

CITY OF PASADENA  
City Council Minutes  
April 29, 2013 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:30 p.m. (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:30 p.m., to discuss the following closed session:

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

**Agency Designated Representatives: Kristi Recchia and Michael J. Beck**

**Employee Organization: International Union of Operating Engineers, Local 501**

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

On order of the Mayor, the regular meeting reconvened at 6:31 p.m. The Pledge of Allegiance was led by Councilmember Bryant.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Margaret McAustin  
Councilmember Joel Bryant  
Councilmember Victor Gordo  
Councilmember Steve Madison (Arrived at 6:43 p.m.)  
Councilmember Gene Masuda  
Councilmember Jacque Robinson  
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck  
City Attorney Michele Beal Bagneris  
City Clerk Mark Jomsky

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

Floyd Folven, Pasadena resident, stated concerns regarding Governor Brown's alleged involvement in Indonesia oil companies, and regarding public safety at the airports.

Councilmember Madison arrived at 6:43 p.m.

Michael Warner, Pasadena resident, spoke on parking enforcement and parking ticketing issues.

The following persons spoke in support of Pasadena 202 Club and its location:

Sheryl Turner, Pasadena resident

Christian Adrian Iniguez, Pasadena resident  
Terry L. Lloyd, Pasadena resident  
John Taylor, Pasadena resident

The following person spoke in opposition to the Pasadena 202 Club location:

Cindy Schnuell, Pasadena resident  
Melissa Ertler, Pasadena resident  
Laura Liptak, Pasadena resident

Vice Mayor McAustin requested that staff include as an information item as part of the City Manager's Weekly Letter, summarizing existing appeal fees, including the cost for neighborhood associations and non-profit organizations to appeal a decision.

The City Manager noted that he will also include alternatives to the fees.

## CONSENT CALENDAR

### **COMMENT TO STATE HISTORIC PRESERVATION OFFICER ON THE HISTORIC DESIGNED GARDENS MULTIPLE PROPERTY DOCUMENTATION FORM, NOMINATION OF TWO HISTORIC DISTRICTS AND SEVEN INDIVIDUAL PROPERTIES FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES AND NOMINATION OF CASE STUDY HOUSE NO. 10 FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

**Recommendation:** Authorize the transmittal of a letter (Attachment B of agenda report) from the Mayor to the State Historic Preservation Officer (SHPO) in support of the Historic Designed Gardens Multiple Property Documentation Form, nomination of two historic districts and seven individual properties for listing in the National Register of Historic Places and nomination of Case Study House No. 10 for listing in the National Register of Historic Places.

**Recommendation of Historic Preservation Commission:** On Monday, March 18, 2013, the Historic Preservation Commission recommended that the City Council approve staff's recommendation.

### **ADOPTION OF A RESOLUTION AMENDING THE NON-REPRESENTED NON-MANAGEMENT SALARY RESOLUTION TO ESTABLISH COMPENSATION FOR NEWLY ESTABLISHED CLASSIFICATION**

**Recommendation:** Amend the Non-Represented Non-Management Salary Resolution to establish a new classification and related salary titled Customer Service Representative I/II (Flex) with an hourly salary range of \$17.2427 to \$25.0304  
(Resolution No. 9279)

MINUTES APPROVED

November 5, 2012  
November 12, 2012  
December 3, 2012

CLAIMS RECEIVED AND FILED

Claim No. 11,900	Zurick American Insurance Co., as subrogee for Patina Restaurants/Patina Catering Sales Office	\$21,199.34
Claim No. 11,901	Robert Sheperd	498.46
Claim No. 11,902	Jay A. Mitra	285.00
Claim No. 11,903	Colin Davis	110.00
Claim No. 11,904	Pam Hargrave w/AAA Texas subrogating for William Bragg	5,227.44
Claim No. 11,905	Sean Campbell	Not stated
Claim No. 11,906	Gloria Jean Hopkin	10,000.00
Claim No. 11,907	Susan Goff	25,000.00+

It was moved by Vice Mayor McAustin, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

**ORDINANCE - ADOPTED**

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 2.75 (HISTORIC PRESERVATION COMMISSION) TO ALLOW HISTORIC DISTRICTS LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES TO HAVE A VOTING REPRESENTATIVE ON THE HISTORIC PRESERVATION COMMISSION”** (Introduced by Councilmember Robinson) (Ordinance No. 7231)

The above ordinance was adopted by the following vote:  
AYES: Councilmembers Bryant, Gordo, Madison, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard  
NOES: None  
ABSENT: None

