

CITY OF PASADENA
City Council Minutes
April 2, 2007 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:12 p.m.
(Absent: None)

The Mayor announced that a letter had been received by the City from Reed and Brown, legal counsel for Harvest Rock Church, which threatened initiation of litigation if the City approves the Ambassador West project to be heard during a public hearing listed on tonight's agenda; and indicated the contents of the letter were confidential and would not be discussed at this time.

**MOTION TO ADD CLOSED
SESSION ITEM TO THE
AGENDA (see closed session
below)**

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to approve findings that there is a need to take immediate action in closed session on the letter that had been received after the posting of the agenda. (Motion unanimously carried) (Absent: None)

On order of the Mayor, the regular meeting recessed at 6:12 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION, regarding significant exposure
to litigation pursuant to government Code Section
54956.9(b): One potential case**

The Mayor reported that the above item had been added to the agenda after Council had approved the findings for a need to take immediate action in closed session on this matter that had come to the City's attention subsequent to the posting of the agenda. The Mayor noted that no reportable action had been taken on the closed session item, but that this could be a matter for discussion later in the meeting as a part of the scheduled public hearing on the Ambassador West project.

**CITY COUNCIL CONFERENCE WITH LABOR
NEGOTIATORS pursuant to Government Code Section
54957.6**

**City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: Pasadena Firefighters
Management Association**

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

On order of the Mayor, the regular meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Councilmember Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streater
Councilmember Sidney F. Tyler

Staff:

City Manager Cynthia Kurtz
Assistant City Attorney Frank Rhemrev
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

The Mayor presented a commendation to the Pasadena-Foothills Association of Realtors (PFAR) in celebration of the organization's 100th anniversary. The commendation was received by John Hickey, PFAR President.

The Mayor presented a proclamation designating April 14, 2007 as Arbor Day. The proclamation was received by Darya Barar, Program Coordinator; Martyn Belmont, Pasadena Beautiful Foundation Vice President; and John Hickey, PFAR President, who encouraged City residents to participate in a number of tree-planting activities in honor of Arbor Day.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No one appeared for public comment.

CONSENT CALENDAR

AGREEMENT FOR SEWER SERVICE AT 270 SAINT KATHERINE DRIVE, CITY OF LA CAÑADA FLINTRIDGE
Recommendation of City Manager: Adopt a resolution authorizing the City Manager to enter into an agreement among County Sanitation District No. 16 of Los Angeles County, the City of Pasadena, and the property owners governing the conveyance, treatment, and disposal of wastewater from a single-family home at 270 Saint Katherine Drive in the City of La Cañada Flintridge, and agreeing to the recordation thereof. (Resolution No. 8720; Agreement No. 19,334)

APPROVAL OF AN AMENDMENT TO CONTRACT NO. 19,241 WITH VEOLIA ES INDUSTRIAL SERVICES IN THE AMOUNT OF \$7,991 FOR CHEMICAL CLEANING AND REMOVAL OF CHEMICAL-CLEANING WASTE FOR THE

BROADWAY POWER PLANT UNIT B-3 BOILER

Recommendation of City Manager: Authorize the City Manager to enter into an amendment to Contract No. 19,241 with Veolia ES Industrial Services for providing chemicals, equipment, personnel, and testing for chemical cleaning and removal of chemical-cleaning waste for the Broadway Power Plant Unit B-3 Boiler and increase the total contract amount from \$142,696 to \$150,687, an increase of \$7,991 for disposal of chemical-cleaning waste that was contaminated with lead. (Contract Amendment No. 19,241-1)

Item discussed separately at the request of Councilmember Little.

