

Introduced by: _____

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PASADENA AND ARTCENTER COLLEGE OF DESIGN RELATED TO THE MASTER PLAN FOR THE SOUTH CAMPUS (870, 888, 950, AND 988 S. RAYMOND AVENUE AND 1111 S. ARROYO PARKWAY) AND HILLSIDE CAMPUS (1700 LIDA STREET)

WHEREAS, California Government Code Section 65864 provides, in pertinent part:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning, which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant for a development project that upon approval of a future project, the applicant may proceed with a future project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development”; and

WHEREAS, California Government Code Section 65865 provides, in pertinent part:

“(a) Any city...may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property as provided in this article...”; and

WHEREAS, California Government Code Section 65865.2 provides, in pertinent part:

“A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement...”; and

WHEREAS, consistent with state law, the City of Pasadena provides a process for the adoption of development agreements pursuant to the Pasadena Municipal Code, Title 17, Chapter 17.66, which sets forth specific findings that must be made before a development agreement may be approved; and

WHEREAS, ArtCenter College of Design (“Developer”) proposes to enter into a development agreement with the City of Pasadena (“Development Agreement”), which is attached to this Ordinance as Exhibit “A,” in connection with development of a 15-year Master Plan at its South Campus (870, 888, 950, and 988 S. Raymond Avenue

and 1111 S. Arroyo Parkway) and Hillside Campus (1700 Lida Street), in the City of Pasadena, and described in the legal descriptions attached to the Development Agreement as Exhibit A, and incorporated herein by reference (the "Project"); and

WHEREAS, the Project, including this Ordinance and the Development Agreement, has been reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, concluded that the Project had the potential to cause significant impacts on the environment, and prepared an Environmental Impact Report (EIR). On May 9, 2018, the City's Planning Commission considered the Project and Final EIR for the Project and recommended certification of the Final EIR and approval of the Project and Development Agreement. The documents and other materials that constitute the record are located in the City's Planning and Community Development Department and are in the custody of David Sinclair, 175 N. Garfield Avenue, Pasadena, California 91101; and

WHEREAS, on May 9, 2018, the City's Planning Commission conducted a duly noticed public hearing to consider the Project, including the Development Agreement. Notice of the time, place and purpose of the public hearing was duly provided in accordance with California Government Code Sections 65867, 65090, and 65091, and the City's ordinances. The Planning Commission considered the Project and Final EIR,

and recommended certification of the Final EIR and approval of the Project and development agreement; and

WHEREAS, on July 16, 2018, the City Council conducted a duly noticed public hearing to consider the Development Agreement and the Project. Notice of the time, place and purpose of the public hearing were duly provided in accordance with California Government Code Sections 65867, 65090 and 65091, and the City's ordinances. The City Council considered the Final EIR in conjunction with consideration of this Ordinance, and adopted a resolution certifying the Final EIR, and approved the Project. The City Council finds and determines that there are no changes to the Project or its circumstances, or other new information that require further environmental analysis pursuant to the California Environmental Quality Act and hereby finds the Final EIR as certified sufficient for taking action on the Development Agreement. Further, the mitigation measures set forth in the Final EIR are made applicable to the Project through conditions of approval; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"Summary

Ordinance No. _____ is an uncodified ordinance through which a Development Agreement between the City of Pasadena and ArtCenter College of Design is approved. The purpose of the Development Agreement is to provide for the orderly development of a 15-year, two-phase, Master Plan at its South Campus (870, 888, 950, and 988 S. Raymond Avenue and 1111 S. Arroyo Parkway) and Hillside Campus (1700 Lida Street). Development at the South Campus during Phase 1 would include the construction of two eight-story, 100-foot tall buildings for academic programs and student housing, an elevated open quad area over the Metro Gold Line, and a mobility hub below the quad area; renovation and internal floor area addition to an existing two-story building; renovation of an existing six-story building for academic purposes, and installation of an 8,000 square foot digital gallery on the south-eastern façade of the six-story building. In addition, a compressed natural gas (CNG) fueling facility is proposed within the mobility hub area. Phase 2 development would include the demolition of an existing one-story building and construction of four eight-story, 100-foot tall buildings for academic programs and/or student housing and an elevated "quad" area. Improvements within the Hillside Campus would include renovations, reconstruction, and additions to existing buildings, removal of a two-story modular building, construction of photovoltaic (PV) solar cell canopies within the parking lots, and construction of an entrance kiosk. Findings in support of the Development Agreement are set forth in the full text of the Ordinance. The Development Agreement

(including legal descriptions of all affected parcels) is attached to the full text of the Ordinance and is on file in the City Clerk's Office.

Ordinance No. _____ shall take effect upon publication."

SECTION 2. As required by Chapter 17.66 of the Pasadena Municipal Code, the City Council finds the following with respect to the Development Agreement:

A. *The Development Agreement would be in the best interests of the City.* The City would enjoy many benefits from the proposed development agreement. The public would have access to several amenities on the South Campus such as the Main Quad and rooms for community and neighborhood association meetings. Further, not only would there be a short-term benefit from fees collected related to construction permits, there would also be long-term benefits from ArtCenter's continued presence and re-investment in Pasadena. The agreement would also eliminate uncertainty in the planning process and provide for the orderly future development of the property. The lack of certainty can result in a waste of resources, escalate the cost of housing and other development and discourage investment and a commitment to comprehensive planning. Developing the property in accordance with existing policies, rules and regulations with conditions of approval may strengthen the planning process and reduce the economic cost of development. All of this would be considered a benefit to the City and community making the proposed development agreement in the best interest

of the City.

B. The Development Agreement is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan, and this Zoning Code. One of the eight Guiding Principles of the Land Use Element of General Plan places importance on education and opportunities for growth for existing institutions:

Pasadena will be a cultural, scientific, corporate, entertainment and education center for the region. Long-term growth opportunities will be provided for existing institutions; a healthy economy will be fostered to attract new cultural, scientific, corporate, entertainment and educational institutions.

ArtCenter has been in Pasadena for 42 years, and in that time has established itself as a positive asset to Pasadena, and both the city and ArtCenter have mutually benefitted from its Pasadena location. ArtCenter's commitment to the Pasadena community is shown in its investment in expanding its South Campus and in re-investing in the Hillside Campus. Both the South and Hillside Campuses are designated as Institutional on the Land Use Diagram of the General Plan's Land Use Element. The Institutional land use category applies to uses that can be, "[c]haracterized by facilities owned and operated by the City or by other public and/or private institutions

such as corporate yards, schools, libraries, and hospitals.” ArtCenter currently complies with this land use category and will continue to do so. The Land Use Element of the Pasadena General Plan includes a number of Goals and Policies that support the continued operation of ArtCenter:

GOAL 2. Land Use Diversity. A mix of land uses meeting the diverse needs of Pasadena’s residents and businesses, fostering improved housing conditions, offering a variety of employment and recreation opportunities, and supporting a healthy population while protecting the environment.

2.9 Institutional Uses. Accommodate the development of educational, religious, cultural, and similar facilities that enrich the lives of Pasadena’s residents.

ArtCenter not only provides education opportunities for Pasadena residents, but it also participates in and sponsors art and creative events open to the general public.

GOAL 4. Elements Contributing to Urban Form. A safe, well-designed, accessible City with a diversity of uses and forms. These diverse forms include distinct, walkable districts, corridors, and transit and neighborhood villages and cohesive, unique single and multi-family residential neighborhoods and open spaces where people of all ages can live, work, shop and recreate.

4.7 Strengthen Major Corridors. Encourage the economic improvement of underused parcels along Pasadena's corridors by clustering more intense uses at major intersections and lower intensity mixed-use or commercial development between major intersections.

ArtCenter investment in the South Campus will have a strong positive impact on not only S. Arroyo Parkway, but also E. Glenarm Street and S. Raymond Avenue. The location of the ArtCenter South Campus at the intersections of these three prominent streets will not only intensify these intersections, it will also create a district where students and the community can interact.

GOAL 17. Educational System. A strong and diverse educational system that is responsive to the life-long needs of the community and related to maintaining a high quality of life and a strong economy.

17.4 Long-Range Planning for Private Schools. Require private schools to collaborate with the City on site selection, site design, traffic control, circulation and site acquisition to ensure compatibility with the neighborhoods or districts in which they are located.

The Master Plan process has included input from ArtCenter, the City, and the community to achieve a responsible long-range vision for ArtCenter's continued presence in Pasadena.