**RECOMMENDATION FROM OFFICERS AND DEPARTMENTS**

**UPDATE OF THE GENERAL PLAN LAND USE AND MOBILITY ELEMENTS**  
**Recommendation:** It is recommended that the City Council direct staff to analyze the environmental impact of the following components of the General Plan Land Use and Mobility Elements  
A. Development Caps (Attachment A.1 of the agenda report)  
B. Changes to the Guiding Principles (Attachment A. 2 of the agenda report)  
C. General Plan Land Use Diagram (Attachment A. 3 of the agenda report)

Vince Bertoni, Director of Planning and Community Development Department, introduced the agenda item and Scott Reimers, Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Council discussed the issue of setting the appropriate parameters for studying Development Caps as part of the General Plan's Environmental Impact Report (EIR).

Councilmember Gordo suggested that staff study higher development cap levels for the Specific Plan areas and to measure its impacts in the General Plan's Environmental Impact Report (EIR), and noted that studying higher development cap allocations and lower development cap alternatives will provide more flexibility in capturing and setting an allocation level that will provide the "critical mass" needed in order to realize the visions for the General Plan and the Specific Plan areas.

Councilmember Robinson indicated that the current recommended development cap level in the Lincoln Avenue Specific Plan area appears to be low, and stated her preference for a higher development cap level to be studied for this area, with the notion that the City Council can scale down the number if necessary.

Vice Mayor McAustin indicated that the study of higher development cap levels will allow true impacts to be determined on areas such as traffic, air, and walkability, which will allow the City Council flexibility to make the best possible decision based on studied alternatives.

Councilmember Tornek expressed concerns regarding unnecessarily increasing the recommended development cap levels for study, stating that such an approach would have the appearance of discounting the work and input received from individuals during the lengthy process.

The City Council discussed a Recommended Development Cap System, which would include the following:

- Annual monitoring
- No more than one amendment per year
- City Council or Planning Commission vote to initiate a General Plan Text Amendment
- Study undertaken by staff
- Recommendation by Planning Commission
- Action by City Council
- Requires public notification and environmental review

Councilmember Madison asked whether or not other cities are using similar development cap monitoring systems and suggested that staff return with examples of best practices. He also stated that it would be beneficial to add footnotes in the environmental document indicating a discussion was held on an amendment process for the development cap monitoring system.

The City Council discussed the issues related to development cap monitoring, whether it will be on an annual basis or when a certain percentage is reached, and examining the practice of other municipalities.

Following additional information presented by staff on the Guiding Principles and the Land Use Diagram, Councilmember Gordo commented on the Central District Specific Plan area, and expressed his support for an increase to the Floor Area Ratio (FAR) to 3.0 for study purposes in the area where the east side of South Fair Oaks Avenue forms the boundary on the west, the south side of Del Mar Boulevard forms the boundary on the north, the west side of South Arroyo Parkway forms the boundary on the east, and the 110 Freeway forms the boundary on the south. He stated his support for encouraging a dramatic change in this part of the City so that it would be more in line with the City's vision of a green, neighborhood village that provides synergy and a positive walkable experience for the community to Old Pasadena, Playhouse District, and the Civic Center, as well as access via the Gold Line to downtown Los Angeles.

Councilmember Gordo also stated concerns regarding the FAR of 1.75 in the Fair Oaks/Orange Grove Specific Plan, focusing on the need for height limits for commercial buildings that are adjacent to single-family homes in order to avoid a three-story structure adjacent to a residential property in the Summit Avenue/Orange Grove Boulevard area of the Fair Oaks/Orange Grove Specific Plan, and directed staff to include on the draft Land Use Diagram, an overlay (by asterisk on the diagram) for the Summit Avenue/Orange Grove Boulevard area of the Fair Oaks/Orange Grove Specific Plan so that the Planning Commission's adopted policy applies to this area, which states, "new buildings shall be set back from adjacent residential uses to achieve an appropriate transition."

The following persons spoke in support of changes to the General Plan Land Use and Mobility Elements, which provide better protection for adjacent neighborhoods and historic resources from impacts from development:

Gretchen Palmer Bailey, Pasadena resident  
Laura Liptak, Pasadena resident, submitted photographs of

the corner of Los Robles/Orange Grove  
Ann Dove, President of the Bungalow Heaven Neighborhood Association  
Mic Hansen, Pasadena resident  
Garth Garrett, Pasadena resident  
Amy Deavoll, Pasadena resident  
Bertha Coleman, Pasadena resident  
Susan N. Mossman, Pasadena Heritage  
Pat Roughan, Pasadena resident  
Bob Kneisel, Pasadena Neighborhood Coalition  
Tina Miller, Bungalow Heaven Neighborhood Association

John Byram, Pasadena resident, stated his concerns with form-based codes and agreed with Pasadena Heritage's recommended language for the 2<sup>nd</sup> Guiding Principle.