REPLACEMENT OF PAY-BY-SPACE MACHINES IN THE NORTH AND SOUTH LOTS - SHOPPERS LANE SOUTH LAKE PARKING PLACE DISTRICT

RESOLUTION CONSENTING TO THE ESTABLISHMENT OF THE PORTION OF OAK GROVE DRIVE BRIDGE OVER FLINT CANYON WASH AND THE PORTION OF OAK GROVE DRIVE BRIDGE OVER ARROYO SECO CHANNEL WITHIN THE CITY OF PASADENA, AS PART OF THE SYSTEM OF HIGHWAYS OF THE COUNTY OF LOS ANGELES

Recommendation of City Manager: Adopt a resolution consenting to the establishment of the portion of Oak Grove Drive Bridge over Flint Canyon Wash and the portion of Oak Grove Drive Bridge over Arroyo Seco Channel within the City of Pasadena, as part of the System of Highways of the County of Los Angeles. (Resolution No. 8721)

ADOPTION OF RESOLUTION COMPLETING FINAL SUBMITTAL OF A FUNDING APPLICATION FOR THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT (CCHE) UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 (PROPOSITION 40)

Recommendation of City Manager: Adopt a resolution authorizing the funding application to the State of California's California Cultural and Historical Endowment for the amount of \$98,664. (Resolution No. 8722)

CLAIMS RECEIVED AND FILED

Claim No. 10,322	Teresa Manalo Siggins	\$ 3,573.99
Claim No. 10,323	Alpha Towing Company	757.20

PUBLIC HEARINGS SET

April 23, 2007, 7:30 p.m. – General Fee Schedule

April 30, 2007, 7:30 p.m. – Approval of a Development Agreement Between SMV Technology Partners, LLC and the City of Pasadena to Construct a 212-unit Apartment Complex and, Retrofit an Existing Historically Significant Building into a 350-Seat Live Theater Located at 3330 East Foothill Boulevard; and including Street Improvements to Kinneloa Avenue, Walnut Street, and Virginia Avenue

May 21, 2007, 7:30 p.m. – Schedule of Taxes, Fees and Charges

May 21, 2007, 7:30 p.m. – City Manager's Recommended Fiscal Year 2008 Operating Budget

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the Consent Calendar, with the exception of Item 3 (Replacement of Pay-By-Space Machines), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM DISCUSSED SEPARATELY

REPLACEMENT OF PAY-BY-SPACE MACHINES IN THE NORTH AND SOUTH LOTS - SHOPPERS LANE SOUTH LAKE PARKING PLACE DISTRICT

Recommendation of City Manager: Authorize the City Manager to purchase and install 26 pay-by-space machines in the Shoppers Lane North and South surface lots in the South Lake Parking Place District. The contract for the purchase of the machines will utilize an existing contract with Duncan Parking Technologies, Inc., which will not exceed \$180,000. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services. (Contract No. 19,335)

Recommendation of South Lake Parking Place Commission (SLPPC): During a special meeting on January 25, 2007, the SLPPC recommended approval of the installation of pay-by-space machines in the Shoppers Lane North and South surface lots in the South Lake Parking Place District. The new machines would replace the existing pay and display machines.

The City Manager and Joyce Amerson, Director of Transportation Department, responded to Councilmember Little's questions regarding the revenues received from the machines.

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

COUNCIL CHAMBER DESIGN AND TECHNOLOGY

Recommendation of City Manager: Approve the technology plan for the Council Chambers as amended by prior Council action on February 26, 2007.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, introduced the agenda item, and noted that the infrastructure was now in place that would allow further improvements to the technology in the future.

Steve Wright, Assistant City Engineer, highlighted the improvements made to the Council Chamber (new furnishings; technology upgrades; and new mechanical, electrical, plumbing, and fire suppression systems).

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 6:55 p.m. to a joint meeting with the Community Development Commission. (Absent: None)

ECONOMIC DEVELOPMENT
AND TECHNOLOGY
COMMITTEE

**JOINT ACTION: RECOMMENDATION REGARDING
MERGER OF NORTHWEST PASADENA REDEVELOPMENT
PROJECT AREAS**

Recommendation of City Manager/Chief Executive Officer:

It is recommended that the Pasadena Community Development Commission ("Commission") and the City Council ("Council") direct staff to commence with the amendment/merger process to combine the five existing redevelopment project areas in Northwest Pasadena (Orange Grove, Lincoln Avenue, Fair Oaks Avenue, Villa-Parke and Lake Washington in accordance with the provisions and requirements of the California Redevelopment Law-Health and Safety Code 33000 et seq. It is further recommended that formation of a new 12-member Merged Area Advisory Body be commenced with as described in this staff report.

Recommendation of Northwest Commission: At their meeting of September 12, 2006, the Northwest Commission recommended the merger of the five subject redevelopment project areas and left the organizational structure of the PACs up to the staff to make a recommendation.

Recommendation of Fair Oaks Avenue and Lincoln Avenue

Project Area Committees: At a special joint meeting of the Fair Oaks Avenue and Lincoln Avenue Project Area Committees ("PACs") held on August 30, 2006, the project area merger recommendation was presented. Following discussion, both PACs voted unanimously to support the merger of the redevelopment project areas, however, both PACs also voted to recommend remaining intact as separate advisory bodies for each of the two redevelopment areas, and that their membership correspond to the number of members voted into office at the upcoming elections for each PAC.

Recommendation of the Community Development

Committee: On June 12, 2003, the Community Development Committee recommended approval of the merger and the establishment of 17-member Merged Area Advisory Body which would be subject to evaluation in the future to determine if the number of representatives from each redevelopment area benefits the merged redevelopment area. Staff will work with the Committee as the merger process moves forward.

Councilmember Gordo summarized the agenda report; noted that this matter will be returning to the Economic Development and Technology Committee to review the Project Area Committees' (PACs) by-laws and guidelines and to evaluate the new system under the Merged Area Advisory Body; and reviewed a memorandum that was distributed by staff from the City Manager dated April 2, 2007 citing the following Committee recommendation:

Recommendation of Economic Development and Technology Committee:

At the April 2, 2007 Economic Development and Technology Committee ("Committee") meeting regarding the Northwest Pasadena Redevelopment Project Area Merger, the Committee developed the following additional recommendations concerning the merger:

- (1) The existing Lincoln Avenue and Fair Oaks Avenue Project Area Committees will remain for a minimum of 2 additional years, with staff support as currently provided. At that time, the process for project review (i.e. PAC, Merged Area Advisory Body, Northwest Commission, and Community Development Committee) will be considered further.
- (2) The Merged Area Advisory Body will consist of a total of 12 members.
- (3) For the appointments to the Merged Area Advisory Body, the existing Project Area Committees will designate 3 members from within the existing Fair Oaks and Lincoln PACs (total of 6 representatives).
- (4) For the appointments to the Merged Area Advisory Body from the remaining redevelopment areas (Villa-Parke and Lake/Washington), elections will be conducted in the manner currently employed by the existing PACs to elect the 3 representatives from those areas (total of 6 representatives).

John Andrews, Senior Project Manager, responded to questions regarding the tax increment funding sources for the PACs and the Merged Area Advisory Body and the continuation of the existing project area plans.

Richard Bruckner, Director of Planning and Development Department, explained the rationale for merging the PACs into the Merged Area Advisory Body and funding implications, and indicated staff would confirm the status of the indebtedness for the Orange Grove PAC.

The City Manager confirmed that the Merged Area Advisory Body would be reviewing the various project area plans and bringing to the Council a list of priorities for projects to be implemented in the merged area.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's/Chief Executive Officer's recommendation, as amended by the Economic Development and Technology Committee. (Motion unanimously carried) (Absent: None)

RECONVENE

On order of the Mayor, the joint meeting with the Community Development Committee adjourned at 7:06 p.m. and the regular meeting of the City Council reconvened at this time. (Absent: None)

LEGISLATIVE POLICY COMMITTEE

STATE LEGISLATIVE PLATFORM FOR 2007

Recommendation of City Manager: It is recommended that the City Council approve the State Legislative Platform for 2007 (attached to the agenda report).

Mayor Bogaard, Chair of the Legislative Policy Committee, introduced the agenda item.

Julie Gutierrez, Assistant City Manager, summarized the agenda report and responded to questions. Ms. Gutierrez noted that the Legislative Policy Committee had made the following edit to Page 8 of the City of Pasadena 2007 State Legislative Priorities, Part III, Funding Priorities, Safe Drinking Water, No. 3: "The City supports legislation that revises water quality testing standards that are based on scientific data, ~~thereby reducing the stringency of the regulation while ensuring the highest quality of water.~~"

Councilmember Gordo commented on Council's action taken on March 26, 2007 regarding group homes (including State-licensed group homes); asked staff to forward a copy of this action to the City's State representatives, asking the representatives to consider carrying some legislation relative to the restrictions/regulations the City would like to see in place; and suggested staff look for a "spot bill" that could include group home regulations that would assist cities in obtaining more local control over these homes.

The City Manager commented on possible opportunities for staff to monitor and influence proposed bills that would help the City in achieving some of the local controls that Council was interested in pursuing (e.g. a proposed bill sponsored by the League of California Cities).

Councilmember Haderlein suggested the League be approached with a request to include elimination of the various classifications of group homes and the need to provide adequate notification to residents regarding proposed group homes in the proposed legislation. He also suggested that Parks funding be added to Part III, Funding Priorities.

It was moved by Councilmember Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation, with the inclusion of the Legislative Policy Committee's edit as cited above and as amended to include Parks in the Funding Priorities section of the report. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF MODIFICATION TO PROPOSED DEVELOPMENT MIX REGARDING THE RELATIONSHIP BETWEEN SENIOR HOUSING AND OTHER USES FOR THE HERITAGE SQUARE PROJECT LOCATED AT 710-790 NORTH FAIR OAKS AVENUE AND 19-25 EAST ORANGE GROVE (Councilmember Holden)

Councilmember Holden provided a brief history of prior Council discussions regarding the proposed uses for the Heritage Square project and direction given to the Fair Oaks Project Area Committee (PAC) regarding a community discussion of the City's proposed development mix of uses for the project (senior housing, workforce housing, for sale units, rental units, commercial, and mixed incomes), and reported that the PAC had concurred with this mix and no modification was necessary.

Ishmael Trone, Fair Oaks PAC Chair, reported on the joint community meeting held by the PAC and Northwest Commission; confirmed that the community had expressed support for a mix of senior housing and some workforce housing, rental and for sale units, support services, and a retail component, which is consistent with the City's proposed development mix; and urged Council to move forward with the Heritage Square project.

On order of the Chair, the information was received and filed.

CONSIDERATION OF A CALL FOR REVIEW TO THE BOARD OF ZONING APPEALS FOR CONDITIONAL USE PERMIT NO. 4810 TO ALLOW THE ESTABLISHMENT OF A "PERSONAL SERVICES, RESTRICTED" USE (JADE MASSAGE) WITHIN A CG (COMMERCIAL GENERAL) ZONING DISTRICT AT 2030 EAST FOOTHILL BOULEVARD (Councilmember Little)

Councilmember Little discussed concerns expressed by neighbors of the establishment regarding its proximity to a residential neighborhood, an alleged lack of adequate notice to the neighbors when this matter was heard by the Hearing Officer, and possible impacts of the establishment on the neighborhood; distributed a map showing the location of the establishment; and asked that the Board of Zoning Appeals determine if this is an appropriate use at this location.

The following persons spoke in support of the call for review:

Luri Hallaway, Allen Avenue Square South Condominiums
Homeowners Association representative
Natalie Orta, Altadena resident

The following person spoke in opposition to the call for review:

Howard Rotter, property owner's representative

Richard Bruckner, Director of Planning and Development Department, responded to Councilmember Tyler's questions regarding the licensing of massage parlor owners/technicians.

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to call this matter for review to the Board of Zoning Appeals. (Motion unanimously carried)
(Absent: None)

REAPPOINTMENT OF ED EYERMAN TO THE OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION (Mayor Nomination/Owner/District 3)

REAPPOINTMENT OF DR. LEON D. ROISMAN TO THE SOUTH LAKE PARKING PLACE COMMISSION (Mayor Nomination/District 7)

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the above reappointments. (Motion unanimously carried) (Absent: None)

ORDINANCES – FIRST READING

Councilmember Holden was excused at 7:38 p.m.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.56 OF THE PASADENA MUNICIPAL CODE (“UTILITY USERS TAX”) TO CLARIFY ITS ORIGINAL INTENT AND TO REMOVE OBSOLETE REFERENCES IN THE TELEPHONE USERS TAX”

The above ordinance was offered for first reading by Councilmember Haderlein:

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

NOES: Councilmember Holden

ABSENT: None

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE PROPERTY LOCATED AT 40 NORTH DAISY AVENUE”

The above ordinance was offered for first reading by Councilmember Haderlein:

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

NOES: Councilmember Holden

ABSENT: None

PUBLIC HEARING

PUBLIC HEARING: FISCAL YEAR 2008-2012 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager:

(1) Open the public hearing on the City Manager's Recommended FY 2008-2012 Capital Improvement Program Budget;

(2) Continue this public hearing to each subsequent regular meeting of the Council at 7:30 p.m. until April 30, 2007 or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2008-2012 Capital Improvement Program Budget; and

(3) Refer the City Manager's Recommended FY 2008-2012 Capital Improvement Program Budget to the Finance Committee and direct the meetings be noticed as joint meetings between the Finance Committee and the City Council from April 9, 2007 to April 30, 2007.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on March 19, 2007 in the Pasadena Star-News; and no correspondence was received.

The City Manager introduced the agenda item and highlighted the budget process, commented on the inclusion of unfunded projects in the budget, and announced that the Recommended FY 2008 Operating Budget public hearings would begin on May 21, 2007.

Martin Pastucha, Director of Public Works Department, provided an overview of the recommended budget and schedule for public comments; agreed to accommodate Councilmember Haderlein's request that the discussion of Streets and Streetscapes be scheduled for a date when Mr. Haderlein would be able to attend the joint meeting; and responded to questions.

Vice Mayor Madison was excused at 7:48 p.m.

Councilmember Little encouraged the public to provide their comments on the budget by mail, email, phone, or attending any of the scheduled Council meetings or joint Council/Finance Committee meetings in the next month.

No one appeared for public comment.

It was moved by Councilmember Streater, seconded by Councilmember Little, to approve the City Manager's recommendation and to continue the public hearing to April 9, 2007 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmember Holden, Vice Mayor Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:50 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 7:53 p.m. (Absent: None)

PUBLIC HEARING

CONTINUED PUBLIC HEARING: AMBASSADOR WEST PROJECT – REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR OPERATION OF A NEW 450,000 SQUARE FOOT SENIOR LIFE/CARE FACILITY; A TRANSFER OF DEVELOPMENT RIGHTS IN THE WEST GATEWAY SPECIFIC PLAN ZONE; AN ADJUSTMENT PERMIT TO MODIFY CERTAIN DEVELOPMENT CODES ON THE 19.7-ACRE AMBASSADOR WEST SITE FOR CONSTRUCTION OF THE SENIOR FACILITY AND 70 RESIDENTIAL CONDOMINIUMS; PRIVATE TREE REMOVAL REQUESTS; A VESTING TENTATIVE TRACT MAP; AND A SUBDIVISION MODIFICATION

Recommendation of City Manager: It is recommended that the City Council:

(1) Adopt a resolution which certifies the Final Environmental Impact Report (Attachment A of the agenda report) for the Ambassador West Project and adopts the Environmental Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program;

(2) Adopt the findings that the proposed discretionary permits for the Ambassador West Project are consistent with the Zoning Code and General Plan (Attachment B of the agenda report);

(3) Approve the proposed Conditional Use Permit for a senior life/care facility, Transfer of Development Rights to the senior life/care facility, Vesting Tentative Tract Map, Adjustment Permit for design flexibility on this 19.7-acre site, Private Tree Removal Requests, and Subdivision Modification subject to the recommended Conditions (Attachment C of the agenda report); and

(4) Approve the dedication of a Park Easement in lieu of the payment of Residential Impact Fees in accordance with the Garden Preservation Plan (Attachment D of the agenda report) and the terms and conditions contained in the Ambassador Gardens Term Sheet (Attachment E of the agenda report). (Resolution No. 8723)

Recommendation of Design Commission: On December 11, 2006, in advance compliance with two proposed mitigation measures of the Final EIR, the Design Commission

reviewed the design of the Sunrise Senior Living facility and made unanimous recommendations for four design considerations. The applicant complied with two of those recommendations, by dividing the long Upper Campus building into two modules connected by a short hallway and by considering again the adaptive reuse of The Hall of Administration and showing their decision-making process in a letter to staff (included in Attachment M of the agenda report). The other two recommendations were incorporated in the recommended conditions of approval #51, which requires additional vertical modulation, and #52, which requires massing, height and setback modifications to the south and west elevations of the Lower Campus building adjacent to Ambassador Auditorium (see Attachment C of the agenda report).

Furthermore, the Design Commission reviewed the design implications of the proposed adjustment permit and unanimously recommended approval subject to three design conditions, one of which the applicants have accomplished by reducing the height of a building next to the historic Rankin House. Staff has incorporated the other recommendations as conditions of approval #53, which will reduce the height of the edge of the building on Parcel 5 next to the historic Terrace Villa, and #54, which will provide additional design modulation to a building on Parcel 9 that overlooks the Great Lawn.

Recommendation of Planning Commission: On January 10, 2007, following a public hearing, the Commission recommended (with a 4-3) approval of the staff recommendation with revisions to conditions #52 and #67 (Attachment C of the agenda report). Staff does not concur with the Planning Commission revisions to condition #52. The Planning Commission recommended deletion of the underlined portion of the following wording:

52. For the Sunrise Senior Living units, the Design Commission shall have the leeway to consider design options at Concept Design Review regarding massing, height, and setback of the south and west facades of the "lower campus" building, including the bridge, as long as the overall square footage is not reduced below 450,000 square feet in the process.

Staff does not concur with this revision because it would allow the Design Commission to reduce the overall square footage of a building which is outside the authority of the Commission. Limitations on overall size and square footage would normally be determined through the Conditional Use Permit with the Design Commission focusing on massing, materials and other design elements. The staff recommendation is to retain the original wording of Condition #52 to specify that the Design Commission may not reduce the size of the building below the 450,000 square feet permitted by the CUP.

Recommendation of Recreation and Parks Commission: The Commission met on January 2 and February 6, 2007, to

consider the proposed dedication of an easement for park purposes in lieu of payment of the parks fee. The Commission recommended approval of the easement in accordance with the draft "terms sheet" (Attachment E of the agenda report) on a 7-1 vote.

Recommendation of Urban Forestry Advisory Committee (UFAC): On February 5, 2007, UFAC met to consider the removal of eight trees on public rights-of-way to accommodate the project. On a 3-1 vote, removal of five trees was approved, and removal of three others was deferred due to concerns that the location of the loading zone next to Ambassador Auditorium might be disturbing to patrons of the Auditorium.

The Mayor announced now was the time for the continued public hearing.

Scott Reimers, Associate Planner, reviewed the City Manager's cover memorandum dated April 2, 2007, which contained additional information to address the questions/concerns previously raised by Council, and responded to questions. Mr. Reimers also reviewed the following changes in the Conditions of Approval as cited in the cover memorandum:

REVISED RECOMMENDATION:

A. In response to Council's concerns, staff recommends that Condition of Approval No. 21 be amended to state that the proposed 30,207 s.f. transfer of development rights (TDR from the Great Lawn to the Sunrise Living facility will not be permitted and that instead the applicant may utilize transfer of development rights from other parcels in the plan area (and provide covenants as such) and/or withdrawal up to 29 units from the West Gateway Specific Plan General Plan allocation at a rate of 1506 s.f. per unit (the average size unit in the project).

ADDITIONAL RECOMMENDATIONS:

- B. Staff recommends that an agreement indemnifying the City against legal liability arising out of litigation brought by Harvest Rock Church over project approvals be included as Condition of Approval No. 67-A.
- C. Staff recommends that a Condition of Approval be added as No. 113 that the applicant sign a local hire agreement with the City.

Richard Bruckner, Director of Planning and Development Department, briefly discussed the lot line dispute between Harvest Rock Church and the applicant, clarified possible adjustments to the Sunrise building/area if a lot line adjustment should be required, clarified the transfer of development rights process, commented on the review/appeal process for the project, and responded to questions regarding the project.

The City Manager responded to questions regarding the project.

Theresa Fuentes, City Attorney, responded to questions regarding the Indemnity agreement between the City and interested parties, distributed a copy of the agreement, discussed the Design Commission's authority in reviewing a project, and responded to questions.

Discussion followed on the lot line dispute between Harvest Rock Church and the applicant, possible solutions to the issues raised in the lot line dispute, elements of the proposed transfer of development rights, and preservation of protected buildings and gardens by moving density around the project site.

The following person spoke in support of the Ambassador West Project:

Greg Galletly, applicant, distributed a drawing of the proposed lower campus building.

The following person confirmed the lot line dispute:

Stephen W. Reed, Reed & Brown, LLP, legal counsel for Harvest Rock Church

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

Discussion continued on the residential impact fee credit received by the applicant against the Great Lawn, the issue of compatibility of the project with the Ambassador Auditorium and the neighborhood of the Ambassador West Campus, and an option to move the proposed lower campus building further away from the lot line with Harvest Rock Church.

Councilmember Tyler expressed concerns regarding the density of the project and the wallish appearance of the south side of the building facing the Ambassador Auditorium, and suggested bifurcating the motion and voting on the Conditional Use Permit separately.

Councilmember Little expressed opposition to moving the lower campus building away from the lot line.

MAIN MOTION

It was moved by Vice Mayor Madison, seconded by Councilmember Tyler, to approve the City Manager's recommendations as set forth in the March 12, 2007 agenda report and the revised City Manager's recommendations as set forth in the City Manager's cover memorandum dated April 2, 2007 (additional Recommendations A, B, and C), excluding from this motion the approval of the Conditional Use Permit and Condition of Approval No. 52 (to be voted on by a

separate motion), and with the following modification (to City Manager's revised Recommendation A) regarding the transfer of development rights to first use the remaining balance from the West Gateway Specific Plan housing unit allocation to accomplish the density of the project; and that the lower campus building be moved 10 feet to the north along the entire project boundary north of the Ambassador Auditorium. (Motion carried, with Councilmember Little objecting) (Absent: None)

Councilmember Streator expressed concerns regarding the Planning Commission's recommendation to give the Design Commission authority to change the size of the lower campus building.

It was moved by Councilmember Streator, seconded by Vice Mayor Madison, to reopen the public hearing. (Motion unanimously carried) (Absent: None)

In response to Council's questions, Mr. Galletly discussed the planning process for the proposed project and the size of the lower campus building, and suggested the density for the project be established as a part of Council's action.

Councilmember Little expressed concerns with possible consequences of leaving undeveloped land at the site that another developer might want to develop in the future, and commented on the neighborhood's support of the project.

Vice Mayor Madison suggested the Design Commission be given flexibility in reviewing the project and addressing the density issue.

The City Manager emphasized the need for a maximum entitlement to be set by Council for the Design Commission to use in reviewing the project, under the City's rules.

Councilmember Holden suggested that there be an opportunity for the project to return to Council during this process so that Council can have a final look at the project and the Design Commission does not have the final authority over the project.

John Poindexter, Planning Manager, explained the applicant's right to appeal a Design Commission decision to Council (under the Zoning Code).

Discussion continued on the density of the project, possible impacts if the project is reduced in size, the Design Commission's role in determining the size of a project and possible authority for reducing the size of a project, the need to create a size envelope or possibly an entitlement range for the Conditional Use Permit, and the appeal process arising from the design review.

It was moved by Councilmember Streator, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: None)

SECONDARY MOTION

It was moved by Vice Mayor Madison, seconded by Councilmember Tyler, to approve the Conditional Use Permit, with the following changes:

- (1) That there would be a 10,000 square foot reduction on the lower campus project (from 334,000 square feet to 324,000 square feet);
- (2) That the upper campus and the lower campus projects are approved with a maximum entitlement range of 420,000 – 440,000 square feet; and
- (3) Condition 52 is approved with the following words deleted “as long as the overall square footage is not reduced below 450,000 square feet in the process.”

Prior to voting on the pending motion, the maker of the motion noted that beyond the 10,000 square foot reduction on the lower campus, there should be flexibility within the entire project to move around the density, if necessary, to accomplish the design goals.

(Motion carried, with Councilmembers Little and Streator objecting) (Absent: None)

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:57 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Joann K. Rodriguez
City Clerk