANTITY.**

## III. EDUCATE THE ECONOMIC DEVELOPMENT DIVISION OF THE CITY MANGER’S OFFICE ON THE VALUE OF PLACE TO ECONOMIC DEVELOPMENT AND TO INTERDISCIPLINARY TEAM WORK

***The 20<sup>th</sup> century was about getting around; the 21<sup>st</sup> century will be about staying in a place worth staying in.*** Richard Florida author of the “Creative Class” states that the quality of place is going to be of growing importance in the coming era to keep cities vibrant and attracting talent and the “creative class”. Florida states: “All communities ... have to be unique and authentic to the their character. A Sense of Place -\_a city with a unique identity, firmly grounded in respect for its history, with a clear vision and resolve for continued *bold progress.*” People, businesses and land developers do not invest in windows, roofs, doors and floors; they invest in *Place* and realize return based upon what they build. In real estate it is called, “Location, Location, Location.” Essentially, there needs to be a “Department of Placemaking” at City Hall.

Pasadena fights about over-development and height limits, but what they are really fighting over is getting development in the right box, at the right place and in the right amount. If you can do that, you can effectively manage evolutionary growth in Pasadena. The economic development staff pushes for development projects, whether or not they are appropriate to the *place* of Pasadena, and is concerned about “how much time it takes” to get things done in Pasadena. *The standards are being lowered to “Make the Project Happen” even with high real estate demand; this is counter intuitive.* It is clear that the rules and regulations are written around the project, rather than the project around the rules. The current staff appears not to understand the fact that in Pasadena, to fight for good urban design, architecture, quality of life and place *is* economic development. Although the planning and economic development functions are split, economic development being in the City Manager’s Office and Planning and Community Development is its own department, both report to one assistant city manager. Former Mayor Bogaard put it this way: ***“There can be a conflict when the person responsible for encouraging companies to come or supporting new investment that involves large buildings is also responsible for administering the zoning code. There is sometimes a temptation not to apply zoning code requirements with the strictness called for by the plan or by the community’s expectation.”*** (*The Planning Report*, 10/2/14, p. 3)

City Staff works much of the time in *silos*, with the resulting distrust and lack of teamwork to address needs and problems at hand. Complex urban environments need a geographically-based management approach that concentrates not on bureaucratic functions (one form of logic), but rather on how they are orchestrated to make the place of choice (another form of logic). The people who know most about how these different functions come together are the people who live in a particularly geographical area. *In short, placemaking is community-driven and collaborative, not top- down and project-focused.*

#### **IV. REINSTITUTE COMMUNITY PARTICIPATION**

Community participation was supposed to be “a permanent part of achieving a greater city”; it was honored until fairly recently. It should be enough for citizens to participate in the General Plan, the Specific Plans,

Planned Developments, etc. and have the staff and the advisory bodies/City Council carry out the spirit and letter of the rules and regulations to ensure developer compliance with adopted plans. This has not been the case, however, necessitating close scrutiny of project and programs proposed for consideration. Since around 2008 or so, decisions have been made top-down, with little community participation at critical stages. The nature of community participation has devolved to late information on major projects timed to allow the least amount of citizen involvement; the lack of site plans and elevations online, requiring citizens to make special appointments to view the documents at City Hall; elimination of community-based task forces for large projects in key locations (e.g. Lincoln Property/Parsons infill project, Paseo Colorado most recent redevelopment, YWCA/Kimpton Hotel addition to the Civic Center, etc.); abdication of the public role in robust citizen involvement in major projects to the developer; developer-convened private meetings on major projects with no public notice and developer-picked citizen participants held in private places; allowing the City and the developer to describe a project in great detail with no time limits while limiting citizens to speak three or four minutes each at City Council, Design and Planning Commissions; closed sessions of the City Council at key decision points on a project; the lack of public information/disclosure/availability of key project documents, on. *Unfortunately, the rigid planning processes have become so institutionalized that community stakeholders are rarely consulted and have lost the chance to voice their own ideas and aspirations about the places they inhabit.*