The following persons spoke in support of smart growth in the Central District and increased development caps as part of the Update of the General Plan Land Use and Mobility Elements:

Erlinda Romo, Pasadena Playhouse District Association  
Carla Walecka, Pasadena Playhouse District Association  
John Grech, Pasadena resident  
Greg Gunther, Pasadena resident, distributed a handout regarding an increase in development cap levels in the Central District  
Jonathan Edwards, Downtown Pasadena Neighborhood Association  
David Hitchcock, Pasadena resident  
John Hutt, Pasadena resident

The following individuals spoke on issues related to public schools and advocated for the adoption of the 8th Guiding Principle:

David Berk, Pasadena resident  
Steven Cole, Pasadena resident

Vice Mayor McAustin pointed out that a portion of the Planning Commission recommendation on the 2nd Guiding Principle that reads, "new construction would adhere to the Secretary of the Interior's Standards" applies to historic structures only, and offered her support for the staff recommendation.

Councilmembers Gordo and Madison stated opposition to the last sentence of the 2nd Guiding Principle as recommended by staff.

#### MOTION ON 2<sup>ND</sup> GUIDING PRINCIPLE

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Tornek, to approve the staff recommendation for the 2nd Guiding Principle that reads, "Pasadena's historic resources will be preserved. Citywide,

new development will be in harmony with and enhance Pasadena's unique character and sense of place. New construction that could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resources." (Motion carried, with Councilmembers Gordo and Madison objecting) (Absent: None)

Councilmembers Robinson and Gordo expressed support for the 8th Guiding Principle as proposed by Councilmember Madison, with Councilmember Robinson suggesting to add the wording, "shared community responsibilities" to the 8th Guiding Principle.

MOTION ON 8<sup>TH</sup> GUIDING PRINCIPLE

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Bryant, to approve Councilmember Madison's proposed language for the 8th Guiding Principle that reads, "Pasadena is committed to public education and a diverse educational system responsive to the broad needs of the community." (Motion unanimously carried) (Absent: None)

MOTIONS ON DEVELOPMENT CAPS

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to approve the General Plan Update Advisory Commission's recommendation to study 5,000 residential housing units in the Central District, and to study 3,750 residential housing units as an alternative. (Motion carried, with Councilmember Tornek objecting) (Absent: None)

MOTION

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Tornek, to study 2,500,000 square feet of commercial development in the Central District.

Councilmember Bryant strongly advocated for studying a higher level of commercial development in the Central District in order to best serve Pasadena's future economic vitality and maintain the vision of smart growth and a walkable community.

AMENDED MOTION

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to study 4,000,000 square feet of commercial development in the Central District, and to study 2,500,000 square feet of commercial development as an alternative. (Motion carried, with Councilmember Tornek objecting) (Absent: None)

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Masuda, to study 180 residential housing units in the Lincoln Avenue Specific Plan area, and to study 90 residential housing units as an alternative. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Masuda, to study 300,000 square feet of commercial development in the Lincoln Avenue Specific Plan area, and to study 150,000 square feet of commercial development as an alternative. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to approve staff recommendations of residential housing units and commercial square feet to study for the following Specific Plan areas: East Colorado, East Pasadena, North Lake, Fair Oaks/Orange Grove, and West Gateway and the No Specific Plan areas, and to provide alternatives for each of the specific plan areas for comparison and evaluation. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to study 800 residential housing units in the South Fair Oaks Specific Plan area, and to study 600 residential housing units as an alternative. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to study 800,000 square feet of commercial development in the South Fair Oaks Specific Plan area, and to study 600,000 square feet of commercial development as an alternative. (Motion unanimously carried) (Absent: None)

