

OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2004
TO: CITY COUNCIL
FROM: CYNTHIA J. KURTZ, CITY MANAGER
SUBJECT: APPEAL OF DESIGN COMMISSION DECISION TO APPROVE THE APPLICATION FOR CONCEPT DESIGN APPROVAL FOR CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT AT 250 SOUTH DE LACEY AVENUE

RECOMMENDATION:

It is recommended that the City Council approve the application for Concept Design Review in accordance with the recommendation in the staff report dated March 1, 2004 (attached) and adding the following as Condition 9 to Attachment A of that agenda report:

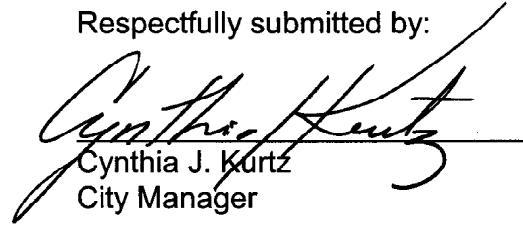
9. Provide a mix of **landscape and hardscape** elements in the front setback along De Lacey Avenue that includes pedestrian amenities, such as benches and seating, subject to the review and approval of the Design Commission at Final Design Review. (*Central District Guidelines BD4.1 and SP3.4: "Promote active, pedestrian-oriented uses" and "On-site plazas may serve as a well-defined transition from the street."*)

BACKGROUND AND ANALYSIS

The appeal of this project was continued from the meeting of March 1, 2004, when the applicant, in an agreement with the appellants, submitted a revised site plan showing additional hardscape features and less landscaping in the setback area along De Lacey Avenue. The Council continued the meeting to give staff time to review the proposed changes.

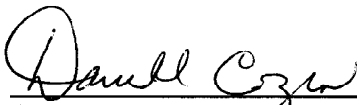
Staff has reviewed the changes (shown in Exhibit 1) and finds that they conform to the City's Design Guidelines and Zoning Code. The final design will be reviewed by the Design Commission, as is usually the case for projects of this scale. The Director of Planning and Development has spoken to the appellants and expects to receive a letter withdrawing the appeal.

Respectfully submitted by:



Cynthia J. Kurtz
City Manager

Prepared by:



Darrell Cozen, Planner
Design and Historic Preservation Section
Planning & Development Department

Approved by:



Richard J. Bruckner, Director
Planning & Development Department

LIST OF ATTACHMENTS:

- Attachment A Staff report for March 1, 2004
- Attachment B Revised First Floor Plan

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RECEIVED

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Save South Orange Grove

March 3, 2004

CITY CLERK
CITY OF PASADENA

Clerk of the City Council
City of Pasadena
100 North Garfield Avenue
Pasadena, California 91109

**Re: Appeal of Design Commission Decision to Approve the
Application for Conceptual Design Approval for Construction
of the Six Story Project at 250 South De Lacey Avenue**

Dear Sir or Madam:

Save South Orange Grove and West Pasadena Residents Association filed the above-referenced appeal. We have resolved our differences with the developer Mike Balian and, accordingly, withdraw our appeal.

Thank you for your attention to this matter.

Very truly yours.

SAVE SOUTH ORANGE GROVE

By: 

Michael Vogler
Executive Director

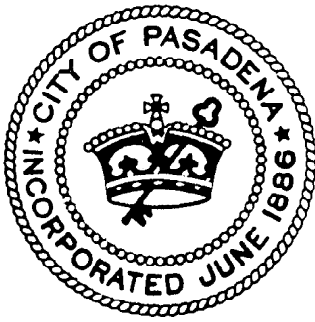
WEST PASADENA RESIDENTS ASSOCIATION

By: 

David Romney
President

cc: Mayor Bill Bogaard
Darrell Cozen, Planning Department, City of Pasadena

P.O. BOX 50342
Pasadena, CA 91115



Agenda Report

DATE: MARCH 1, 2004
TO: CITY COUNCIL
FROM: CYNTHIA J. KURTZ, CITY MANAGER
SUBJECT: APPEAL OF DESIGN COMMISSION DECISION TO APPROVE THE APPLICATION FOR CONCEPT DESIGN APPROVAL FOR CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT AT 250 SOUTH DE LACEY AVENUE