## **V. PEDESTRIAN PLANNING AND IMPLEMENTATION NEEDS TO BE THE FOCUS**

***The pedestrian is essentially the canary in the coalmine of urban livability and economical viability – the soft under belly of walkable urbanism.*** To the achieve the goals of the proposed General Plan, special emphasis must be placed on planning and implementation of a robust set of pedestrian improvements. The environmental impacts of additional growth, particularly in Downtown Pasadena, can only be mitigated through a vastly improved pedestrian infrastructure. Although creating a compact environment is critical to sustainable city-building, that alone is not enough. There needs to be a City commitment through its General Plan to create a *place* where people not only can walk, but also consider it to be their “superior mode choice”. No matter

what form of transportation – car, transit, bicycle –we are all pedestrians in the end.

At this point in the process, the *pedestrian is getting lost in the Updated General Plan*. Pedestrian Policies are scattered throughout various General Plan policy sections, belying their critical importance to creating a livable, economically vital place, and sustainable place. You literally have to go on a hunting expedition to find Pedestrian or walkable-related policies in the draft General Plan Update.

Sources of funds must be available to address the critical need for improved pedestrianization in Pasadena. A code amendment could provide additional funds to make these improvements; however, to catch the window of major projects in the entitlement process, for the funds to be available from any project, the ordinance must be adopted prior to project entitlement. If this is not expedited, substantial amounts of money will be unavailable for these critical improvements while “nexus” studies are being completed. Municipal Code Chapter 4.19 “Traffic Reduction and Transportation Improvement Fee”, established in 1981, is intended to mitigate the traffic impacts of new development, including industrial, office, retail and residential uses. As the ordinance is written, any fees generated must go to a list of seventeen (17) specified improvements, nine (9) of which are for intersection improvements and street extensions; the remainder specify bus transit, vans and transit technology improvements. ***As the ordinance is written, none of the types of eligible improvements includes pedestrian and bicycle improvements [see Municipal Code Section “4.19.060 – List of Improvements.”]. In order to meet the current and short-term future pedestrian and bicycle infrastructure needs, this ordinance needs to be updated to reflect the City’s existing General Plan, implementing polices and ordinances, and recommended “Complete Streets” measures.***

**It is recommended that the City Council on an expedited basis:**

- 1. Amend Municipal Code Section “4.9.060 – List of improvements” to include the following: “R. Pedestrian and bicycle improvements”, and**
- 2. Direct staff to prepare the necessary analysis and prepare a**

**recommendation to the City Council to amend Municipal Code Section “4.19.060 – List of improvements” to include a new subsection, “R. Pedestrian and bicycle improvements.”**

3. **Create a map entitled “Emphasis Areas for Walking” showing existing and planned compact areas of the city that are multi-use and multi-density and that are most conducive to walkability.**
4. **Create a staff position for a professional with expertise in Pedestrian Mobility.**

Thank you for the opportunity to comment.

Sincerely,

**Marsha V. Rood**  
**MARSHA V. ROOD, FAICP**

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**Attorneys at Law**

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August 17, 2015

Mayor Terry Tornek  
Vice-Mayor Gene Masuda  
Hon. Council Members Gordo, Hampton, Kennedy, Madison, McAustin, and Wilson  
City Council of the City of Pasadena  
100 North Garfield Avenue, Rm. S249  
Pasadena, California 91109

Re:    General Plan Adoption – Proposed Revisions

Dear Mayor Tornek, Vice-Mayor Masuda, and Honorable Members of the City Council:

Tonight, Item No. 20 on your agenda is the General Plan Update and approvals for the Land-Use and Mobility Elements. In light of the time it has taken to get here, we would recommend you approve them. Before doing so, however, we ask you to make three changes to the Land-Use Element. The first two are not controversial. The third is more substantive.

**First**, it may just be the draft we have, but please correct the grammar and/or typos in certain policy statements to avoid any ambiguities before it is in final form. For example, in Policy 4.7, the words “lower intensity” should be “less intense.” Similarly, in the second sentence of Policy 5.5, the word “this” should be “the”; and, in the first sentence of Policy 6.2, the word “these” should be “them.” These are just a few examples, but a final proofing would make sense.