Central District Specific Plan:

Although the Hillside Campus is not within a Specific Plan, the eastern portion of the South Campus, on the west side of S. Arroyo Parkway, is within the Central District Specific Plan.

Section 3 of the Central District Specific Plan includes planning objectives related to new development in the Specific Plan area. Recognizing that the Central District lies at the heart of the City, the planning objectives in Section 3 encourage focused growth in the Central District that follow urban land patterns (e.g., transit-oriented, pedestrian-oriented, and mixed-use).

Objectives are included to promote quality of life, including objectives related to safe and attractive communities, suitable housing, an effective range of accessible services, and access to public transit. With its proximity to transit, expansive network of pedestrian-friendly spaces and linkages, mix of uses, and quality and variety of architecture and design, the proposed improvements within the South Campus would be consistent with the type of development envisioned for the Central District.

South Fair Oaks Specific Plan:

The South Fair Oaks Specific Plan area was established in 1998 to promote new development near light rail transportation in the area. Since that time, the Fillmore Station has been completed as part of the Metro Gold Line, which started its operation in July 2003. Per the updated General Plan Land

Use Element, the City's vision for the South Fair Oaks Specific Plan area has shifted since 1998, from promoting biomedical and technology-based uses to institutional with the planned expansion of the Huntington Memorial Hospital and ArtCenter, and related housing opportunities.

The primary objectives of the South Fair Oaks Specific Plan that are applicable to the proposed improvements within the South Campus relate to the integration of land use and transportation programs near a light rail station to address traffic in the Specific Plan area. The Project would be consistent with these objectives as the proposed improvements under the Master Plan would focus density in an area immediately adjacent to the Fillmore Station. With the provision of student housing within the South Campus to enable ArtCenter students to live on-campus, the Project would increase non-auto travel and encourage walking, bicycling, and the use of public transit to address traffic in the South Fair Oaks community.

- C. *The Development Agreement would not be detrimental to the health, safety, and general welfare of persons residing in the immediate area, nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City.* The proposed development agreement would be beneficial to the public interest and general welfare of the City as it would help facilitate a multi-phase project where ArtCenter would invest in the maintenance of the Hillside Campus and the

investment and expansion of the South Campus. The proposed development agreement requires that the project comply with the Conditions of Approval, all applicable Fire Department standards, Building and Safety Division standards, the Zoning Code, and the certified Final Environmental Impact Report and Mitigation Monitoring Reporting Program to ensure that the Master Plan would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

D. The Development Agreement is consistent with the provisions of State law (Government Code Sections 65864 through 65869.5). These Government Code Sections outline requirements related to the contents of agreements, the applicability of an agreement on the public hearing and approval process. The agreement complies with Chapter 17.66 of the Zoning Code, which outlines the procedures and requirements for the review, approval and amendment of development agreements. The proposed agreement meets or exceeds the standards outlined by the State and City. The agreement specifies the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of buildings, and the reservation or dedication of land for public purpose as set forth above. In addition, the agreement does not allow a use that would not be permitted by the Zoning Code, nor does it constitute a rezoning of the property or permit a variance to a specific standard. The agreement was presented to the

Planning Commission as the recommending body and the City Council for final decision. Related hearings were noticed as a public hearing and includes a newspaper notice; notices were mailed to all property owners within 500 feet of the subject property and multiple on-site postings were completed.

SECTION 3. The City Council hereby approves the Development Agreement substantially in the form as attached hereto as Exhibit A, and authorizes the City Manager to finalize and execute the Development Agreement on behalf of the City.

SECTION 4. No later than ten (10) days after the effective date of this Ordinance, the City Clerk shall record with the County Recorder a copy of the Development Agreement and the notice shall describe the land to which such contract applies.

SECTION 5. The City Clerk is hereby directed to cause a summary of this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; and shall certify to the adoption of this Ordinance.

SECTION 6. This ordinance shall take effect upon publication.

Signed and approved this _____ day of _____, 2018.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this ____ day of _____ 2018, by the following vote:

AYES:

NOES:

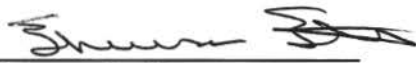
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

Exhibit A: Development Agreement