RECOMMENDATION:

It is recommended that the City Council:

1. Acknowledge that there are no native, landmark or specimen trees on the site. As stated in the Initial Study, "there were a number of large trees on the subject site. Recently, these trees were cut down to make way for the proposed mixed-use project. At the time the trees were cut down, none of the trees were on the City's list of Native or Specimen trees. As such, there will be no locally designated trees that will be removed as a result of the project;"
2. Affirm the decision of the Subdivision Committee that the initial environmental study concludes that the proposed project will not have any significant effects on the environment (Attachment E);
3. Affirm the decision of the Subdivision Committee to adopt the Negative Declaration (Attachment F);
4. Find that the project complies with the Citywide Design Principles in the Land Use Element of the *General Plan*, the West Gateway Specific Plan Design Guidelines; the Central District Design Guidelines; the Purposes of Design Review in §17.92.010 of *the Zoning Code*; and the Design Guidelines for Windows in Multi-unit Residential Projects if modified to comply with conditions of approval (Attachment A); and
5. Affirm the decision of the Design Commission to approve the application for concept design approval with the conditions listed in Attachment A.

DECISION BY THE DESIGN COMMISSION

On January 12, 2004, the Design Commission considered the application for Concept Design Review. There were no negative public comments, and the Commission voted unanimously to approve the application. Although the staff report recommended a continuance because of seven design concerns, the Commission decided that these issues could be resolved by establishing appropriate conditions of approval and by tracking the progress of the project at a 50% review and a final design review. The Commission approved the Concept Design subject to eight conditions of approval listed in Attachment A.

EXECUTIVE SUMMARY

The applicant, Balian Investments, LLC, proposes to construct a six-story building (63 feet tall) with two levels of subterranean parking on an existing surface parking lot (0.6 acre), at the southeast corner of South De Lacey Avenue and Orange Place. As proposed, the ground floor will have 5,000 square feet of commercial/office space, two residential units, and at-grade parking for the commercial/office uses. The second-through-sixth floors will have 32 additional residential units. There will be 74,600 square feet in the proposed building.

The Subdivision Committee adopted an initial study and negative declaration that found there will be no significant environmental impacts. Staff analyzed the project, identified eight areas of concern and recommended continuing the hearing. Based on staff's analysis, the Design Commission approved the Concept Design with eight conditions of approval to resolve issues of massing, scale of the entry, heaviness of ornamentation and other matters. Two neighborhood groups have appealed the initial study and the Concept Design approval because of concerns about traffic impacts, design, massing, height, modulation, and compatibility with the surroundings. Staff believes the initial study and negative declaration are complete and that the conditions of approval assure that the building will fully comply with the City's design guidelines.

BACKGROUND

On October 8, 2003, the Subdivision Committee approved a vesting tentative tract Map for the development of 34 air space condominiums on the site. In the same month, staff recommended that the Zoning Hearing Officer deny a minor variance application to allow an additional five feet of height for the building. On December 3, 2003, the Zoning Hearing Officer approved a variance to allow the building to exceed the height limit by three feet, rather than the requested five feet.

The Subdivision Committee took the first discretionary action on this project when it approved a vesting tentative tract map on October 8, 2003. As part of that action, the Subdivision Committee adopted an initial study and negative declaration for the project. The initial study included a full traffic study prepared by a registered professional traffic engineer, reviewed and approved by the Transportation Department. In December 2003, the Zoning Hearing Officer acknowledged the initial study and negative declaration in his approval of a minor height variance, and, in January 2004, the Design Commission acknowledged the initial study and negative declaration, when they approved the Concept Design.

BASIS OF APPEAL AND STAFF ANALYSIS

The appellants are Save South Orange Grove and West Pasadena Residents Association. They have appealed both the Design Review approval and the initial study and negative declaration. Their concerns (see letter in Attachment B,) are listed in a table in Attachment C, along with an analysis by staff. A summary of the issues and analysis follows:

Height, Massing, and Modulation

The appellants believe that the height, massing and modulation are inappropriate for the location and proposed use, are not visually harmonious with its site and surrounding sites and structures, and dominate the surroundings. They cite some concerns in the staff report to the Design Commission in support for their concerns. However, staff's concerns were resolved by the Design Commission's conditions of approval, and the project will meet the applicable design guidelines if it complies with the conditions of approval. The project design has two upper floors with deep setbacks from the street facades and other significant modulation as well. The three-foot height variance approved by the zoning hearing officer does not make the building massive or bulky. The Commission's conditions of approval will reduce the scale of the main entry, lighten the cornices, and improve the integration of the first floor with the upper floors.

Initial Study of Environmental Impacts

The appellants believe the Design Commission improperly accepted the initial study and negative declaration (for reasons described in detail under Massing and Traffic). They assert that the initial study fails to study all cumulatively considerable impacts and therefore violates the City's Environmental Policy Guidelines and CEQA.

The traffic study for this project was prepared in accordance with the City's established guidelines and concluded that none of these studied locations exceed the thresholds of significant impact. The Initial Study, therefore, documented these findings and concluded the project-related traffic impact is below the level of significance.

Traffic

The appellants contend that the Traffic Study failed to analyze potential traffic impacts at the intersections of Colorado Boulevard/Pasadena Ave and Colorado Boulevard/Fair Oaks Ave.

A traffic impact and parking analysis was prepared in June 2003. Prior to commencement of the analysis, City staff reviewed and approved the study scope which included boundaries of study area, forecasts, cumulative effects, and potential impacts on parking, transit and pedestrian. More specifically, eight signalized intersections and four street segments were reviewed in accordance with the City's standard methodology.

Trips to and from the project site most likely will use either Green Street (one-way) or Del Mar Boulevard. The number of trips on each of these routes was estimated and none of these study intersections would be impacted by this proposed project above the level of significance.

Cumulative Traffic Impacts

The appellants state that the proposed project will contribute to "*significant* cumulative traffic impacts at every studied intersection" and should be required to pay a fair share of the cumulative impacts. However, the related projects list includes several projects with build-out years well beyond that of the project in question. The traffic study analyzed a worst-case scenario based on all projects that had been submitted for Predevelopment Plan Review at the time the traffic study began.

Most of the project-related traffic for this project will utilize the intersection of De Lacey Avenue and Del Mar Boulevard with a design capacity of 8,000 vehicles per hour. During the peak-hour, it currently carries 2,317 vehicles and will carry approximately 2,726 vehicles in 2006. At worst, this development is projected to contribute 22 vehicles to this intersection.

This project will be subject to pay \$15,150 into the new development impact fund. This fee will be used to fund street improvement, traffic control and management projects in this general area. This fund was created to address incremental traffic impacts by new developments citywide.

FISCAL IMPACT:

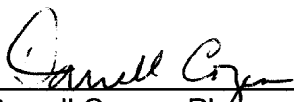
If the City Council affirms the decision of the Design Commission, the project will proceed to final design review and plan check. The City will collect fees for these reviews, for building permits, and other development impact fees. Upon completion, the project will also generate property taxes.

Respectfully submitted by:



Cynthia J. Kurtz
City Manager

Prepared by:



Darrell Cozen, Planner
Design and Historic Preservation Section
Planning & Development Department

Approved by:



Richard J. Bruckner, Director
Planning & Development Department

LIST OF ATTACHMENTS:

- Attachment A Recommended Conditions of Approval
- Attachment B Request for Appeal of Design Commission Decision
- Attachment C Table of Appellants' Issues and Staff's Analysis of Issues
- Attachment D Project Plans and Elevations
- Attachment E Initial Study
- Attachment F Negative Declaration
- Attachment G Traffic Report

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