MOTIONS ON GENERAL  
PLAN LAND USE DIAGRAM  
MAP

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tornek, to change the draft General Plan Land Use Diagram to increase the FAR for CD-23 to 3.0. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Madison, to amend the draft General Plan Land Use Diagram to increase the FAR to 3.0 in the areas of Fair Oaks on the West, California on the North, Arroyo on the East, and Glenarm on the South, with the amendment pertaining to the mixed-use areas only. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tornek, to amend the draft General Plan Land Use Diagram to increase the FAR to 3.0 in the areas of Del Mar Avenue on the North, Arroyo Parkway on the East, California Boulevard on the South, and Cordova Street on the West, to the mixed-use properties out to Fair Oaks Avenue on the West, with the amendment pertaining to the mixed-use areas only. (Motion carried, with Councilmember

Madison abstaining) (Absent: None)

Following discussion, it was moved by Councilmember Bryant, to retain the land use designation for CD-38 at RM-48. (Motion failed due to lack of a second)

Following discussion, it was moved by Councilmember Bryant, seconded by Councilmember Tornek, to amend the draft General Plan Land Use Diagram for the AT&T property (located north of East Colorado Boulevard, west of North Arroyo Parkway, south of East Union Avenue, and east of North Marengo Avenue) to high mixed-use. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember Tornek, seconded by Vice Mayor McAustin, to approve the draft General Plan Land Use Diagram as recommended by staff and incorporating the amendments already approved by the City Council. (Motion unanimously carried) (Absent: None)

**CONSIDERATION OF A CALL FOR REVIEW: EXPRESSIVE USE PERMIT NO. 6052 AND ASSOCIATED VARIANCE FOR 25 NORTH RAYMOND AVENUE, THE NEW YORK DELI**

**Recommendation:** It is recommended that the City Council consider a call for review to the City Council of a Hearing Officer decision regarding Expressive Use Permit No. 6052, for 25 North Raymond Avenue, the New York Deli.

Vince Bertoni, Director of Planning, introduced the agenda item and David Reyes, Principal Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Mayor Bogaard reported that the City Council inadvertently approved and directed this item to the Board of Zoning Appeals (BOZA) for review at its last meeting, and stated that following the City Council's action a week ago, it was determined by the City Attorney that the Expressive Use Permit (EUP) entitlement and the associated Variance will require that it be directly reviewed by the City Council. The Mayor also noted that the EUP is to allow the nightclub to install a dance floor for use during various days and hours.

The City Attorney indicated that a EUP will require that a public hearing be held within 28-days of consideration of a call for review, if approved, and noted that the City Council is still on schedule to meet this requirement, and stated that the grounds for a variance are for unique circumstances.

Councilmember Gordo stated concerns regarding granting a variance to the applicant that will allow a deviation from the 250 feet limitation, and mentioned that granting such variances can

possibly set a precedent that can weaken the alcohol overlay district, and potentially subject the City to future requests from other business owners claiming to have similar uniqueness, He also expressed concerns regarding the accuracy of the method used for measuring the facility, and asked that the staff and the applicant work together to agree on a methodology for measuring the distance between facilities, and to report back to City Council with a more precise number.

The City Attorney pointed out that the staff's method of measuring is in line with the City's manner of measuring distances based on the staff's interpretation of the Pasadena Municipal Code (PMC), and noted a deviation from this method of measuring may require a modification to the PMC.

Leo Temory, Applicant and Owner of New York Deli, spoke in support of the Call for Review.

Wes Reutimann, Day One, Inc., spoke in support of the Call for Review.

Councilmembers Bryant and Gordo stated concerns regarding the staff's point of measurement, and stated that the measurement should be up to the second floor business.

Following discussion, it was moved by Councilmember Bryant, seconded by Councilmember Madison, to call this matter for review to the City Council, with staff to include further information regarding the methodology of measurement.

The above motion was approved by the following vote:

AYES: Councilmembers Bryant, Gordo, Madison, Masuda, Robinson

NOES: Councilmembers Tornek, Vice Mayor McAustin, Mayor Bogaard

ABSENT: None

## **PUBLIC HEARING**

### **CONTINUED PUBLIC HEARING: FISCAL YEAR 2014-2018 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET**

**Recommendation:** Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council until the City Council determines that the public hearing may close and then formally adopt the Fiscal Year 2014 – 2018 CIP Budget.

It was moved by Councilmember Tornek, seconded by Councilmember Robinson, to continue the public hearing to May 13, 2013 at 7:00 p.m. (Motion unanimously carried) (Absent: None)

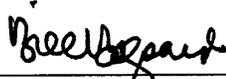
## **COUNCIL COMMENTS**

Vice Mayor McAustin asked the City Council to recognize that

tonight's meeting is final business meeting for Councilmember Bryant, and commended him for his service to the City of Pasadena as Councilmember, District 3.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 12:11 a.m.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk