

CITY OF PASADENA  
City Council Minutes  
March 1, 2004 - 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting of the City Council to order at 5:46 p.m. (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 5:46 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code Section 54956.9(a)**

**Name of Case: Bemoras v. City of Pasadena, Case No. GC 029241**

The above closed session was discussed, with no reportable action at this time.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding consideration of initiation of litigation pursuant to Government Code Section 54956.9(c): One potential case**

Motion by Councilmember Streater, seconded by Councilmember Little, to authorize the City to join a lawsuit yet to be filed by the City of Cerritos as a plaintiff. The action, defendants and other details of the suit, once commenced, will be disclosed to any person upon inquiry. (Motion unanimously carried) (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting of the City Council reconvened at 6:30 p.m. The Pledge of Allegiance was led by Girl Scout Troop 228, from Norma Coombs Alternative School.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Sidney F. Tyler, Jr.  
Councilmember Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden  
Councilmember Paul Little  
Councilmember Steve Madison (Arrived 7:17 p.m.)  
Councilmember Joyce Streater

Staff:

City Manager Cynthia J. Kurtz  
City Attorney Michele Beal Bagneris  
City Clerk Jane L. Rodriguez

**CEREMONIAL MATTERS**

Mayor Bogaard and Councilmember Gordo presented a commendation to the Southwest Chamber Music for its receipt of a Grammy Award.

Mayor Bogaard and Councilmember Gordo presented a commendation to Dewey Pest Control for its 75<sup>th</sup> year in business.

The City Clerk administered the oath of office to Mr. Andrew Wilson as Design Commissioner.

Mayor Bogaard announced tonight's meeting would adjourn in memory of the Honorable Talmage Burke, who served on the Alhambra City Council for 52 years, was the longest-ranking elected official in the State of California, and had served 15 terms as the Mayor of the City of Alhambra.

**PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

Mr. Kurt Thorgerson, Pasadena resident, spoke and submitted a letter regarding solar energy for City facilities.

**CONSENT CALENDAR**

Item discussed separately at the request of Vice Mayor Tyler.

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH RW BECK FOR THE DEVELOPMENT OF AN ELECTRIC DISTRIBUTION SYSTEM MASTER PLAN**

Item discussed separately at the request of Vice Mayor Tyler.

**AUTHORIZATION TO IMPLEMENT PUBLIC AGENCY RETIREMENT SYSTEM (PARS) SEPARATION INCENTIVE PLANS**

**GRANT OF EASEMENT FOR PUBLIC STREET PURPOSES ON THAT PORTION OF GREEN STREET SHOWN ON THE AMENDED MAP OF TRACT NO. 53062, M.B. 1263-9/15, AND SUMMARY VACATION OF PORTION OF GREEN STREET SHOWN ON THE MAP OF TRACT NO. 53062, M.B. 1254-52/58, AT 300 EAST COLORADO BOULEVARD**

**Recommendation of City Manager:**

(1) Adopt a resolution:

(a) Approving and accepting a proposed easement dedication for public street purposes on that portion of Green Street shown on the Amended Map of Tract No. 53062, M.B. 1263-9/15, along the north side of Green Street between Euclid Avenue and Los Robles Avenue, described in Exhibit A and graphically shown on the Department of Public Works Drawing No. 5319, sheet 1 of 1, attached to the agenda report.

(b) Summarily vacating the following area: A portion of Green Street shown on the Map for Tract No. 53062, M.B. 1254-52/58, along the north side of Green Street between Euclid Avenue and Los Robles Avenue, described in Exhibit B attached to the agenda report and graphically shown on the Department of Public Works Drawing No. 5318, sheet 1 of 1, pursuant to Sections 8330 and 8334 of California Streets and Highways Code.

(2) Acknowledge the summary vacation to be categorically exempt from California Environmental Quality Act (CEQA). In accordance with Article 19, Sections 15301 Existing Facilities and 15304 Minor Alterations for Land, authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the Summary Vacation with the Los Angeles County Clerk. (Resolution No. 8323)

Item discussed separately at the request of Vice Mayor Tyler.

**AWARD PURCHASE ORDER CONTRACT TO PACIFIC COAST CABLING FOR FURNISHING, DELIVERY AND INSTALLATION OF NETWORK EQUIPMENT**

Item discussed separately at the request of Vice Mayor Tyler.

**LEASE AMENDMENT FOR THE TRANSPORTATION DEPARTMENT AT PARK CENTER LOCATED AT 221 E. WALNUT STREET**

**APPROVAL OF AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIRE MANAGEMENT ASSOCIATION**

**Recommendation of City Manager:** It is recommended that the City Council approve amendments to the Memorandum of Understanding between the City of Pasadena and the Pasadena Fire Management Association (PFMA).

**APPROVAL OF MINUTES**

February 2, 2004

**CLAIMS RECEIVED AND FILED**

Claim No. 9490	Blanca Holter, as Guardian Ad Litem for Brandon Holter, a minor	\$ 25,000,000.00
Claim No. 9491	Blanca Holter, individually	25,000,000.00
Claim No. 9492	Douglas W. Colliflower dba DC Golf	Unknown
Claim No. 9493	Victor Q. Hang	Unknown
Claim No. 9494	Kimberly Karriem	Unknown

**PUBLIC HEARINGS SET**

**March 29, 2004 - 8:00 p.m.** - Joint Public Hearing: Proposed Adoption of a Mitigated Negative Declaration and Approval of an Owner Participation Loan Agreement between the Community Development Commission and Heritage Housing Partners for the Proposed Fair Oaks Court Mixed-Use Development at 6-46 Peoria Street and 584-612 North Fair Oaks Avenue within the Villa-Parke Redevelopment Project Area.

**April 19, 2004 - 8:00 p.m.** - Schedule of Taxes, Fees and Charges

It was moved by Vice Mayor Tyler, seconded by Councilmember Haderlein, to approve the Consent Calendar with the exception of Item 1 (Contract with RW Beck), Item 2 (PARS Separation Incentive Plans), Item 4 (Purchase Order Contract to Pacific Coast Cabling), and Item 5 (Lease Amendment for Transportation Department) which were removed for separate discussion. Motion unanimously carried (Absent: Councilmember Madison )

**CONSENT ITEMS**  
**DISCUSSED SEPARATELY**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH RW BECK FOR THE DEVELOPMENT OF AN ELECTRIC DISTRIBUTION SYSTEM MASTER PLAN**

**Recommendation of City Manager:** Authorize the City Manager to enter into a contract with RW Beck for an amount not to exceed \$498,493 to provide consulting services to the Water and Power Department for the development of an Electric Distribution System Master Plan. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services.

Vice Mayor Tyler questioned why this item had not gone through the Municipal Services Committee and expressed concern regarding the wide disparity in price between the winning bid and the other bids. He indicated in the future, when there is a price disparity, it would be appropriate for the item to go through the Municipal Services Committee.

The City Manager and Ms. Phyllis Currie, General Manager of Water and Power, responded to questions.

It was moved by Vice Mayor Tyler, seconded by Councilmember Streator, to take the item under advisement through the Municipal Services Committee and return to Council. (Motion unanimously carried) (Absent: Councilmember Madison)

**AUTHORIZATION TO IMPLEMENT PUBLIC AGENCY RETIREMENT SYSTEM (PARS) SEPARATION INCENTIVE PLANS**

**Recommendation of City Manager:** Authorize the City Manager to implement Separation Incentive Plan benefits for up to 10 individuals, effective immediately.

Ms. Karen Ezell, Director of Human Resources, responded to questions.

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

**AWARD PURCHASE ORDER CONTRACT TO PACIFIC COAST CABLING FOR FURNISHING, DELIVERY AND INSTALLATION OF NETWORK EQUIPMENT**

**Recommendation of City Manager:**

- (1) Accept the bid dated February 24, 2004, submitted by Pacific Coast Cabling for network switches, free space optic (FSO) and coarse wave division multiplexing (CWDM) equipment in response to Specifications for Furnishing, Delivery and Installation of Network Equipment;
- (2) Reject all other bids received; and
- (3) Authorize the issuance of a purchase order contract to Pacific

Councilmember Holden was excused at 6:56 p.m.

Coast Cabling in an amount not to exceed \$572,049.41. Mr. John Pratt, Chief Information Technology Officer, responded to questions.

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

**LEASE AMENDMENT FOR THE TRANSPORTATION DEPARTMENT AT PARK CENTER LOCATED AT 221 E. WALNUT STREET**

**Recommendation of City Manager:** It is recommended that the City Council approve the terms and conditions, as generally described in the agenda report and authorize the City Manager to execute an amendment to Lease No. 16,436-1 and any other documents necessary to carry out this transaction. (Contract No. 16,436-2)

**Recommendation of Old Pasadena Management District:** The Old Pasadena Management District reviewed and provided revisions to the FY 2005 Draft Operating Budget for the Old Pasadena Parking Structure Fund on February 13, 2004, and was agreeable to the increase in rent for the additional leased space required.

**Recommendation of Old Pasadena Parking Meter Zone Advisory Commission:** At their regularly scheduled meeting on February 19, 2004, the Old Pasadena Parking Meter Zone Advisory Commission unanimously approved the increase in rent for the additional leased space required for the FY 2005 Draft Operating Budget in the Old Pasadena Parking Meter Fund.

**Recommendation of South Lake Parking Place Commission:** At a special meeting on February 26, 2004, the South Lake Parking Place Commission unanimously approved the increase in rent for the additional leased space required for the FY 2005 Draft Operating Budget in the South Lake Parking Fund.

The City Manager and Mr. Richard Bruckner, Director of Planning and Development, responded to questions.

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

Councilmember Holden returned at 7:00 p.m.

**APPROVAL OF A LOAN IN THE AMOUNT OF \$50,000 TO THE MULTIMODAL OPERATION AND DEVELOPMENT ENTITY**

**Recommendation of City Manager:** It is recommended that the City Council authorize a loan in the amount of \$50,000 to cover operating expenses of the Multimodal Operation and Development Entity (MODE). (Contract No. 18,442)

**Recommendation of Old Pasadena Parking Meter Zone Advisory Commission:** On February 19, 2004, the Old Pasadena Meter Zone Advisory Commission met and voted to support the City Manager's recommendation on the condition that a formal loan

document be written indicating that:

- (1) The loan originated from Old Pasadena Parking Structure Fund;
- (2) Interest accrue on the loan;
- (3) There is a specified repayment date; and
- (4) The loan will be non-subordinated to any other loan(s) made to the MODE.

Councilmember Little summarized the report.

The City Manager responded to questions regarding repayment of the loan.

Councilmember Haderlein suggested a repayment schedule be put in place in June.

Following a brief discussion, it was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the City Manager's recommendation, with staff to come back in June with a repayment schedule. (Motion unanimously carried) (Absent: Councilmember Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:08 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 7:09 p.m. (Absent: Councilmember Madison)

ORDINANCES - ADOPTED

**Adopt "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND AND NOISE SOURCES FOR CALVARY CHAPEL'S EASTER SUNRISE SERVICE, A PERMITTED EVENT, AT VICTORY PARK FROM 7:00 A.M. TO 8:30 A.M. ON SUNDAY, APRIL 11, 2004"** (Introduced by Councilmember Haderlein) (Ordinance No. 6963)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Streater, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

**Adopt "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED**

**SOUND AND NOISE SOURCES FOR SPECIFIED HOURS AND AREAS ON JULY 28, 29, 30, 31 & AUGUST 1, 2004 (GREATER LOS ANGELES BILLY GRAHAM CRUSADE)"** (Introduced by Councilmember Haderlein) (Ordinance No. 6964)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Streater, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

Councilmember Haderlein recused himself at 7:10 p.m. due to a conflict of interest.

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE, THE REVISED ZONING CODE, TO CREATE THE HOSPITALITY HOME USE CLASSIFICATION AND THE HOSPITALITY HOME OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE"** (Introduced by Councilmember Little) (Ordinance No. 6965)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, Little, Streater, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Haderlein, Madison

**APPEALS/PUBLIC HEARINGS**

Councilmember Haderlein returned at 7:12 p.m.

**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 of City Manager:**

(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 of the agenda report);

(3) Affirm the decision of the Subdivision Committee to adopt the Negative Declaration (Attachment F of the agenda report);

(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 Section 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 of the agenda report); and

(5) Affirm the decision of the Design Commission to approve the application for concept design approval with the conditions listed in Attachment A of the agenda report.

**Recommendation of 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 of the agenda report.

Councilmember Madison  
arrived at 7:17 p.m.

The Mayor opened the public hearing.

The City Clerk reported 21 copies of the notice were posted and 14 copies of the notice were mailed on February 13, 2004.

Mr. David Romney, President of West Pasadena Residents Association, noted the two appellants, West Pasadena Residents Association and Save South Orange Grove, had met with the developer and briefly discussed the basis for the appeal, and certain changes have been agreed to by the developer. He indicated subject to these changes, the appellants had agreed to withdraw their appeal.

Mr. Mike Balian, project developer, outlined the proposed changes and stated the changes agreed to will better incorporate pedestrian traffic into the setback in a manner that makes the space pedestrian friendly and increases the accessibility and visibility of commercial space.

The City Attorney recommended continuing the appeal in order to confirm that the modifications are acceptable to staff and consistent with design requirements.

Mr. Burke Farrar, Pasadena resident, suggested referring the matter back to the Design Commission.

It was moved by Councilmember Madison, seconded by Councilmember Little, to continue the public hearing to March 8, 2004 at 8:00 p.m. (Motion unanimously carried) (Absent: None)

**APPEAL OF DESIGN COMMISSION DECISION TO APPROVE THE APPLICATION FOR CONCEPT DESIGN REVIEW AND MITIGATED NEGATIVE DECLARATION FOR THE MIXED-USE PROJECT AT 100-120 WEST GREEN STREET**

**Recommendation of City Manager:**

(1) Affirm the conclusions of the initial environmental study that the proposed project - with mitigation measures - will not create any



significant effects on the environment (see Attachment A of the agenda report);

(2) Approve the Mitigated Negative Declaration (see Attachment B of the agenda report);

(3) Acknowledge that the project does not affect any protected native, specimen, or native trees;

(4) Find that the design of the project - with the recommended conditions of approval - complies with the City-wide Design Principles in the Land Use Element of the General Plan, the Urban Design Objectives and Policies in the Land Use Element of the General Plan, the Purposes of Design Review in the Zoning Code, the Secretary of the Interior's Standards for Rehabilitation, the West Gateway Specific Plan Design Guidelines, and the Central District Specific Plan Design Guidelines; and

(5) Affirm the decision of the Design Commission to approve the application for conceptual design review with the conditions listed in Attachment C of the agenda report.

**Recommendation of Design Commission:** On January 12, 2004, the Design Commission reviewed and approved the application for Concept Design Review, an Initial Study, and a Mitigated Negative Declaration for a proposed mixed-use project at 100-120 West Green Street. Those decisions have been appealed by the Save South Orange Grove, West Pasadena Residents Association, and the Old Pasadena Management District. The basis for the appeal is noncompliance with the application design guidelines, impacts on the historic environment, inadequate circulation of the Initial Study, various cumulative impacts, flaws in the traffic study, and segmentation of the project.

The Mayor opened the public hearing.

The City Clerk reported that on February 13, 2004, 34 copies of the notice were posted and 76 copies of the notice were mailed; and two letters in support and two letters in opposition to the project were received and distributed.

Ms. Teresa Grimes, Planner, summarized the agenda report and responded to questions.

Mr. Eric Shen, Transportation Planning and Development Manager, and Ms. Joyce Amerson, Director of Transportation, discussed the traffic study for the project and responded to questions.

The following people spoke in support of the staff recommendation and affirming the Design Commission decision to approve the application:

Mr. Peter Lauener, President of Intracorp., representing the applicant, and submitted a letter dated March 1, 2004 to City Council stating Green Street Ventures, LLC is prepared to participate in a limited fair share funding of traffic improvements as detailed in the letter.

Mr. William Delvac, counsel for the developer Green Street Ventures, LLC, and submitted a handout entitled "Intracorp - Green/DeLacey Mixed Use Project" providing an analysis of the project relative to the City's General Plan, Specific Plan, and Zoning.

Mr. Mark Nay, Design Commissioner

Ms. Andrea Rawlings, Design Commissioner

Ms. Adele Chang, architect for the project

Mr. Jack Bonholtzer, realtor

Ms. Susan N. Mossman, representing Pasadena Heritage

Mr. Mike Balian, project developer

The following people spoke in opposition to the project as proposed:

Ms. Maggie Campbell, President/Chief Executive Officer of Old Pasadena Management District, co-appellant, and distributed her letter in opposition

Ms. Suzanne Marks, Chair of the Old Pasadena Management District Board of Directors

Mr. Michael Vogler, Executive Director of Save South Orange Grove, co-appellant

Mr. David Romney, President of West Pasadena Residents Association, co-appellants, and distributed excerpts of the Zoning Code and a Zoning Administrator interpretation regarding mixed-use projects

Mr. Jim Plotkin, member of the Old Pasadena Management District

Mr. Daniel Mellinkoff, member of the Old Pasadena Management District, and submitted a handout entitled "Background of 100-120 West Green Street - Zoning & Height Limits"

Mr. John Howell, attorney representing Old Pasadena Management District

Mr. Victor Ciulla, Managing Partner of Twin Palms Restaurant, and submitted a letter addressed to him from noise consultant Dr. Frank C. Gomez

Mr. Steve Lamb, Altadena resident

Mr. John Huang-Analleto, resident on Dayton Street

In response to questions regarding traffic mitigation, the City Manager noted that commercial development impact fees are used for traffic impacts in certain areas, however, residential development impact fees are used for parks and affordable housing and are not applied for traffic mitigation. Discussion ensued on the need to have a program in place to collect fees from residential developments to pay their fair share to fund traffic mitigation.

Ms. Joyce Amerson, Director of Transportation, responded to further questions and stated that in order to do a "fair share", a program needs to be in place to determine the cost and how to assess the cost of improvements.

Discussion ensued regarding cumulative traffic impacts, how areas are defined for project traffic studies, how ambient growth is addressed in the traffic studies, the need for a fair share program so that all development projects are contributing fees toward traffic mitigation, including smaller projects which may not have significant impacts but have cumulative impacts, the need for guidelines to be developed for a program to address cumulative impacts; the need for a comprehensive look at traffic with consideration given to recently completed projects and projects in the pipeline; and the need to be proactive in addressing traffic.

Councilmember Madison expressed concern that with the adoption and certification of the West Gateway Specific Plan, it does not appear that costs were identified to implement and monitor mitigation measures. The City Manager responded that staff could go back and review the Plan, and noted that a good transportation plan is in place for the area. She further noted that approximately \$20 million worth of traffic improvements are planned for the area to eliminate Level F intersections.

The City Manager stated that the West Gateway Specific Plan allows that if a traffic plan is in place for that area, a mechanism may be put in place to collect fees to mitigate traffic, and noted that mechanism is not currently in place.

Ms. Maribel Medina, Assistant City Attorney, responded to questions regarding the environmental review process.

The City Manager noted the project follows the City's rules, expressed concern that it would be unfair to change the rules mid-stream, but noted there may be a need to review the rules to better understand them and be comfortable with them, and possibly improve them. She noted there may be a role for the Planning Commission and Transportation Advisory Commission to look at how traffic studies are conducted and provide advice as to whether there are cumulative impacts that could be captured if all of the impacts are not being captured.

Mr. John Poindexter, Planning Manager, reviewed how the height limits were applied for the subject project, and responded to questions regarding the definition of a mixed-use project.

Mr. Richard Bruckner, Director of Planning and Development, responded to additional questions regarding noise buffering.

#### MOTION

It was moved by Councilmember Madison, seconded by Councilmember Haderlein, that (1) the City Attorney's Office provide independent advice about which rules apply to this project and why such rules are applied to this project; (2) staff to come back to Council with a report on the requirement in the EIR for the West Gateway Specific Plan that we have a mitigation program whereby developers would pay their fair share, and the status of that

program; and (3) that the Transportation Advisory Commission review issues pertaining to transportation and specifically provide an opinion as to whether the proposed project would create any significant impacts on the environment, and report back to Council in a few weeks.

Discussion ensued and individual concerns were raised with the pending motion and delaying a project that conforms with the standards and design guidelines; concern that a small project of 61 units should not be blamed for all the traffic problems in the area; and concern that this project is being subjected to a level of scrutiny that it does not deserve. Support was expressed for further reviewing the systemic issues as a separate process.

Mayor Bogaard summarized four systemic issues Council may want to be addressed: (1) a better understanding of the definition of "mixed-use project"; (2) whether the Council has the discretion to order an environmental impact report (EIR) even if certain normal triggering thresholds have not been met; (3) the need to look comprehensively at traffic and where comprehensive traffic solutions can be devised and funded as development occurs; and (4) the concept of fair share and cumulative impacts.

MOTION WITHDRAWN

Following discussion and in light of concerns raised, Councilmember Madison withdrew his motion.

MOTION 1

It was moved by Councilmember Streater, seconded by Vice Mayor Tyler, to close the public hearing. (Motion unanimously carried) (Absent: None)

MOTION 2

It was moved by Councilmember Streater, seconded by Councilmember Tyler, to approve the City Manager's recommendation.

AYES: Councilmembers Gordo, Holden, Little, Streater, Vice Mayor Tyler, Mayor Bogaard

NOES: Councilmembers Haderlein, Madison

ABSENT: None

MOTION 3

Motion by Councilmember Streater, seconded by Vice Mayor Tyler, to handle the systemic issues that were raised and staff to report back to the Council with information on how we do traffic studies, how we deal with the issue of the cumulative impact, and how staff proposes to deal with the West Gateway Specific Plan's recommendation for creating a fund to deal with cumulative impacts and fair share.

In response to a question, Councilmember Streater clarified that the motion does not include addressing the definition of mixed use. She further clarified that it would be appropriate for staff's recommendations to go before the Planning Commission and Transportation Advisory Commission before coming back to Council.

Councilmember Little noted that regarding traffic mitigation and new development projects, at some point in the future, there is a need to further discuss the infrastructure that is currently in place and what sort of development that infrastructure can support, what additional development is anticipated, and what additional infrastructure needs to be in place to support new development.

The City Manager responded that the General Plan and Mobility Element are supposed to do that, but these documents are in the process of being revised, and before that step is taken in June, there is a need to have thoughtful discussion and perhaps outside assistance in that effort.

VOTE ON MOTION 3

The following vote was taken on Motion 3:

AYES: Councilmembers Gordo, Haderlein, Holden, Little,  
Madison, Streator, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: None

The Mayor noted that he would follow-up informally with staff to obtain further information regarding mixed uses and Council's discretion in the environmental review process.

**PUBLIC HEARING: PROPOSED AMENDMENT TO TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ALLOW FOR SECOND UNITS IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS**

**Recommendation of City Manager:** It is recommended that the City Council, following a public hearing:

(1) Acknowledge that this amendment to Title 17 (Zoning Code) of the Pasadena Municipal Code is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.17. CEQA is not applicable to local ordinances regulating construction of second units;

(2) Approve a proposed amendment to the Zoning Code that would allow for the development of second units in single-family residential zoning districts subject to the specific development standards outlined in Attachment A of the agenda report;

(3) Direct the City Attorney to prepare an ordinance amending Title 17 (Zoning Code) of the Pasadena Municipal Code to allow second units in single-family districts subject to the specific development standards outlined in the agenda report; and

(4) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder.

**Recommendation of Planning Commission:** On January 14, 2004, the Planning Commission recommended approval of staff's recommendation. The Commission also recommended that second units in Landmark Districts be subject to the same standards that currently exist for additions to single-family homes in these districts.

**Recommendation of Northwest Commission:** On November 11, 2003, the Northwest Commission recommended approval of the

proposed ordinance as recommended by staff.

**Recommendation of Housing Affordability Task Force:** As part of its Final Report to the City Council in 2003, the Task Force recommended the creation of a second unit ordinance as a way to increase the housing stock in Pasadena. The development standards recommended by the Task Force for second units is included as part of Attachment A of the report.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published February 20, 23, and 27, 2004, in the Pasadena Star News; 6 letters in support were received, and 29 e-mails or correspondence were received in opposition or expressing various concerns.

The City Manager introduced the item.

Mr. Ariel Socarras, Associate Planner, summarized the staff report and responded to questions.

Discussion ensued regarding enforcement of the requirements that the property owner occupy one of the units; whether there is consistency with the General Plan; whether findings can be made that second units have a detrimental impact on public health and welfare, and the requirement to be able to prove such findings; and concern the State law preempts the City's General Plan.

City Attorney Michele Bagneris and Assistant City Attorney Maribel Medina responded to questions regarding covenants to require property owners to occupy one of the units, and the legality of imposing an affordable housing covenant.

The Mayor announced now was the time for public comment.

Mr. Mark Nay, speaking as a resident, urged that if an ordinance must be adopted, that it minimize the creation of second units.

Mr. Arnold Siegal, Chair of the Planning Commission, discussed the Commission's split vote, and discussed his personal opinion that there be an affordability requirement, the number of units should be capped, only allow one-story units, and make the ordinance more restrictive.

Mr. Bryan Reese, President of Bungalow Heaven Neighborhood Association, suggested the following modifications: increase the minimum lot requirement to 12,000 sq. ft.; include a covenant for affordable housing; abolish the in-lieu fee for affordable housing; and don't permit second units in landmark districts.

Ms. Jill Shook, member of the Interfaith Coalition, suggested a minimum lot size of 5,000 sq. ft., or 6,500 sq. ft. if it is a unit over a

garage, or 7,500 sq. ft. for a detached unit; and not allow more than 30% of any given block to have second units.

Ms. Michele White, former Housing Affordability Task Force member, spoke in opposition to the 10,000 sq. ft. lot limit and 800 sq. ft. unit size; stated parking requirements are disincentives for the intent of the State statute; and suggested affordable housing restrictions should be in place.

Mr. Bob Kneisel, Chair of Pasadena Neighborhood Coalition, spoke in opposition to second units, acknowledged the need to adopt an ordinance for local control, but urged that the minimum lot size be 15,000 sq. ft.

Mr. Marvin Schachter, representing the Senior Advocacy Council, spoke in support of second units but expressed concerns this is a modest proposal.

Pastor David M. Corbin, First Church of the Nazarene of Pasadena, spoke in support of second units as a step forward to address housing needs, and suggested the minimum lot size be reduced to 5,000 sq. ft.

Pastor Camelia Joseph-Lloyd, Interfaith Coalition, spoke in support of second units, suggested the minimum lot size be reduced, and abolish the in-lieu fee for affordable housing.

Mr. Michael Coppess, Pasadena resident, summarized comments in his written correspondence to Council, spoke in opposition to second units, and urged that the most restrictive ordinance be adopted.

Mr. Steve Lamb, Altadena resident and member of the Society of Organic Architects, spoke in support of second units.

Mr. Kerwin Manning, member of Pasadena Church of God, expressed concern regarding the need for affordable housing and suggested the minimum lot size be decreased.

Mr. James Lomako, Pasadena resident, suggested looking at a discretionary procedure where the minimum lot size could be lowered.

Mr. Melvin Cañas, Pasadena property owner, spoke in support of second units.

Mr. Richard M. McDonald, Planning Commissioner, discussed State statute provisions and the split Planning Commission vote. He suggested the issue of second units be referred back to the Planning Commission and allow additional time for the Commission to come to a unanimous decision.

Ms. Margaret McAustin, Pasadena resident, referred to her correspondence to Council and expressed concern that potential impacts have not been quantified by staff, and expressed concern that no demolition of existing units be allowed in order to permit multiple units.

Mr. Mark Fearing, representing the Washington Square Neighborhood Association, spoke in opposition to second units, concern with the impacts to services, and requested a higher minimum lot size of 12,000 sq. ft. or higher.

Mr. Tom Selinske, resident in Historic Highlands neighborhood, spoke in opposition, stressed the need to protect single-family residences, concern with long-term impacts in changing the character of single-family neighborhoods, concern with impacts on services, traffic, noise, and less open space; suggested there be a cap on the number of second units per block, exempt landmark districts, and look at current trends of the in-lieu fee for affordable housing, and suggested property owners be required to hold their properties for at least one year to discourage developers from "flipping" properties.

Mr. Joe Feinblatt, Pasadena resident, stated current second units in the city are rented at market rate, and unless provisions are built in to ensure affordable housing, that goal will not be met. He expressed concern with the lack of enforcement of city regulations, and stressed the need to have adequate resources to maintain all the provisions into the future.

Mr. William E. Loesch, resident in Historic Highlands neighborhood, spoke in opposition, expressed concern with quality of life issues, and concern with the ability of developers to pay in-lieu fees for affordable housing; and suggested affordable housing covenants for multi-million dollar development projects.

Mr. Christopher Sutton, resident in Historic Highlands neighborhood, spoke in support of second units and noted adoption of a City ordinance is needed to preserve the City's discretion under AB 2292. He suggested the 10,000 sq. ft. minimum lot size be reduced; expressed concern the market has failed in terms of diversifying housing opportunities and too much land throughout the State is zoned for single-family housing; and stated housing prices are driven up because supply is severely constricted.

Ms. Nina Chomsky, Pasadena resident, spoke in opposition to second units, discussed her contributions in helping to draft the goals and objectives of the City's General Plan, stressed the need to protect single-family residences and for growth in targeted areas, and expressed concern this will undermine prior downzoning in Northwest Pasadena. She stated that if the Council moves forward with the proposal, it should be true granny flats, one bedroom/one



bathroom, 600 sq. ft., with a 15,000 sq. ft. minimum lot size, and require the units to be affordable.

Mr. Jim Brennan, representing the Lower Hastings Ranch Association, stated the Association is sympathetic toward affordable housing, but this proposal is not the way to accomplish it, and suggested the ordinance be more restrictive.

Ms. Diana Peterson-More, Planning Commissioner and former Housing Affordability Task Force member, discussed the Commission's deliberations on the issue, and expressed her support of second units.

It was move by Councilmember Little, seconded by Councilmember Streater, to close the public hearing. (Motion unanimously carried) (Absent: None)

Discussion ensued and individual comments were made regarding the need to have an inventory on the number of lots that would be eligible for second units and lots that already have second units, noting this could be an estimate; concern with impacts to existing neighborhoods and the need to have design/construction standards that match units to the character of neighborhoods; the suggestion that Council get input from staff as to setting a reasonable threshold for minimum lot size, but allowing a conditional use permit below that threshold; concern units will not be affordable without affordable housing covenants, but concern this smacks of rent control and the suggestion that staff explore this area and provide recommendations to Council; concern with the ability to turn a unit into a duplex, and to be careful that garage conversions will not be entitled; the importance of an enforcement mechanism; and the suggestion the item be referred back to the Planning Commission or to staff for additional information.

Vice Mayor Tyler suggested Council go in a different direction, and ask staff to look carefully at the ability to establish findings to qualify for the provision in the State law that there would be harm to the public good. He stated if there is not Council support to go in that direction, and if the City is going to expand its housing base, then the lot size requirement needs to be reduced. He suggested that if an affordable housing covenant is put in place, it needs to apply to all second units, including current second units. He expressed concern with impacts to existing neighborhoods, and that this will cost resources, such as doing an inventory and determining rents, enforcement, etc.

MOTION

It was moved by Vice Chair Tyler, seconded by Councilmember Haderlein, to direct staff to initiate a study to understand the impacts and make the findings that second units are detrimental to the public health and welfare.

MOTION WITHDRAWN

Following further discussion and with lack of support expressed for the pending motion, Vice Chair Tyler withdrew his motion.

NEW PENDING MOTION

It was moved by Councilmember Streater, seconded by Councilmember Holden, to approve the City Manager's recommendation, with the understanding that staff will come back to Council with information about affordability covenants and a specific recommendation as to how that could be applied and at what level.

It was suggested the following additional information be provided by staff prior to Council taking action to approve the City Manager's recommendation:

- Address the relationship (consistency/inconsistency) of a second unit ordinance to the General Plan.
- How the affordable housing standards would apply, and can they apply to existing second units?
- Are there ways to do an inventory of what exists now?
- What would be set as affordable housing standards, and the criteria used?
- Staff to look at a conditional use permit (CUP) process for units that are under any threshold that is ultimately decided upon.
- Staff to look at the issue of placing a limit on the number of lots per block or a percentage of the block that would be allowed to be developed with affordable second units.

For purposes of staff providing additional information, it was noted that staff would use 10,000 sq. ft. as the baseline threshold.

Councilmember Haderlein also requested that staff provide information on how an affordability covenant would be enforced, and expressed an interest in seeing information on where rent control has worked in other communities.

There was a consensus for Council to obtain more information from staff before acting on the pending motion. In response to when the matter will come back before Council, the City Manager offered to provide Council with a schedule next week.

On order of the Mayor, and with consent of the maker and seconder, the pending motion was tabled for staff to respond to the inquiries of Council. It was noted the public hearing would be re-noticed when the matter is scheduled to come back before Council.

M I S C E L L A N E O U S  
COMMENT REGARDING  
MONTANA I AND II  
PROJECT


The City Manager distributed a copy of a letter from Hahn & Hahn, legal counsel representing the developer for the Montana I and II project, requesting that instead of the matter returning to Council on March 8<sup>th</sup>, that the matter be rescheduled to March 22, 2004. She advised that with two Councilmembers scheduled to be absent on March 22, the matter will be rescheduled to the March 29, 2004 Council meeting.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 12:50 a.m., March 2, 2004.

ATTEST:

  
City Clerk  
j:\data\minutes-04\mar-1

  
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Bill Bogaard, Mayor  
City of Pasadena