

<b>Rationale for Appeal in Letter from Pasadena Heritage and Pasadenans for a Livable City (Sept. 8, 2010)</b>	<b>Staff Response</b>
<p><b>Environmental Determination:</b> There are significant changes to the project or new information which would trigger further environmental review.</p>	<p>The increased massing and height on Colorado Boulevard are described in the certified EIR under the height averaging alternative (pp. 6-9 to 6-10). The analysis in the EIR describes the impacts of the project with the "same square footage and uses but shifts the project massing....to create a sixth floor on the northern most portion of the property adjacent to Colorado Boulevard." The massing for this alternative is also illustrated in Table 6-2 in the EIR.</p> <p>The EIR concludes that the "alternative would have similar impacts to the proposed project." Given this analysis, there is no evidence in the record to suggest that there are new or undisclosed environmental impacts requiring further review.</p>
<p><b>Height Findings:</b> All of the Findings of the Design Commission concerning Approval of the Height Limit Exception through Height Averaging are in error, and, cannot be made. The applicant's request for a height limit exception through height averaging does not comply with the provisions of PMC Section 17.30.050.</p>	<p>The staff report to the Design Commission as well as the presentations by staff and the project architect at the public hearing analyzed the findings to approve height averaging. The Commission reviewed this information before it deliberated on the application and voted to adopt the findings for height averaging. There is no evidence in the record that the findings are "in error" and that the request to increase height in zone 1 (along Colorado) "does not comply with the provisions of PMC Section 17.30.050." The height limits in the code permit an increase in height in zone 1 to 90 feet, with an offsetting decrease in height elsewhere. The approved adjustments to the height comply with these requirements. In addition, the City Council on June 7, 2010 directed the Design Commission to study a redesign of the building which increased the massing and height on Colorado Boulevard. The design</p>

	<p>approved for concept design fulfills this request from the City Council.</p>
<p><b><u>Concept Design Approval Finding:</u></b> The Finding of the Design Commission concerning Concept Design Approval is in error, and cannot be made. The project does not comply with the Citywide Design Principles in the Land Use Element of the General Plan, or the Central District Design Guidelines and Specific Plan, irrespective of the Conditions adopted by the Design Commission and listed in the Decision Letter. In addition, the project overwhelms, and is out of context with, adjacent historic resources.</p>	<p>The staff report, the staff presentation at the public hearing, and the architect's presentation at the public hearing evaluated the design of the project against the applicable guidelines. The staff report and the presentations document compliance of the project with the purposes of design review, the City-wide Design Principles. And the Design Guidelines for the Central District. The Commission considered this information in its deliberation on the application and in reaching its decision. Most notably, the following guidelines seem especially pertinent:</p> <p><b><u>Project Response to Specific Plan Public Realm Design Guidelines::</u></b>  <b>CC 1.2: Provide sufficient building height and mass to spatially define public streets</b> and civic spaces; establish a strong relationship between buildings and streets.  <b>CC 6.1: Emphasize infill development of vacant or underdeveloped land</b>, especially projects that will promote a distinctive urban character.</p> <p>The project is in context with nearby historic resources. The contextual design of the project is analyzed in the aesthetics chapter of the certified EIR (pp. 4.1-8 through 4.1-13). This analysis notes, "...the proposed height of the building is similar to that of several structures located within a block or two of the project site" (including the eight-story annex, built in 1930, which adjoins the Pasadena Playhouse), and that the height complies with the maximum height requirements for the Playhouse District.</p> <p>Moreover, the redesign approved for concept design reduces the height of the building along South El Molino Avenue, across from the forecourt to the Pasadena Playhouse and two other contributing properties in the Playhouse Historic</p>

	<p>District: the Lockwood Building at 35-39 S El Molino and the former Symes Cadillac showroom at 655 E. Green Street.</p>
<p><b>Height Averaging:</b> The Planning Director and the Design Commission both improperly applied all applicable "Height Averaging" City rules to the project. In addition, the subject parcel is not unique.</p>	<p>There is substantial evidence in the record that the Design Commission reviewed the findings in the code, after receiving a presentation from staff and the project architect and information in the staff report. There is no evidence to support the claim that the Commission "improperly applied all applicable 'Height Averaging' City rules."</p> <p>The subject parcel is unique as it traverses three different height districts and three different FAR zones. The purpose of height averaging is intended to help mitigate the complexity of crafting a building to fit onto such sites and to promote a superior design solution to enhance the vicinity. Proposed buildings on this site must also respond contextually to significant changes in the architectural scale of surrounding buildings and existing historic structures in close proximity the site. Additionally, multiple findings are closely evaluated in conjunction with the approval for height averaging by the Design Commission.</p>
<p><b>Floor Area Ratio (FAR):</b> The Planning Director and the Design Commission both improperly applied all applicable "Floor Area Ratio" City rules to the project. In addition, the Central District Specific Plan provides that the allowed amount of square footage may be exceeded only upon approval which is initiated at the Planning Commission, and, therefore, the Design Commission exceeded its jurisdiction in approving additional square footage in Zone 1 over the amount allowed in the Specific Plan.</p>	<p>The Design Commission approved only a change in the massing of the project. A change to the floor-area ratio (FAR) requires a separate action under the "changes to an approved project" section of the zoning code (§17.64.050). The Planning Director issued this decision on October 5, 2010.</p>
<p><b>"Minor" Modification to Approved Adjustment Permit for Height and FAR:</b> The modification of the project building massing approved by the Design</p>	<p>The Design Commission did not approve changes to the adjustment permit. A change to the adjustment permit to allow the redistribution of FAR for the project is a separate decision under the "changes to</p>

<p>Commission, which the Decision Letter asserts was directed by the City Council at its June 7, 2010, Hearing and by the Design Commission subcommittee, is not a "minor" modification within the meaning of the provisions of PMC Section 17.64.050 (specifically section S.), and, therefore, cannot be delegated for approval to the Planning Director. Such delegation is, or would be, improper. The modification is a "major" modification within the meaning of said Code provisions, and, therefore, can only be approved by the applicable review authority through a new permit application.</p>	<p>an approved project" section of the zoning code (§17.64.050). The Planning Director issued this decision on October 5, 2010.</p>
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## **ATTACHMENT D: Chronology of Design Commission Review (2008-20100 Playhouse Plaza Project, 680 E Colorado Boulevard**

The Design Commission conducted two advisory reviews of this project in November 2008 and July 2009 related to the draft environmental impact report and land-use entitlements for the project. The Commission concluded that the project was generally consistent with the design-related findings and indicated that it should have some flexibility in the review and approval of the project's site plan, building massing and modulation.

Subsequent to the advisory reviews and prior to Concept Design review, the applicant's design team worked closely with City staff to develop a project that responds to the site conditions.

**On March 22, 2010** the Commission held the first of three public hearings for Concept Design. After receiving a presentation from staff and the applicant as well as public comment, the Commission continued the item and asked the design architects to restudy and further refine the project.

**On April 12, 2010** the second public hearing was conducted. After receiving a presentation on a revised design intended to address the comments from the Commission received on March 22<sup>nd</sup> as well as public comment, the Commission continued the item and asked the design architects to continue to study certain key issues regarding the building entrance and refinement of the El Molino elevation.

**On April 26, 2010** a third public hearing was conducted at which time the Commission was presented additional redesigns of the project intended to be responsive to the prior Commission direction. This revised design introduced a main, public entry to the building at the corner of Colorado and El Molino and enclosed the formerly open ground-floor of the glazed corner. In addition, the revised submittal incorporated glass pavilions along the El Molino elevation projecting into the plaza area and the covered retail arcade was removed.

After discussing the design, a motion to approve the application for concept design review failed as did a motion to deny the application. Because both motions failed, the outcome was a "failure to act," which has the effect of disapproving the application.

**On May 10, 2010**, the City Council agreed to call this matter for review. As such, the City Council acted in the place of the Design Commission for the purpose of conducting Concept Design Review and followed the same rules to which the Design Commission was subject. The Council remanded the project back to the Design Commission and instructed a special subcommittee to work with the applicant to resolve issues regarding architectural massing.

**Review by Subcommittee of the Design Commission**

Through five meetings of a three-person subcommittee of the Commission, the following issues have been studied and the design has been modified:

- Redistribution of the massing on Colorado Boulevard
- Relocation of the main-building entry to a central location on Colorado Boulevard
- Stepping the massing to respond to lower-scale buildings along the western edge of El Molino.

**On August 30, 2010**, the Design Commission, pursuant to the direction of the Council, and encouraged by the designated Design Commission Subcommittee, approved the Concept Design for the revised design for this project with the following conditions: