

Agenda Report

TO: CITY COUNCIL

DATE: SEPTEMBER 18, 2006

FROM: CITY MANAGER

SUBJECT: CALL FOR REVIEW OF MINOR CONDITIONAL USE PERMIT #4703 FOR DEVELOPMENT IN EXCESS OF 15,000 SQUARE FEET OF NON-RESIDENTIAL FLOOR AREA IN THE TRANSIT-ORIENTED DISTRICT FOR THE WESTGATE PASADENA DEVELOPMENT

RECOMMENDATION

It is recommended that the City Council:

1. Acknowledge pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Guidelines, a Final Environmental Impact Report (FEIR) was prepared for the proposed Westgate Pasadena Project and circulated for public review and comment;
2. Certify the Final Environmental Impact Report (ATTACHMENT A) and adopt the Mitigation Monitoring Reporting Program (ATTACHMENT B);
3. Adopt by resolution the Findings of Fact and Statement of Overriding Considerations (ATTACHMENT C);
4. Adopt the Specific Findings for Minor Conditional Use Permit (MCUP) and Tree Removal (ATTACHMENT D);
5. Approve the proposed MCUP subject to the recommended Conditions Of Approval **as modified** (ATTACHMENT E);

APPROVALS

On June 15, 2006, the Hearing Officer certified the Final Environmental Impact Report and adopted the Mitigation Monitoring Reporting Program; adopted by resolution the Findings of Fact and Statement of Overriding Considerations; adopted the Specific Findings for Minor Conditional Use Permit (MCUP) and

Tree Removal; and approved the proposed MCUP. The Zoning Hearing Officer modified conditions # 13 and 73 and deleted condition 16f and 17.

On August 1, 2006, the Board of Zoning Appeals certified the Final Environmental Impact Report and adopted the Mitigation Monitoring Reporting Program; adopted by resolution the Findings of Fact and Statement of Overriding Considerations; adopted the Specific Findings for Minor Conditional Use Permit (MCUP) and Tree Removal; and approved the proposed MCUP. The Board of Zoning Appeals adopted Conditions of Approval # 13 and 73 as modified by the Zoning Hearing Officer but retained conditions 16f and 17 from the original staff recommendation.

EXECUTIVE SUMMARY

The proposed project would add 820 new dwelling units and the construction of approximately 22,154 square feet of ground floor retail/commercial south of Old Pasadena on three city blocks from Green Street to Del Mar Boulevard, and Pasadena to De Lacey Avenues. A total of 215,610 square feet of warehouse-type structures would be demolished. A Minor Conditional Use Permit (MCUP) is required for the commercial component of the project—new construction of non-residential square footage over 15,000 square feet in a Transit-Oriented District.

An Environmental Impact Report (EIR) was prepared for the project and circulated for review and public comment. Staff presented the project EIR to the Transportation Advisory, Design, Historic Preservation, and Planning Commissions for review and advisory comments. Staff has prepared responses to written comments and those received at public meetings which are provided as Chapter 9 (Response to Comments) of the Final EIR. The Final EIR finds that all potential impacts could be mitigated to a less than significant level with the exception of impacts to Air Quality (construction, operation and cumulative emissions would exceed AQMD thresholds). Because of this impact a Statement of Overriding Considerations is required.

BACKGROUND

The Sares-Regis Group's development located to the south of Old Pasadena is the first large scale, multi-block development to be reviewed by the City since the adoption of the Central District Specific Plan in November 2004. The project site was the subject of two previous development applications, first by Legacy Partners, and then the Worldwide Church of God, both of whom sought to redevelop the project site in conjunction with the Ambassador College West Campus. In 2004, the Worldwide Church of God withdrew its development application and divested its real estate holdings in Pasadena, selling segments of its former college campuses to different parties. The Sares-Regis development (Ambassador College East Campus) is not affiliated with the development of the Ambassador West development (Ambassador College West Campus).

On the former East Campus of the Worldwide Church of God, the applicant is proposing an urban housing/mixed-use development. The project envisions 820 new dwelling units and the construction of approximately 22,154 square feet of ground floor retail/commercial. The project also includes 110 units of affordable housing to be constructed on-site and reserved for residents of moderate and low-income levels. A total of 215,610 square feet of warehouse-type structures would be demolished. The project would extend across three city blocks from Green Street to Del Mar Boulevard, and Pasadena to De Lacey Avenues. The applicant does not seek any zone changes, variances or in-lieu fee waivers for open space provided on-site. In addition, the applicant does not propose concessions, waivers and incentives for the density bonus per SB 1818.

ANALYSIS

Transit-Oriented Development

The project is located within the Central District Transit-Oriented District (TOD) in the proximity of the Gold Line Station at Del Mar Boulevard and Raymond Avenue. The TOD zone establishes standards for development located within walking distance of a major transit stop designed for pedestrians. These standards provide for a mixture of commercial, high-density residential, mixed-use, public, and semi-public uses to encourage reduced reliance on motor vehicles. The Zoning Code does not require discretionary approval for multifamily residential land uses located within the Central District TOD. However, non-residential development over 15,000 square feet located within the TOD requires a Minor Conditional Use Permit (MCUP) per PMC §17.50.340 (Transit-Oriented Development). The MCUP review considers the site plan of the proposed project to ensure that findings can be made that the use is compatible with transit (i.e. encourages/facilitates walking and transit use). The Central District development standards allows for both vertical and horizontal integration of transit-oriented uses.

To protect residential neighborhoods and to create vibrant, mixed-use urban environments oriented to transit and pedestrian activity, the Land Use Element targets higher density development into specific areas. The Central District Specific Plan (CDSP) recommends the project site have a residential emphasis with strategies that especially encourage the development of urban housing at this location. The development intensity for residential development for the project site (60 du/acre; building heights 40-60 feet, setbacks up to ten feet) were initiated with the West Gateway Specific Plan and carried forward into the Central District Specific Plan. The project site has been consistently identified and envisioned to be an urban residential neighborhood since adoption of the General Plan in 1994 which specifically called out this area for 1,000 dwelling units and 150,000 square feet of non-residential development.

As the project is designed, Block 1 (the northernmost block) will have two levels of residential dwelling units over ground floor retail fronting Green Street. Block 2 is designed to have a plaza measuring approximately 75 feet by 50 feet located at the southwest corner of DeLacey and Dayton which will be enclosed by retail along the west and south building elevations. Ground floor retail will continue to front the building footprint southward along DeLacey Avenue to the mid-block pedestrian paseo. Hence, 50% of the DeLacey block frontage between Dayton and Valley Streets will be commercial retail uses. Block 3 (the southernmost block) will be exclusively residential. This is consistent with the Central District Specific Plan. In summary, the applicant has designed commercial/retail space into the project site plan where required by the CDSP.

Traffic and Circulation

The proposed project is consistent with the Mobility Element of the General Plan and other planning and transportation policy documents prepared to guide development in the Central District. This allocation of residential units and resulting trip generation was considered in the creation of development intensities for the Central District Specific Plan when it was adopted concurrently with the Mobility Element in November 2004. The City has crafted policies to address reducing development impacts from anticipated development and is committed to implementing measures to resolve transportation issues. The FEIR concludes that traffic impacts would be less than significant since the Westgate Pasadena development falls within the parameters of anticipated development in the Central District.

The recommended Conditions of Approval include a project condition for payment of a pro-rata share, established at \$2,206,000, to install transportation improvements identified under the Mobility Element within the vicinity of the project. As a result, the traffic report could assume construction of the Mobility Element improvements when analyzing the project's cumulative impacts. In addition, the Conditions of Approval require the developer to make several transportation improvements in the immediate vicinity of the project including pedestrian crosswalks, expanded sidewalks, installing bicycle racks, concrete curb, gutter, sidewalk, and curb ramp, relocation of affected street lights, signals, and other utilities, modification of existing drainage structures and connector pipes, and other work necessary to construct standard 25-foot radii curb returns.

Furthermore, the conditions require the applicant to implement Smart Growth measures, including the installation of tactile paving and countdown pedestrian crossing signals at the intersections of De Lacey/Green, Fair Oaks/Green, Fair Oaks/Valley and Del Mar/Fair Oaks; providing pedestrian amenities in the form of benches, trash receptacles, and lighting in and around the project site; providing a transit kiosk in the project lobby with information regarding bus routes and schedules, ride share and carpool information, and copies of the City's Bicycle Master Plan; providing a certified Transportation Management Coordinator on

site to advise residents of transportation alternatives; providing space in the project's parking structure for use by a local car share provider, and inform project residents about the benefits of the program; providing three electric, zero emission vehicles for use by project tenants for short range trips; dedicating a space in the project's parking structure for delivery vehicles from local grocery stores; negotiating with local grocery stores to provide a dedicated preferential parking space for zero emission vehicles; providing bicycle storage in the form of lockers and racks in excess of the requirements set forth in the City's Municipal Code.

CONDITIONS OF APPROVAL

The Westgate Pasadena development will be subject to 81 conditions of approval and a Transportation Demand Management Program Plan. Conditions range from enforcement of mitigation measures to public right-of-way infrastructure improvements. Since the review by the Board of Zoning Appeals (BOZA), staff has removed conflicts between staff recommended conditions and conditions as recommended by the BOZA.

Condition 15 – For consistency with Condition 17, applicant is required to relocate the primary Block 3 open space to front De Lacey Avenue. Therefore, dimensions of this space, as indicated in the original condition, are related to the location in the center of the block and do not reflect the City's desired location fronting De Lacey Avenue.

The central courtyard on Block 1, the mid-block east/west pedestrian paseo located on Block 2 aligned with the continuation of Central Court, the plaza at the southwest corner of Dayton Street and De Lacey Avenue, and the large green space located on Block 3 ~~with minimum dimensions of 150 feet by 125 feet~~ shall be designed at grade level with the contiguous finished sidewalk elevations for each space. *Each of these open spaces shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access.*

Condition 69 - The objective of this condition is to ensure that the applicant pays for costs associated with connecting utility services to new development.

All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is was in effect at the time ~~these conditions are met~~ *the application was deemed complete.* A processing fee will be charged against all deposits.

In addition, Sares-Regis has requested modification of two conditions relating to open space requirements. A copy of their letter requesting these modifications is attached as Attachment F. Staff concurs with these modifications. They have also been incorporated into the recommended Conditions of Approval (Attachment E) and would provide design flexibility in the dimensions of required open space and would limit public access to certain areas. These modifications provide appropriate areas for both public and private open spaces. The Board of Zoning Appeals did not recommend these modifications.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Guidelines, a Final Environmental Impact Report (FEIR) was prepared for the proposed Westgate Pasadena Project. The Environmental Impact Report was circulated for 45-days for review and public comment, and presentation to the city advisory commissions to the Council. The FEIR finds that all potential impacts could be mitigated to a less than significant level with the exception of impacts to Air Quality (construction, operation and cumulative emissions would exceed AQMD thresholds).

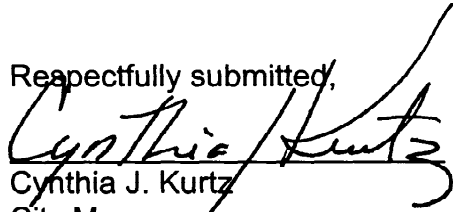
With implementation of the mitigation measures listed in the Mitigation Monitoring Reporting Program (MMRP) for the FEIR, the proposed projects impacts would be reduced; however, not all of the impacts would be reduced to a less-than-significant level. Therefore, the proposed project would have an unavoidable significant impact (air quality) and a Statement of Overriding Considerations is required. The Mitigation Monitoring Reporting Program (MMRP) is attached to this application for review and adoption, ATTACHMENT B. An errata sheet dated June 2006 has been prepared to clarify pertinent statements relative to findings in the FEIR analysis (public services and noise). The errata do not raise new information or substantial changes to the EIR.

A reduced density alternative was considered in the EIR. As concluded through CEQA analysis, this alternative was identified as the environmentally superior alternative. However, the reduced density alternative has substantially the same environmental impacts as the proposed project, and would require adoption of the Statement of Overriding Considerations. When a project includes housing, a public agency cannot reduce the number of units as a mitigation measure if there are other feasible mitigation measures or project alternatives that would provide a comparable level of mitigation, pursuant to Public Resources Code Section 21159.26. Also, pursuant to Government Code Section 65589.5, the density of a housing project that complies with the general plan and zoning code cannot be reduced unless the public agency finds, based on substantial evidence, that there is a need to do so to avoid adverse public health or safety impacts, and that there is no other feasible method to mitigate the impact other than a reduction in density. Therefore, staff is recommending the project as described above.


FISCAL IMPACT

Fiscal impacts would be related to the staff time necessary to process and review plans submitted for building permits. Compensation for staff time will be recovered through building permit fees. In addition, a detailed analysis of operating impacts indicates that the project may likely have a net negative impact on city revenues.

Respectfully submitted,


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City Manager

Prepared by:


for Robert Avila
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Approved by:


Richard J. Bruckner, Director
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ATTACHMENTS:

- ATTACHMENT A—Final Environmental Impact Report (FEIR) and Errata (A.1)
- ATTACHMENT B—Mitigation Monitoring and Reporting Program (MMRP)
- ATTACHMENT C—Board of Zoning Appeals Findings of Fact and Statement of Overriding Considerations
- ATTACHMENT D—Minor Conditional Use Permit and Tree Removal Findings
- ATTACHMENT E—Conditions of Approval
- ATTACHMENT F—Letter from Sares-Regis