**Second**, Implementation Measure A.1.b on page 41 is entitled “Annual General Plan Report,” and requires the preparation of “an annual report of the progress of implementation of goals and policies in the General Plan . . . .” Measures B.1 and B.9 further require the updating of the Zoning Code and Specific Plans to bring them into conformity with the new General Plan.

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We recommend instead that the annual report provide you with a chart comparing the caps on the number of residential units and commercial buildings in each Specific Plan area against the number actually built, the number approved but not built, and the number in the pipeline. We firmly believe that the actual numbers will be more beneficial to you than a further broad based discussion of policies and goals.

We also recommend that the annual report include a map of these three categories so that you can see the location and dispersion of them, thereby helping you identify early on any potential development trends in certain parts of the City.

Further, we recommend you ask staff to return within 30 days with a schedule for updating the Zoning Code and Specific Plans within one year. We cannot think of any reason it should longer than that.

**Third**, page 9 of the staff report outlines the Planning Commission's recommendation for Policy 4.13, which allows an increase of 15% above the base FAR for a Planned Development ("PD") anywhere in the City in return for the requirements under Section 17.26.020 of the Zoning Code. Page 9 also sets-forth the comments Stefanos and I made to the Planning Commission in asking for an exemption from the base FAR for any PD.

Given the nature of a PD, and the flexibility and control the City Council needs in addressing it, we still think an exemption from the base FAR makes the most sense. Frankly, adding 15%, or any other fixed percentage, does not provide you with any flexibility or the ability to tailor the proposed PD to meet the City's goals. For example, a PD may be located on a site that could be transformational for an area like the empty large auto dealership lots in various parts of the City; or, it could be within an established historical area like the Parsons PD. Either way, you should want the most flexibility in reviewing and approving it, which means an exemption from the base FAR.

However, if there is concern about the lack of control without some sort of a limit -- a proposition with which we strongly disagree since the City Council has ultimate approval authority over any PD -- a better idea would be to adopt a sliding scale for the various sites throughout the City that may be used for a PD over the next twenty years of this General Plan. In other words, 15% as a "one size fits all" for everywhere in the City for the next twenty years makes no sense.

Instead, since this is a citywide policy, 4.13 could provide that a 2 acre site would get +15%, 3- 5 acres would get +20%, 5- 10 acres would get +25% and 10+ acres would be exempt. In particular, this sliding scale works better for large lots with multiple acres that have a small FAR like the Avon site, which is 14 acres with a 1.25 FAR. 15% above 1.25 is 1.44, which incentives nothing and is likely to result in an office park with concrete tilt up buildings.

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We, therefore, ask that you either exempt a PD from the base FAR or adopt a sliding scale like the one above.

Last, the proposed General Plan is for 2015 – 2035. Over those twenty years, the single biggest change in our City is likely to be the impact of the millennial generation on the economic, political, technological, and cultural landscape as they work and live here in significantly greater numbers than today. While the Mobility Element does a good job of addressing that trend by incorporating a number of mobility options, the Land-Use Element does not seem to address it. Rather, it reads more as a “sum of the parts” type of plan instead of a visionary statement of how we want to live and grow within that changing, evolutionary framework. You may, therefore, wish to give some thought to the coming impacts of the millennial generation and how to address them.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. McDonald". The signature is stylized with a large initial "R" and a checkmark-like flourish at the end.

Richard A. McDonald, Esq.

CC: City Manager  
City Attorney  
City Clerk  
Asst. City Manager Steve Mermell  
Director of Planning Vincent Bertoni



August 14, 2015

Mayor Tornek And Members Of the Pasadena City Council  
City Of Pasadena  
100 N. Garfield Avenue  
Pasadena, CA 91101

**Re: General Plan Update Final Environmental Impact Report Certification**

Dear Honorable Mayor Tornek and Councilmembers,

Pasadena Heritage has actively participated in the General Plan Update since its beginning. As the process moves forward, we are pleased to see a stronger emphasis on historic preservation and continued protections for single family neighborhoods. We applaud City Staff for managing such a lengthy and comprehensive public outreach effort, and look forward to the next phase of specific planning and zoning revisions.

We would like to express particular support for the new language in the Guiding Principals, especially the second Principal. We also appreciate that a number of our recommendations for clearer and stronger language have been incorporated into the policy statements.

We feel strongly that a critical part of the land-use diagram is the implementation of transition or "buffer" zones, where larger, more dense, or taller projects are permitted next to single-family neighborhoods, the prime example being along North Lake Avenue adjacent to the western boundary of Bungalow Heaven, one of our most celebrated historic district neighborhoods.

In general, we believe that the Plan as presented for approval is acceptable and continues the philosophy of concentrating new development along primary transit corridors and encouraging development in concentrations and clusters in order to foster hubs of housing and local commercial services within a walkable radius. We believe this strategy is sensible and targets growth in the right areas.

Our only major concern remains the development caps. We strongly advocate for the most conservative cap numbers to be adopted in order for Pasadena's growth to be carefully and prudently managed. At a Planning Commission presentation in June, Staff explained that a maximum FAR build-out would not reflect the Community's vision as embodied in the General Plan's Guiding Principles, and therefore development caps (or capacity limits) are applied to direct growth and manage change. These caps, it was explained, are based on historical growth trends as well as on an interpretation of the community's vision of Specific Plan areas. By directing development into specified areas and applying limitations in the form of development caps, the City can control the overall amount of residential and non-residential development (through 2035). This process is supposed to balance growth as intended by the Guiding Principles while minimizing adverse impacts on the quality of life for Pasadenans.

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Previously the Planning Commission had recommended the caps reflected in the "Central District, South Fair Oaks, Lincoln Avenue" alternative proposed in the EIR. Pasadena Heritage continues to believe that this previous recommendation is the smartest and best option.

Our primary reasons for this opinion are:

**SB1818**

This density bonus mandate for affordable housing could result in many multi-family residential projects being up to 35% larger than our zoning code allows. The EIR response to our comments argues that few projects have gone forward in the last ten years utilizing this bonus. However, as the recession severely curtailed development in at least 8 of the last 10 years, this is a poor measuring stick. It is also unclear from the EIR documents whether the many residential projects now under construction or in the pipeline are included in this analysis. If the City is working (and rightly so) to increase the amount of affordable housing available, it seems reasonable to assume that more and more projects will use the SB1818 mandate to create larger projects. We think the EIR's estimate is underplayed and are very concerned that higher density with larger buildings will be very likely (not solely height impacts). Setting housing caps at the lower and more reasonable level, i.e. the base number of housing units to which 35% can be added without adverse effects, will exert more careful control over the growth and pace of development.

**Sense of Place**

Affordable housing is a critical need and an important goal, however, more housing and increased density bring with them more congestion, more air pollution, more water usage, and greater potential for impacts on nearby historic resources and community character. The importance of community character and historic buildings was the most frequent comment voiced at the numerous community workshops in the early stages of the General Plan Update process. We should not now forget the hundreds of people who took the time to participate and say that this is what they care about most. Simply transferring impact assessment of individual projects to CEQA analysis as stated in the Final EIR is not a strategy in alignment with our General Plan's Guiding Principles.

Reasonable growth at a reasonable pace is what Pasadena Heritage believes will best encourage a prosperous community without sacrificing the traditional urban character that makes Pasadena so attractive to its residents and to developers who want to build here. We urge the Council to adopt the lower caps for both housing and commercial development, spread across the community as staff recommends, and then monitor how that development unfolds. If a cap in a particular area is being approached, that will trigger reassessment of the growth in that area. If the caps are not approached, they will be reviewed in ten years when the Land Use Element comes up again for review.

Thank you for your consideration of our concerns and recommendations.

Sincerely,



Susan N. Mossman  
Executive Director



Jesse Lattig  
Preservation Director