

ATTACHMENT O:

Public Comments Submitted to Planning Commission
and Staff's Responses

Letter #1

July 13, 2016

Members of the Planning Commission
Kelvin Parker
City of Pasadena
175 N. Garfield Avenue
Pasadena, CA 91109

RE: CONDITIONAL USE PERMIT #6279 – 179-ROOM KIMPTON HOTEL

Dear Planning Commissioners,

This letter is being submitted to the Pasadena Planning Commission addressing the Conditional Use Permit application # 6279 – the 179-room Kimpton Hotel. We do think a thoughtful redevelopment of the YWCA / Julia Morgan property is exciting and fully support hotel development on the site. We would ultimately like to see it approved, but as a developer who has recently navigated the entitlement process for a mixed-use project immediately across the street from the proposed development, we have reservations over some of the recommendations being proposed:

Open Space on Garfield: We believe that the public open space on Garfield – the small grassed ‘park’ – creates a very important setback across from City Hall in a very public and ‘stately’ part of the City. We would be disappointed to see the City allow the space to erode as much as is being planned. While the public open space is the bigger factor in defending this space, we selfishly would also like to see a visual connection maintained between City Hall and the new project that will be going up at the 254 E Union Street site. Allowing the massing of the proposed hotel to encroach onto City property will sever any visual connection. 1

Reduction of the 15 Foot minimum height: Union Street may not be as commercially oriented as Colorado, but it is still an urban street. We think it would be beneficial to maintain a commercial presence on Union especially with commercial space going in across the street. Allowing a variance that drops the height to 9 foot – which is what is needed to squeeze an additional floor into the 60 foot height limit – while beneficial from a room count does detract from the mass of the base of the building and ultimately the sense of scale that a pedestrian should experience in an urban environment (i.e. the 9 foot being something you might expect from a sub-urban garden style hotel without a ground floor commercial component). 2

We also have some concerns over the ground floor circulation, limited parking and drop-off. We think these could be addressed better.

Having recently gone through Design Review and worked with City staff we are confident that you will address these concerns through your review process and will help the developer ‘massage’ their design to ultimately come up with a project that will work better – it’s such an important site you have an obligation to get it right!

Sincerely,



Nicholas Buchanan

RESPONSES TO COMMENTS RECEIVED AT PC HEARING REGARDING FEIR AND ENTITLEMENTS

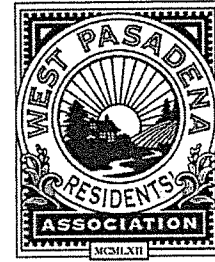
YWCA/KIMPTON HOTEL PROJECT

Letter #1: Nicholas Buchanan

Response to Comment 1-1: As described in the staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting, the project is consistent with the zoning designation of the site and with planning efforts in the Civic Center since its inception in 1923. The amount of landscaping that currently exists is more than double the amount originally conceived in the Bennett Plan for the approaches to City Hall.

Response to Comment 1-2: The reduction in first floor height is needed to provide standard sized hotel rooms, which do not require elevated ceilings as well as to make the hotel addition function properly, address sloping conditions on the site and align with the floors of the existing YWCA building. The building will appear to have a stately two-story base on the exterior. This condition is similar to the northeast corner volume of the Pasadena Police Department building at 207 N. Garfield Avenue (1990, Robert A.M. Stern), which has an apparent two-story base volume on the exterior with two floors of offices on the interior

Letter # 2



July 13, 2016

Dear Mayor Tornek, City Council Members, Commissioners and Staff:

The Board of West Pasadena Residents Association has voted to take a position on the WYCA/Kimpton Hotel Project. Having reviewed the information available to the public, as well as discussing the absence of critical project information withheld from Pasadena's Commissions and residents, we concur that Alternative 2A, the preferred design with 179 rooms, 91,000 Sq/ft. and a 30-40 setback cannot be evaluated without knowing the reasons why the hotel has to be the size it is. Aesthetically the WPRA would prefer a smaller building complex with a deeper setback on Garfield Avenue facing City Hall. We ask that the Pasadena Planning Commission disapprove the Conditional Use Permits and send a negative recommendation to City Council regarding Alternative 2A.

The WPRA also recommends that the City Council postpone the vote on the proposed WYCA/Kimpton Hotel project and extend the time for additional design alternatives representing a hotel complex of 150 rooms or less.

Thank you for considering our point of view.

Respectfully yours,

Kenyon Harbison
President
West Pasadena Residents Association

The WPRA is an all-volunteer organization dedicated to maintaining and enhancing the quality of life in southwest Pasadena. We represent 7,000 households, including 1,000 paid members.

WEST PASADENA RESIDENTS' ASSOCIATION
POST OFFICE BOX 50252 • PASADENA, CA 91115

Letter #2: Kenyon Harbison, West Pasadena Residents' Association

Response to Comment 2-1: Financial information regarding the applicant's position on the size of the project was presented at the Planning Commission meeting on July 13, 2016. That information will be presented again at the August 15, 2016 City Council hearing.

Response to Comment 2-2: Although the number of rooms proposed has increased from the original proposal submitted in response to the RFP, the square footage of the building has remained similar. The size of the building proposed in the RFP was 129,690 sf and the size of the alternative 2A design of the project is approximately 131,570 square feet. As such, the increase in the number of rooms proposed has not resulted in a substantially larger building than was originally proposed in response to the RFP.

Johnson, Kevin

From: David Whitehead <davidrwhitehead@gmail.com>
Sent: Wednesday, July 13, 2016 3:46 PM
To: Johnson, Kevin
Subject: Attn: Planning Commission Chair and Commissioners

RE: YWCA/Kimpton Hotel project.

Dear Chairman Jones and Commissioners,

I wish to submit my objections to the YWCA Kimpton Hotel project as well as the manner in which it has been advanced by the City.

This project will trade irreplaceable public land in our treasured civic center for an unnecessary commercial hotel venture.

The City seems intent on bending over backwards to give this particular developer anything it wishes, including:

- throwing in - at no cost - additional public civic center land in order to "sweeten the deal" without following government codes for such action; } 1
- obstructing and infringing on existing traffic patterns on both Marengo and Union with no benefits the public, only to the developer; } 2
- failure to carefully address critical issues affecting this project (such as parking for hotel guests and visitors; firm limits on the hotel's overall height and it's "footprint"); } 3
- failure to observe the City's own regulations, codes, and stated area-specific plans; } 4
- many additional concerns.

Meanwhile, the developer continues to:

- revise the project's design; } 5
- "require" greater square footage for the building in order to make the project financially viable (while not providing any disclosure regarding financial projections), } 6
- require numerous concessions from the City in order to move forward. } 7

In short, it appears to me that the "tail is wagging the dog" in this process. The City should reassess all aspects of this project, starting with the project's necessity, the lack of public transparency, and its own failure to follow the area specific plans, applicable codes, and its duties to the public.

Thank you for your time and consideration.

David Whitehead
388 East Mountain Street
Pasadena, CA 91104
(Council District 5)

Letter #3: David Whitehead

Response to Comment 3-1: All applicable codes have been followed with respect to the use of the existing landscaped parcel for the project. The staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting outline the development standards and entitlements applicable to the project and fully evaluate the project's consistency with these requirements. See also Response to Comment 6-5.

Response to Comment 3-2: A detailed traffic analysis, including of potential safety hazards associated with the proposed project, was conducted and included in the EIR for the project as appendix E1 and summarized and evaluated in Section 3.5, starting on page 3.5-1. The EIR found that any potential traffic-related hazards associated with the project can be mitigated to a less than significant level (see page 3.5-20 of the Draft EIR and Response to Comment 9-15 on page 3-73 of the Final EIR).

Response to Comment 3-3: The project's requests for reduced and shared parking were fully described and analyzed in the staff report provided to the Planning Commission for its July 13, 2016 meeting and in the agenda report for the City Council's August 15, 2016 meeting. The architectural plans submitted for approval establish firm limits on the building height and footprint while a recommended condition of approval allows the Design Commission flexibility to adjust height modulation, within the allowable height limit of 60 feet, to ensure compatibility with the YWCA building.

Response to Comment 3-4: The staff report provided to the Planning Commission for its July 13, 2016 meeting and the agenda report for the City Council's August 15, 2016 meeting outline the City regulations, codes and Specific Plan policies that apply to the project and demonstrates that the project is consistent with these regulations and plans.

Response to Comment 3-5: The revisions that have been made to the project design have been proposed in response to public concerns and comments. It is customary during the development review process for a project applicant to work with members of the community to adjust their project in response to community concerns. Staff's analysis is based on the most recently revised design (alternative 2A design study included as Attachment N to the agenda report prepared for the August 15, 2016 City Council meeting) and also considers previously submitted designs and the alternatives studied in the EIR.

Response to Comment 3-6: This comment is false. The project has not required greater square footage to make the project financially feasible. In fact, although the number of hotel rooms has increased, the square footage of the building has remained substantially the same since the applicant's original response to the City's RFP. See Response to Comment 2-2.

Response to Comment 3-7: The applicant has requested two Variances from standard Zoning Code requirements, which were fully outlined and evaluated in the staff report provided to the Planning Commission for its July 13, 2016 meeting and again in the agenda report for the City Council's August 15, 2016 meeting. The Planning Commission recommended that these Variances be approved. No other concessions have been requested from the applicant.

Avram Dean Gold

July 13, 2016

Dear Mayor, Council Members, Commissioners and Staff:

My name is Avram Gold and I have lived at 687 Arbor Street since 1986. Six months ago I was asked by a number of Pasadena residents, city officials and neighborhood organizations to address the WYCA/Kimpton Hotel Project. Consequently I reviewed the Draft and Final EIRs, screened past City Council videos and also interviewed city officials and activists who oppose the recommended rehabilitation project presented by Staff at this time. There are serious contradictions about the legal baselines determining the City's right to develop the site. Both sides, for and against the project, or specific aspects of the project, are choosing different legal precedents to back up their positions allowing City Council the latitude to find justification for or against the YWCA/Kimpton Project. Consequently the question is not, *CAN the City build a large hotel surrounded by less open space?* The core debate asks, *SHOULD the City build the largest structure zoning will permit? And if it can, are the reasons for sacrificing larger portions of public land justified?*

] 1

Although a CEQA EIR's primary purpose investigates environmental impacts, this hotel study is functioning more like a catalogue of 10 hotel configurations with various heights and setback depths. Alternative 2A, with 179 rooms, 91,000 Sq/ft., 30-40 setback design is the preferred project. But should it be, even in its latest incarnation? Does it meet the following requirements?

] 2

"...the design of new buildings should reflect the highest quality and respect the prominence of existing civic landmark buildings, as well as reinforce the vision of the City's original Bennett Plan from 1925."

This statement was said by Senior Planner Kevin Johnson as he explained the YWCA/Kimpton Preliminary Plan Review to the Pasadena City Council meeting on March 17th, 2014. (section 15 - video time code 57:34 - 57:35)

Council Member Victor Gordo ended that same March 17th Council meeting, stating: *"I think we need to be careful. We've worked hard to preserve the integrity of the Civic Center and made a significant investment and we absolutely have to get it right."* (video time code 1:47:00 -1:47:38)

Does the Project and any of its alternatives reflect the highest quality and respect the prominence of existing civic landmark buildings? Did the City's Final EIR hotel designs get it right? Not yet, and I've joined the advocacy groups asking for more variations to the alternatives as described in the Final EIR, **Section 3.0 Comments and Responses, page 3.24.**

] 3

687 Arbor Street
Pasadena, Ca. 91105
Hm (626) 796-2766 Cell (818) 383-8606

The following sentence is another quote from that the same YWCA/Kimpton Project Preliminary Plan Review of March 17th, 2014. (video time code 1:41:10 – 1:42:00) *“So I think this is one project that is currently proposed that meets both zoning and the RFP (Request for Proposals) intent. But I’m not sure that the conversation is about what’s allowed. It’s really about what’s appropriate.”*

I agree with then Deputy Director of the Planning Department, David Reyes, who expressed that opinion. The proposed Project and its alternative 2A are still not appropriate. They are too massive and consume too much park space on the west side of Garfield Avenue. Alternative 2E, with 106 rooms, 59,000 Sq/ft. and a 107 ft. setback has already been eliminated as a viable option. Why? Why can’t a smaller hotel be economically feasible? If not 106 rooms, why not build the original proposal of 150 rooms or less? Why do we not have an EIR alternative describing the original proposal of a 150 room hotel with perhaps a 70 or 80 foot setback? Sue Mossman of Pasadena Heritage asked the same question back in 2014 at the March 17th Council meeting.

} 4
} 5
} 6

“We were very concerned to see the increase in the number of hotel rooms, from 150 initially in the response to the RFP up as high as 192. ... So I suggest it might be a question that you have, what’s driving the increase in the hotel rooms? We’re now back to 180, which is a whole lot better than 192. But I think some information about what’s driving that increase is important to the community as well as I imagine to you.”
(video time code 1:18:30 – 1:19:10)

The number of rooms needed to break past hotel construction and operating expenses is information still withheld from the public. If a larger hotel were built upon the open space, the “Save-our-Parks” group argue that the intention of the Bennett Plan, the 1923 version allowing wider and more open areas for vistas and sightlines, would be violated. They also state that the City will be “giving away” it’s open areas for faster revenue generated by a larger hotel, but there is no published “proof” that the hotel income is absolutely necessary. Nor is there any public “proof” that a smaller hotel will not financially succeed.

} 7
} 8

Much more financial transparency is needed for public and our commission’s review when evaluating the scale of a hotel facing City Hall and the setback property surrounding it. I agree with the Final EIR summary below - **Section 3.2.1 Topical Responses – TR-GEN-1 Business/Economic Aspects of the proposed Project**. Just too much about this project is secret.

...the City must provide additional information regarding economic feasibility in order to reject an alternative; that the City’s Exclusive Negotiating Agreement (ENA) with Kimpton must be disclosed in order for the public to fully understand the economic considerations of the project; that terms such as “economically sustainable,” “the City’s investment of the property,” “reasonable amount of the time for recouping the City’s investment,” and “operational capacity” be defined; and that lease terms, targeted investment returns, due diligence performed by the City, financial capacity of the

} 9

developer, and the effect of the merger between International Hotel Group and Kimpton Hotels and Restaurants, LLC be disclosed.

I understand the City's need for revenue but must THIS project, reflecting the heart and soul of Pasadena, be developed for achieving the most income possible? Does money always have to be the primary deciding factor when creating all city projects? Cannot civic pride, sensitivity to aesthetics, the conservation of our unique heritage and respect for our greatest city monument be equally considered as the prime motivation when reviving a public building like the YWCA?

In the big picture, will the added revenue from a larger hotel closer to City Hall have a significant benefit to the people of Pasadena sixty years from now? Will there ever be newspaper clipping with the headline: *KIMPTON HOTEL SAVES PASADENA FROM BANKRUPTCY?*

A 179 room hotel covering as much open space as possible will not save Pasadena from financial stress. It will however, erode part of its integrity. What makes Pasadena special, is NOT its authority to develop public land, but it's CHOICE not to.

In his statement below, then Council Member Terry Tomek consolidated many opinions about the YWCA/Kimpton Project. (March 17th City Council meeting, video time code 1:44:00 – 1:44:56)

"We had an RFP selection made on the bases of a density of 150 units, and it ballooned to 192. Now it's back down to 180. ... So I think what's happened ... that in doing the arithmetic and trying to meet some of the other design objectives that Vince was talking about in terms of maintaining some separation and achieving some of those other objectives, the project got more dense and higher. I think we would be more comfortable if it were some number of rooms lower potentially, and shorter. And maybe not so close. That is the challenge and that's why we're here."

Now, in 2016, many people have yet to feel any kind of comfort with the project. The Draft EIR and it's lead proposal, Alternative 2A, has not decreased the rooms to 150 or lowered the second building height of sixty feet. Nor is the setback more than 30/40 feet away from Garfield Avenue. Consequently, without any financial documents justifying the need for a higher capacity hotel, I'm taking the position of many people who oppose the project as it.

I strongly encourage the Pasadena Planning Department to postpone approval of revised Alternative 2A and that the City Council allow more time for review and add alternative designs which meet the demand for a smaller hotel complex with 150 rooms or less.



Avram Gold
Pasadena Resident

Letter #4: Avram Dean Gold

Response to Comment 4-1: This comment is false. The project is not the largest structure zoning would permit. As stated in the staff report provided to the Planning Commission for its July 13, 2016 meeting, the total amount of floor area that would be permitted on the site is 189,159 square feet. The project proposes a total of 127,912 square feet and alternative 2A proposes a total of 131,570 square feet. In addition, the Zoning Code allows development on the site to have a minimum 10-foot setback from Garfield Avenue and the project is proposing a 30-foot setback from Garfield Avenue. Finally, the Zoning Code allows development on the site to be up to 60 feet high. The project proposes a portion at that limit, with lower-height volumes proposed over much of the site to ensure compatibility with the historic YWCA building.

Response to Comment 4-2: The EIR prepared for the project is primarily focused on an investigation of potential environmental impacts of the project and is not focused on “a catalogue of 10 hotel configurations” as stated in the comment. One section of the Draft EIR (Section 4.0, beginning on page 4-1) outlines potential alternatives to the project that could reduce environmental impacts of the project and this chapter is required by CEQA to be included in all EIRs.

Response to Comment 4-3: The design of the project can continue to be adjusted during the design review process to achieve the goals outlined in this comment. As described in Topical Response TR-ALT-1, page 3-24 - 3-25, of the FEIR, the alternatives suggested in this comment are variations of alternatives that were studied in the Draft EIR and CEQA does not require study of multiple permutations of the same alternatives, especially if they would not reduce significant environmental impacts. Additionally, as stated in the above-referenced Topical Response in the FEIR, the project has no significant environmental impacts that cannot be mitigated to a less than significant level and the range of alternatives studied in the EIR provides adequate information for decision-makers to determine how impacts could be further reduced.

Response to Comment 4-4: See Response to Comment 1-1.

Response to Comment 4-5: : The EIR does not evaluate rejection of alternatives, therefore Alternative 2E has not been rejected. The City Council will make the final decision regarding approval of the original project or one of the alternatives studied in the EIR, and at that time may reject alternatives.

Response to Comment 4-6: The Draft EIR includes alternatives that have 143 and 106 rooms (Alternatives 2B and 2B described on pages 4-16 and 4-44 of the Draft EIR, respectively). The 143-room alternative (2B) has a 70-foot setback from Garfield Avenue. Two other alternatives (2C and 2D described on pages 4-24 and 4-34 of the Draft EIR, respectively) also have a 70-foot setback from Garfield Avenue. The requested alternative of “a 150-room hotel with perhaps a 70 or 80 foot setback” has been substantially addressed in Alternative 2B.

Response to Comment 4-7: The 1923 version of the Bennett Plan would not be violated by the proposed project. See Topical Response TR-GEN-2 on pages 3-4 through 3-8 of the Final EIR for detailed

information about the Bennett Plan, as well as the staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting.

Response to Comment 4-8: The linchpin purpose for the project is to finance preservation of the crumbling Julia Morgan building. The estimated cost for that work alone is approximately \$14M - \$16M. The City does not have those funds, and accordingly sought a partner who could objectively identify a use that would result in rehabilitation of historic asset, provide direct economic benefit to the City (i.e. return on General Fund investment), and serve as a catalyst for continued economic development. The evidence that the project had to be of a certain size in order to achieve that objective was presented to the Planning Commission at its July 13, 2016 meeting, and will also be presented in more detail to the City Council on August 15, 2016.

Response to Comment 4-9: These statements are taken from Topical Response TR-GEN-1 on page 3-3 of the Final EIR and summarize public comments received regarding business/economic aspects of the proposed project. This Topical Response fully responds to these comments and no further response is necessary.

Letter #5

Johnson, Kevin

From: Parker, Kelvin
Sent: Wednesday, July 13, 2016 12:58 PM
To: White, Leon; Johnson, Kevin
Cc: Sweeney, Jessica
Subject: FW: Comments on YWCA/Kimpton Hotel Project

From: Janet Whaley [<mailto:janet1860@charter.net>]
Sent: Wednesday, July 13, 2016 11:28 AM
To: Parker, Kelvin
Subject: Comments on YWCA/Kimpton Hotel Project

Dear Mr. Parker:

Because I will be unable to attend the Planning Commission hearing this evening, I wanted to submit my brief comments regarding the YWCA/Kimpton Project.

I commend the Planning staff for their dedicated research and community outreach over the many years that this development has been under discussion. The attachments on the Planning Commission's Agenda web links attest to the long and thorough process the City has undertaken to get us to this point.

I support the approval of Alternative 2A, with the caveat of negotiating to keep as much as possible of the currently landscaped public space on the SW corner and sidewalk between Holly Street and Union. As has been brought up in much of the public comment on the project, that public space, once developed, can never be retrieved. Even if it has not been designated officially as "park" space, it has functioned as such for many years. I would hope that every attempt would be made to negotiate with the developer to maintain that public space in its current usage.

Thank you for your time and efforts on the public's behalf.

Sincerely,

Janet Whaley
1143 North Los Robles Avenue
Pasadena, CA 91104
(626) 345-9796

Letter #5: Janet Whaley

Response to Comment 5-1: See Response to Comment 1-1.

Letter ++ 6

MARSHA V. ROOD, FAICP
216 S. Madison Avenue, #302
Pasadena, CA 91101

July 13, 2016

marsharood@earthlink.net

Submitted by e-mail via kevinjohnson@cityofpasadena.net

Chair Greg Jones
Members of the Planning Commission
City of Pasadena
175 N. Garfield Avenue
Pasadena, CA 91101

Re: Comments on YWCA/Kimpton Hotel Project: Sale of Surplus Real Property and Final EIR, 78 N. Marengo Avenue; YWCA/Kimpton Hotel Project, Agenda Item 5C

Dear Chair Jones and Planning Commissioners:

As a member of the Civic Center Coalition, I would like to add the following comments to the administrative record concerning the proposed YWCA/Kimpton Hotel Project in the Civic Center:

1. APPLICABLE GOVERNMENT CODES

The sale/lease of the parkland across from City Hall is governed by two government codes: The State of California's Government Code Section 54220 "Surplus Land Act", and the City of Pasadena's Municipal Code Chapter 4.02 "Sale of Surplus Real Property." Importantly, "sale" is defined in Chapter 4.02 of the Municipal Code as including a lease of city-owned property for a term in excess of fifteen (15) years.

These two laws establish the process by which the City determines how its real property is to be surplusd, sold, leased or developed.

2. SUMMARY AND CONCLUSIONS

A. The City has violated the State of California Surplus Land Act because it failed to offer the parkland (aka "Parcel 3" as shown in the Project site plan) for park/open space and recreational purposes, for low and moderate income housing, and for the clustering of housing and commercial development within walking distance of a major transit station (such as the Memorial Park Station on the Metro Gold Line).

1

B. The City has violated Municipal Code Chapter 4.02 "Sale of Surplus Real Property" because it failed to comply with the requirements of the Code for the reasons set forth here and further described below:

- The process was not public (ref. Section 4.02.011 – "Policy"): Although the Municipal Code clearly calls for *early* involvement in deciding whether or not City public land is to be leased or sold, the lack of transparency and integrity of the process used for this

2

project are well documented and evident. In short, the process is being done at the back-end not the front-end as it was intended by the Municipal Code.

- The parkland is needed for the purpose for which it was acquired or for any other public purpose (Ref. Code Section 4.02.011 – “Policy”): The City’s position is that the parkland is no longer needed for public purposes. However, the public purpose for which the parkland was acquired was to fulfill the voter-approved 1923 Civic Center City Beautiful Bennett Plan which has largely been fulfilled in the Civic Center. Also, the dearth of park space and open space in the Central District (aka “Downtown”) is well documented and increasing its supply is a matter of public policy as stated in the City’s General Plan, the Central District Specific Plan, the Green Space Element and the Open Space Element. *Eliminating 80% of the parkland facing Holly and Garfield does the opposite.* 3
4
- The Project is not exempt from the sale of surplus real property ordinance (ref. Code Section 4.02.040 – “Sales not subject to this chapter”): In order to allow the transaction to be exempt from the competitive sale requirement, allowing the City to transfer the parkland at no cost to the developer, a “special finding” that the sale (or lease) must be made that there is “an extraordinary and overriding public benefit related to the economic and public well-being of other properties in the immediate vicinity.” No such findings can be or have been made. (1) City staff simply posits that the Project will rehabilitate the YWCA (a property in the immediate vicinity) and therefore is of public benefit. This may be true, but there is no financial analysis to prove this hotel addition and operation Project is the *only way* it can be done; (2) an “extraordinary and overriding public benefit” was not described, defined and voted upon in a public meeting of the Planning Commission and/or at a City Council meeting in Open Session *before* the Request for Proposals (“RFP”) was circulated to the development community and *before* the parkland was treated as exempt from competitive bidding to the highest bidder; (3) City Council-approved policies do not call for a commercial “revitalized and rejuvenated” Civic Center; (4) according to Cape Point Development, the “Grayson” developer, the planned 60 foot high YWCA/Kimpton Hotel Project across Union Street to the north will block views of the San Gabriel Mountains and City Hall from the Grayson project, thereby reducing the value of the planned condominiums; and (5) the Project is expected to have a detrimental impact on the historic YWCA building - the new construction is approximately twice as high as the YWCA, overwhelming this historically significant property, and the planned hotel loading and drop-off area removes a significant portion of the long-standing sidewalk, grass, trees and lights at the YWCA’s Marengo Avenue façade, severely compromising and impacting this character-defining feature. 5
6
7
8
9
10
- The sale is subject to Chapter 4.02 (Ref. 4.02.040 – “sales not subject to this Chapter”): (1) Given values in the area, *the parkland would not be valued at \$10,000 or less*, as required for an exemption; (2) the property is *not to be quitclaimed* for the purpose of clearing title to real property owned by others, as required for an exemption; (3) *the lease (sale) is not a quitclaim to the owner of record redeeming property for a tax sale to the City*, as required for an exemption. In fact, the City owns the parkland and the YWCA property; (4) *the lease (sale) of the parkland is not being made to another public entity*, as required for an exemption; (5) *the lease (sale) is not for any right to receive* 11

electric energy reflective of reasonable value, as required for an exemption; (6) this sale (lease) is not to an adjacent landowner of surplus residentially zoned real property, as required for an exemption, and (7) *the (sale) lease is not to a current lessee or sublessee of City-owned real property with not less than 15 years remaining on the lease or sublease*, as required for an exemption.

SUMMARY: If the parkland were recommended to be included in the RFP, the "Sale of Surplus Real Property" Municipal Code Chapter would have been applicable before this land was included in any RFP and a determination made as to whether or not the parkland was "...needed for the purpose for which it was acquired or for any other public purpose." According to the Chapter, exceptions for competitive sales requirements can be made "...only if ...it has made special findings, *after public hearing*, that an extraordinary and overriding public benefit will be achieved." [emphasis added] According to the Chapter, Included in the definition of public benefit are "...public parking, low-cost housing, a public service facility, or a museum or other cultural or artistic institutions, or the economic and public well-being of other properties in the immediate vicinity." This determination was *not made public* before the City offered this public land for sale in the RFP and may or may not have been made in a Closed Session of the City Council - the public has no way to know. In this specific case, the existing zoning is not at issue because the City could rezone its own land - it has the authority to do so.

12

In conclusion, removal of 80% of the parkland along Holly and Garfield would be counter to long-standing policies of the City and counter to the argument that the public parkland is not needed for public purposes. In fact, the YWCA/Kimpton Hotel Project is expected to have *detrimental* effects on to the economic and public well-being of other properties in the immediate vicinity.

3. PROCESS APPROPRIATE TO PASADENA

How should the process have been done? The basic problem is that the financial numbers are driving the size, massing, scale and site plan of the Project *instead of the desired project driving the numbers*. In order to best define the desired Project from the City's standpoint, the Civic Center/Mid-town Implementation Task Force (the "Task Force") created in 1998 should have been convened to define the range of uses desired for the Project, whether or not the parkland should be included in the RFP, and how to reconfigure/improve the large concrete area in front of City Hall known as "Centennial Plaza." Its recommendations would have to have been approved by the City Council. As a matter of record, the Task Force was engaged previously in 2007 to decide on: (a) a proposed change in the species of tree on Holly Street, and (b) a proposed change in the paving pattern in front of the Civic Auditorium for recommendation to City Council. Surely, the YWCA/Kimpton Project rises to at least the level of importance of these two other issues.

13

Worse is the city's flaunting of its own regulations in an *ad hoc* procedure further diminished by actions conducted without public involvement. This critical choice to alienate public parkland, originally purchased to create the Pasadena's City Beautiful Civic Center, recognized in the National Trust Register of Historic Places and financed pursuant to public referendum, has indeed undermined core Pasadena values. Community consensus drove the

original purpose to enhance Pasadena's standing as a coherent well-planned community on the national stage.

4. CONCLUDING STATEMENT

In my experience as the City's Development Administrator for eighteen (18) years with responsibilities for redevelopment and economic development, *front-loading community involvement increases trust in government, leads to more creative answers, and speeds the process enormously.* These factors also create a strong economy with high property values and sales revenues. *The current disregard of public participation in pursuit of parcel-by-parcel development will achieve the exact opposite of increased real estate values in the city over the long run.*

A public and transparent processes in real estate development reduce the risk and speculative nature of investments, better guaranteeing that developers play by the same rules and better ensuring certainty. *In fact, this is The Pasadena Way and why Pasadena is a greatly admired city – not only for its sense of place, but also for its citizens' direct involvement in city making.*

Thank you for the opportunity to comment. I hope that my analysis is helpful to you in your deliberations.

Sincerely,

Marsha V. Rood
MARSHA V. ROOD, FAICP
Civic Center Coalition

DETAILED ANALYSIS FOR CHAPTER 4.02 "SALE OF SURPLUS REAL PROPERTY"

I. OVERVIEW OF MUNICIPAL CODE CHAPTER 4.02 "SALE OF SURPLUS REAL PROPERTY"

This Chapter states as follows: "It is the policy of the board of directors of the city that the process by which the city land is determined to be surplus and is sold, leased or developed, and the records relating thereto, shall be open to public examination and any disposition of such land shall be accomplished through a publicly noticed, competitive process, available to all interested persons. In disposing of surplus land, unless some extraordinary and overriding public benefit is intended and obtained in consideration of the transaction, the city shall seek the highest monetary return, consistent with the interests of city and community needs." According to Section 4.02.010, "surplus real property" means real property the city does not need for the purpose for which it was acquired for or any other public purpose. Importantly, according to the same section, "sale" includes a lease of city-owned property for a term in excess of fifteen (15) years.

II. APPLICABILITY TO PARKLAND DISPOSITION

This Chapter applies to the disposition of the City's Civic Center parkland in order to make it available for sale or lease for the planned hotel. At its core, the process the City is using does not follow this Chapter. The lack of transparency and integrity of the process are evident and the process is being done at the back end not the front end as it was intended.

III. PROCESS: WAS IT PUBLIC? NO.

- A. **June 6, 2012:** The Request for Proposals (RFP) for the disposition of the parkland of the SWC of Holly Street and Garfield was presented to City Council's Economic Development and Technology ("ED Tech") Committee as an information item only - no vote was taken. } 14
- B. **Most importantly, the City Council was not asked nor did it approve the sale or lease of this land in an Open Session by voting on the RFP** – RFPs are used to obtain consulting services, not for the sale of real property. According to the then Assistant City Manger, this land or "dirt" was "thrown in to sweeten the deal" in the RFP *even before there was a "deal"*. In fact, this action showed lack of confidence in the proposed real estate transaction. In my experience, this is not a good negotiation strategy. As the Chapter states, the process by which city land is determined to be surplus "...shall be open to public examination." } 15
- C. **July 30, 2012:** The RFP was written with no input from the Planning and Community Development Department before being released to potential proposers. There were six proposers, but who the other five were or their proposals is not public information according to the City Staff. An Advisory Review Panel evaluated the proposals, but the names of those on the Panel are not public information either. } 16
- D. **February 11, 2013:** The selected proposer was presented at a Closed Session of the City Council and the Exclusive Negotiation Agreement (ENA) was approved in Closed Session. The ENA contains financial information that is important – this information drives the height, massing and site plan for the proposed Project. } 17
- E. **May 1, 2013:** City Staff executed the ENA for a 120-day period with Kimpton (now known as KHP III, LLC, individuals formerly associated with Kimpton Hotels). **The City has not released this ENA to the public to this day** - the reason stated is that it has "proprietary" information in it. Basically, proprietary information is not included in an ENA because ENAs are *public documents*. } 18
- F. **December 10, 2013:** The first time the City Council reviewed the project in Open Session was for a Predevelopment Plan Review (PPR) – fully eight (8) months after the ENA was signed. } 19

Should these public parklands be made available for sale or lease? This question should be precede the consideration of all successive actions – the City placed the cart before the horse - the process disregarded this first order question.

A reasonable person could conclude that the meetings regarding the disposition of the parkland property were not publicly held open meetings to address this first order question and the process conducted by city officials which included committing public parkland to private use, violate the City's own regulations.

IV. IS THE PARKLAND NEEDED FOR THE PURPOSE FOR WHICH IT WAS ACQUIRED OR FOR ANY OTHER PUBLIC PURPOSE? YES.

MUNICIPAL CODE SECTION 4.02.010 – DEFINITIONS states that surplus real property is “...real property of the city not needed for the purpose for which it was acquired or for any other public purpose.” **SECTION 4.02.011 – POLICY** further states that “...unless some extraordinary and overriding public benefit is identified”, “...the city shall seek the highest monetary return consistent with the interests of city and community needs.” **SECTION 4.02.020 – SALES SURPLUS REAL PROPERTY** further states he “surplus real property may be sold only after an open and competitive bidding process to the highest bidder, determined on the basis or current value of consideration to be paid, in accordance with the provisions of a public notice inviting bids.” **HOWEVER, STAFF’S ARGUMENT #1 (PG. 29 OF ATTACHMENT A TO CONDITIONAL USE PERMIT #6279) IS THAT THE PARKLAND IS NOT NEEDED FOR THE PURPOSE FOR WHICH IT WAS ACQUIRED OR FOR ANY OTHER PUBLIC PURPOSE. ALSO, THE STAFF REPORT IS SILENT AS TO THE APPRAISED VALUE OF THE PAKLAND AND AS TO WHETHER OR NOT AN APPAISAL OF THE PARKLAND WAS PERFORMED.**

A. The public purpose for which the parkland was acquired was to fulfill the Civic Center City Beautiful Bennett Plan purposes as described in the voter-approved 1923 Bond issue and the City Plan. This description included “a building, together with suitable appurtenances, grounds and approaches.” [emphasis added] The City Plan and the Bonds for land acquisition and construction were approved by 80% of the voters. The parkland was subsequently purchased in 1924 as part of the “grounds” and, therefore, is part of the public purpose for developing the Civic Center in accordance with the voter-approved City Plan and the Bonds. Nearly 80% of the existing parkland adjacent on the east to the YWCA building would be lost if the Project goes forward.

20

C. The dearth of park space and open space in the Central District is well documented and increasing its supply is a matter of public policy as stated in the City’s General Plan, the Central District Specific Plan, the Green Space Element and the Open Space Element. *Eliminating 80% of the parkland facing Holly and Garfield does the opposite.* All four of the above documents were approved by the City Council in Open Session with thorough public review and input. Moreover, recognizing the dramatic lack of parkland in the Central District in particular, the Municipal Code was amended in December 2014 to allow the Residential Impact Fee (RIF) to be used for acquiring land of less than one acre for parks and pocket parks, primarily benefitting the Central District. The General Plan and the Central District Specific Plan designate the Central District for “targeted growth” and the District is undergoing a building boom, especially higher density multi-family residential projects. This is not discussed in the Staff report as a “public purpose” for the parkland.

21

V. IS THE PROJECT EXEMPT FROM THE SALE OF SURPLUS REAL PROPERTY ORDINANCE? NO

According to SECTION 4.02.030 "EXCEPTIONS FOR COMPETITIVE SALE REQUIREMENT," in order to allow the transaction to be exempt from the competitive sale requirement, thereby allowing the City to transfer the parkland at no cost to the developer, a "special finding" that the sale (or lease) must be made "an extraordinary and overriding public benefit related to the economic and public well-being of other properties in the immediate vicinity" must be determined. **HOWEVER, STAFF ARGUMENT #2 (PG. 29 OF ATTACHMENT A TO CONDITIONAL USE PERMIT #6279) IS THAT THE PROJECT IS EXEMPT FROM THE COMPETITIVE SALE REQUIREMENT.**

- A. **City staff simply posits that the Project will rehabilitate the YWCA (a property in the immediate vicinity) and therefore is of public benefit. This may be true, but there is no financial analysis to prove this Project is the *only way* it can be done.** Without a financial analysis available to the public, this is difficult to judge. For example, if the City invested the \$8.3 million for the purchase of the YWCA rather than trying to recapture it and/or realize a return on its investment, perhaps this Project could be downsized and removed from the parkland. Also, the repayment of the \$8.3 million could be treated as an investment in the Civic Center and the Rose Bowl and/or structured in the contemplated long-term lease to be returned over time and/or realized from net proceeds when the Project is sold. In addition, perhaps federal subsidies could be made available through new market and historic tax credits. The public does not know whether or not the City is selling the parkland to make money for the City or to receive the stated public benefit of rehabilitating the YWCA building. To the public's knowledge, other methods and/or financing strategies have not been explored which do not require use the parkland. } 22
} 23
} 24

- B. **An "extraordinary and overriding public benefit" was not described, defined and voted upon in a public meeting of the Planning Commission and/or at a City Council meeting in Open Session *before* the RFP was circulated and *before* the parkland was treated as exempt from competitive bidding to the highest bidder.** It was simply "thrown" in the RFP to "sweeten the deal" prior to any approvals from City Council and/or the Planning Commission. } 25

- C. **City Council-approved policies do not call for a commercial "revitalized and rejuvenated" Civic Center;** in fact, these policies call for the Civic Center to strengthen its role as the symbolic and governmental centerpiece of the City, encouraging the presence of civic, cultural and public service uses. **Also, the YWCA is surrounded primarily by non-commercial public and religious institutions** such as the Baptist Church, City Hall, the Police headquarters, the County Court house, the Library and a facility for homeless persons, all are non-commercial uses. **Therefore, these buildings could not be commercially "rejuvenated."** The only potential private enterprise to be located on Union Street adjacent on the south to the proposed Project is a condominium project called the "Grayson" (as described below). } 26

- D. The planned "Grayson" 36-unit condominium project is a little less than 60 feet high and is adjacent on the west to the U.S. Post Office on the south side of Union Street. According to Cape Point Development, the "Grayson" developer, the planned 60 feet } 27

high KHP III, LLC hotel across Union Street to the south will block views of the San Gabriel Mountains and City Hall from the Grayson project, thereby reducing the value of the planned condominiums. At the time that the developer committed to investing in the property and began design development, however, the building height, massing and scale of the new hotel construction were not known. Knowledge of these factors would have played a crucial role in making the investment decision to go forward with the "Grayson" project and may affect its profitability. Therefore, the YWCA/Kimpton project is expected to have a detrimental impact on the Grayson condominium project.

27

- E. The Project's new construction is approximately twice as high as the YWCA, overshadowing this historically significant property. In addition, the planned passenger loading and drop-off area removes a significant portion of the long-standing sidewalk, grass and trees on the YWCA's Marengo façade, severely compromising and impacting this character-defining feature. Therefore, the Project is expected to have a detrimental impact on the historic YWCA building.

28

VII. IS THE SALE (LEASE) SUBJECT TO CHAPTER 4.02 (Ref. 4.02.040 – "sales not subject to this Chapter")? YES

- A. Given values in the area, *the parkland would not be valued at \$10,000 or less*, as required for an exemption and as determined by the City Manager and the City Council.
- B. The property is *not to be quitclaimed* for the purpose of clearing title to real property owned by others, as required for an exemption.
- C. *The lease (sale) is not a quitclaim to the owner of record redeeming property for a tax sale to the City*, as required for an exemption. In fact, the City owns the parkland and the YWCA property.
- D. *The lease (sale) of the parkland is not being made to another public entity*, .
- E. *The lease (sale) is not for any right to receive electric energy reflective of reasonable value*, as required for an exemption.
- F. It is not the sale (lease) to adjacent landowner of surplus residentially zoned real property.
- G. *The (sale) lease is not to a current lessee or sublessee of real property owned by the City with not less than 15 years remaining on the lease or sublease.*

29

Letter #6: Marsha V. Rood, FAICP

Response to Comment 6-1: The project is exempt from the State Surplus Land Act pursuant to Government Code Sections 54226 and 54230.5. Section 54226 states, "This article shall not be interpreted to limit the power of any local agency to sell or lease surplus land at fair market value or at less than fair market value, and any such sale or lease at or less than fair market value consistent with this article shall not be construed as inconsistent with an agency's purpose. No provision of this article shall be applied when it conflicts with any other provision of statutory law." Section 54230.5 states, "The failure by a local agency to comply with this article shall not invalidate the transfer or conveyance of real property to a purchaser or encumbrancer for value."

In addition, Gov. Code Section 54221 (b) defines "surplus land" as follows: "As used in this article, the term "surplus land" means land owned by any local agency, that is determined to be no longer necessary for the agency's use, except property held by the agency for the purpose of exchange." The surplus property at issue does not fit the definition in Section 54221(b) as it remains "necessary for the [City's] use...." This land is key to making this project work. It is necessary for the City to garner sufficient revenue to recoup its investment in this sensitive historically significant property and it will be integral to the hotel operator's ability to rehabilitate the historical building. It will provide a consistent stream of revenue to the City so long as the hotel continues to operate. And it will contribute to the viability of a thriving Civic Center.

Response to Comment 6-2: Section 4.02.011 of the Pasadena Municipal Code requires a public process for determining City-owned land to be surplus. Although the Code does not specify a requirement for "early" involvement as stated by the commenter, the public has been notified and involved in every aspect of this project beginning in 2012 with the review of the Request for Proposals by the Economic Development & Technology Committee (Ed-Tech) of the City Council. The staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting outline a series of 16 public meetings that have been held during the review process for this project. The process has included a high level of public involvement.

Response to Comment 6-3: As described in detail in Topical Response TR-GEN-2 on pages 3-4 through 3-8 of the Final EIR, in the staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting, in 1923, the City purchased more land that was needed for the purpose of developing City Hall and its grounds, approaches and appurtenances because it purchased existing properties as they were configured at that time. The excess portion of that land that was purchased is not needed for this original purpose or any other public purpose and, therefore, may be declared surplus.

Response to Comment 6-4: General Plan and Central District Specific Plan policies were evaluated in the EIR, including those related to encouraging development of additional parks in the Central District, and the project was found to be consistent with those policies (see page 3.3-37 of the Draft EIR and Response to Comment 17-22 on page 3-147 and 3-148 of the Final EIR). The project site does not contain dedicated park land and is zoned for commercial development.

Response to Comment 6-5: The City is not claiming that the project is exempt from the sale of surplus real property ordinance. On the contrary, staff is recommending that the City Council declare a portion of the land on which the project is proposed to be constructed as surplus property, in compliance with this ordinance.

Response to Comment 6-6: The staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting state that the rehabilitation of the YWCA building will “create a new, active use in the Civic Center and will bring jobs as well as hotel guests, restaurant patrons, and banquet attendees to the area, resulting in increased economic and public well-being for all properties in the immediate vicinity,” which supports a finding that the project will result in an extraordinary and overriding public benefit related to the economic and public well-being of other properties in the immediate vicinity. This finding must be made to allow exemption from the competitive sale requirement in PMC Section 4.02.020. As stated in Response to Comment 6-5, the exemption requested is from the competitive sale requirement and not from the requirements of the entire surplus property ordinance.

Response to Comment 6-7: The Planning Commission voted on findings of an extraordinary and overriding public benefit at its July 13, 2016 meeting and recommended that the City Council approve this finding to exempt the project from the competitive sale requirement. The surplus property ordinance does not require this finding to be made before circulating a Request for Proposals. PMC Section 4.02.030 clearly requires the City Council to make this finding “not less than 60 days before any sale.” The City Council will consider the final lease agreement not less than 60 days after it considers making this finding to exempt the project from the competitive sale requirement.

Response to Comment 6-8: The Central District Specific Plan states, “The objective of [the Civic Center/Midtown] subdistrict is to strengthen its role as the symbolic and governmental center of the City, encouraging the presence of civic, cultural and public service institutions, while augmenting the character of the area with a supportive mixture of uses.” The source of the language in the comment regarding “a commercial ‘revised and rejuvenated’ Civic Center” is unclear; it is not included in any of the project objectives listed on page 2-10 and 2-17 of the Draft EIR.

Response to Comment 6-9: The Greyson project at 254 E. Union Street is a proposed urban mixed-use project that has received design approval as of the date of this report, but has not been submitted for building permit plan check. The property was sold to another developer subsequent to design approvals being obtained and its future is uncertain as representatives of the new owner have initiated informal discussions about possible modifications to the project that was approved. Various projects have been proposed on this site over the last 10 years and none have come to fruition. The project is in an urban location in the City’s Central District where it is common for views to be obstructed by larger-scaled development. The statement that the value of the property would be reduced by the blocking of views from the site appears to be purely speculation and is not supported by any evidence submitted by the commenter or otherwise available to the City. Further, virtually any size of building constructed on the project site, even the Alternative 2E described on page 4-44 of the Draft EIR would block views from this

project site. Blocking of views from 254 E. Union Street, a speculative future development, is not a significant consideration for the proposed YWCA/Kimpton Hotel project. Furthermore, as stated on page 31 of the Initial Study (Appendix A of the Draft EIR), aesthetic impacts of this project cannot be considered significant pursuant to SB 743 and Section 21099(d) of the State CEQA Guidelines.

Response to Comment 6-10: The EIR extensively studied potential impacts of the project on the YWCA building and concluded that the project would not have a significant impact that could not be mitigated by requiring compliance with the Secretary of the Interior's Standards for Rehabilitation. See pages 3.1-20 through 3.1-22 of the Draft EIR and Topical Response TR-CR-2 and TR-CR-3 on pages 3-13 through 3-16 of the Final EIR for this analysis and conclusion.

Response to Comment 6-11: See Response to Comment 6-5.

Response to Comment 6-12: See Response to Comment 6-7

Response to Comment 6-13: See Response to Comment 6-22. The City has not created an ad hoc procedure for the review of required approvals and entitlements needed for this project, but, rather, has followed the precise requirements of the Zoning Code with respect to these procedures.

Response to Comment 6-14: Meetings of the City Council's Economic Development and Technology Committee are public meetings that are publicly noticed according to Brown Act requirements.

Response to Comment 6-15: The time for entering into a lease or declaring any land as surplus has not yet come to pass, and will be addressed by the City Council in open session on August 15, 2016. It is common practice for City staff to issue Requests for Proposals for a variety of goods, services and projects without review or approval from the City Council. If the resulting contracts or purchase orders are for more than \$75,000, the City Council must approve the contracts at a City Council meeting.

Response to Comment 6-16: Staff of the Planning & Community Development Department was, in fact, involved in the drafting of the RFP and provided extensive information about the planning and zoning regulations applicable to the project, as well as the development review and environmental process that would be required. In some instances, such as with the YWCA project, where a long-term lease and other large project details and agreements need to be negotiated, the negotiation is done in confidence in order to give the City appropriate protection of its fiscal resources and negotiating strategy, especially if it has to stop contract negotiations with one responder to the RFP and begin anew with another. The members of the Advisory Review Panel that reviewed the proposals submitted in response to the RFP are:

- City of Pasadena City Manager's Office – Steve Mermell, then-Assistant City Manager
- City of Pasadena Economic Development Division– Eric Duyshart, Economic Development Manager
- City of Pasadena Economic Development Division - Dave Klug , Senior Project Manager
- City of Pasadena Planning & Community Development Department – Vince Bertoni, then-Director

- City of Pasadena Planning & Community Development Department- Leon White, Principal Planner
- City of Pasadena Finance Department – Vic Erganian, City Treasurer
- City of Pasadena Department of Transportation – Fred Dock, Director
- Pasadena Center Operating Company – Mike Ross, Executive Director
- Pasadena Center Operating Company – Christine Carchia, Executive Director
- Pasadena Heritage – Sue Mossman, Executive Director

Response to Comment 6-17: Similar to the RFP proposals, Exclusive Negotiating Agreements contain potential deal points that, if disclosed, would severely compromise the City's ability to negotiate with another proposer if negotiations with Kimpton are ultimately unsuccessful. The ENA will become a public document when and if negotiations are completed and a lease is signed.

Response to Comment 6-18: See Response to Comment 6-17.

Response to Comment 6-19: See Response to Comment 1-1.

Response to Comment 6-20: The staff report prepared for the July 13, 2016 Planning Commission meeting, the agenda report prepared for the August 15, 2016 City Council meeting and Topical Response TR-GEN-2 on pages 3-4 through 3-8 of the Final EIR outline the reasons that staff and the Planning Commission determined that the land in question should be declared surplus property.

Response to Comment 6-21: See Response to Comment 6-4

Response to Comment 6-22: Financial analysis is not needed to prove that this project is the only way to rehabilitate the YWCA. Multiple project proposals were presented to the City since the YWCA vacated the building in 1994 and all of them failed. From that experience, it was clear that in order to identify a project that would result in the rehabilitation of the historic building, the City needed to intervene, acquire the building and engage the development community to propose a project that would be successful. It is likely that there are other ways that the building could be rehabilitated; however, this project was selected based on the developer's demonstration of the successful completion of similar projects.

Response to Comment 6-23: Basic financial parameters for the project were presented to the Planning Commission on July 13, 2016, are included in the agenda report for the August 15, 2016 City Council meeting, and will be presented to the City Council at the August 15, 2016 meeting.

Response to Comment 6-24: This comment indicates that the City is selling parkland, which is false. The City will retain ownership of all of the land associated with this project and no portion of the property is dedicated parkland.

Response to Comment 6-25: See Responses to Comments 6-6 and 6-7.

Response to Comment 6-26: See Response to Comment 6-8.

Response to Comment 6-27: See Response to Comment 6-9.

Response to Comment 6-28: See Response to Comment 6-10.

Response to Comment 6-29: See Response to Comment 6-5.

Letter # 1

YWCA/Kimpton Hotel Project Final EIR; Surplus Land designation



DOWNTOWN
PASADENA
NEIGHBORHOOD
ASSOCIATION

P.O. Box 967
Pasadena, CA 91102
626-539-3762
DPNAlist@gmail.com

Officers and
Board of Directors:
elected 09/17/2015

Jonathan Edwards,
President
Marsha Rood,
Vice President
Pat Roughan,
Vice President
Qrys Cunningham,
Secretary
Fried Wilson,
Treasurer

Joao Huang-Anacleto
Barbara Bell
Marilyn Buchanan
Christine Fedukowski
Greg Gunther
Wesley Reutimann
Mitchell Tsai
Brian Wallace

Tuesday, July 12, 2016

Mr. Greg Jones, Chair, Planning Commission
Members of the Planning Commission
City of Pasadena
175 N. Garfield Avenue
Pasadena, CA 91101

Dear Chair Jones and Planning Commissioners:

INTRODUCTION:

Since December 2013, the Downtown Pasadena Neighborhood Association ("DPNA") has been following the YWCA/Kimpton Hotel Project (the "Project") and has reviewed in detail the Project's Final Environmental Impact Report ("FEIR"). The DPNA welcomes the rehabilitation of the historic YWCA building, and redevelopment of its adjacent surface parking lot with a building compatible in scale and design with the YWCA, City Hall, and other important Civic Center public buildings. However, as we stated in our letter to the Design Commission dated September 22, 2014, we have serious concerns that the YWCA/Kimpton Hotel Project (the "Project") misses the opportunity to carry forward Pasadena's legacy as a city that is nationally recognized as a "City Beautiful" city and as a "City of Gardens".

KEY CONCERNS:

1. Regarding the "Declaration of Surplus Property": The DPNA definitively asserts on behalf of Downtown residents and stakeholders that **WE USE AND ENJOY ALL OF THE LANDSCAPED PARK AREAS THAT ARE AVAILABLE AS PUBLIC OPEN SPACE IN THE CIVIC CENTER AND IN THE DOWNTOWN.** Whatever the official zoning designation these parcels may have, our residents and stakeholders use them as parks for the purpose of recreation, reflection, and enhancement of the surrounding civic architecture, and we intend to continue to use this land for the same purpose. Since these parcels are in use for a public purpose, *they cannot be declared "surplus."*

2. The DPNA is concerned that the planned hotel valet/guest drop-off on Marengo and the on-street delivery loading planned on Union will **block/make dangerous the two (2) bicycle facilities on Union and Marengo as well as vehicle traffic.** Both streets are designated to attract a high volume of cyclists and are improved with our city's highest levels of bicycle infrastructure, so this location is a particularly poor place to be introducing auto/cycling conflicts. **The hotel drop-off area on Marengo also is detrimental to the YWCA building facade because of the removal of long-standing trees,**

YWCA/Kimpton Hotel Project Final EIR; Surplus Land designation



DOWNTOWN PASADENA NEIGHBORHOOD ASSOCIATION

P.O. Box 967
Pasadena, CA 91102
626-539-3762
DPNAlist@gmail.com

Officers and
Board of Directors:
elected 09/17/2015

Jonathan Edwards,
President
Marsha Rood,
Vice President
Pat Roughan,
Vice President
Qrys Cunningham,
Secretary
Fried Wilson,
Treasurer

Joao Huang-Anacleto
Barbara Bell
Marilyn Buchanan
Christine Fedukowski
Greg Gunther
Wesley Reutimann
Mitchell Tsai
Brian Wallace

lights, and the relocation of the sidewalk.

DPNA'S ISSUES AND CONCERNS WITH THE PROJECT AS PROPOSED:

Despite many meetings and conversations with the developer's land-use attorney, the city planning staff, the city manager's office, and city officials as well as public comment submitted at previous Planning Commission, Design Commission, and City Council meetings, the Project continues to move forward with no positive response to our concerns and recommendations. 4

The FEIR fails to adequately address the issues and questions raised in public comments on the Draft EIR ("DEIR"). The agenda report to the Planning Commission dated July 13, 2016, ("Agenda Report") fails to support the findings necessary and required for the disposal of "Surplus Property", in this case, the public parklands along N. Garfield Avenue and Holly Street (referred to as "Parcel 3" in the Staff Report). The Agenda Report also does not support the findings necessary for the requested variance to permit a reduced first floor height of the new construction to 9 feet from 15 feet required by the Pasadena Zoning Code. 5
6

The DPNA requests that the Planning Commission recommend to the City Council that it: (1) *not* certify the FEIR; (2) *not* make the findings necessary to declare the City-owned public parklands along N. Garfield Avenue and Holly Street surplus property; (3) *not* make the findings necessary for a variance to permit the ground floor ceiling height be reduced to 9 feet from 15 feet; (4) *not* approve the Alternative 2A design study in Attachment N of the staff report; and (5) *approve* Alternative 2E identified in the DEIR as the preferred alternative for design study.

Our concerns about the Project, the FEIR, and recommendations in the Agenda Report are as follows:

1. Declaration of Public Parklands as Surplus Property: The City-owned public parklands along N. Garfield Avenue and Holly Street that are an important feature of the Pasadena Civic Center National Register Historic District ("PCC National Register District"). Giving away these Civic Center parklands/gardens for free to the hotel developer cannot be justified. The Nomination Form for listing PCC National Register District on the National Register of Historic Places states:

"Upon entering the district, one is aware that this is an important place in the city. Far less commercial and much more park-like, the Civic Center area is distinct from its surrounding neighborhoods both in architectural style and feeling." [emphasis added]

YWCA/Kimpton Hotel Project Final EIR; Surplus Land designation



DOWNTOWN PASADENA NEIGHBORHOOD ASSOCIATION

P.O. Box 967
Pasadena, CA 91102
626-539-3762
DPNAlist@gmail.com

Officers and Board of Directors:
elected 09/17/2015

Jonathan Edwards,
President
Marsha Rood,
Vice President
Pat Roughan,
Vice President
Qrys Cunningham,
Secretary
Fried Wilson,
Treasurer

Joao Huang-Anacleto
Barbara Bell
Marilyn Buchanan
Christine Fedukowski
Greg Gunther
Wesley Reutimann
Mitchell Tsai
Brian Wallace

Rather than recognizing the PCC National Register District as the most prominent historic resource, the FEIR narrowly focuses almost exclusively on the YWCA building. It fails to adequately acknowledge the importance to the PCC National Register District of City Hall, the Central Library, the Civic Auditorium, and all monuments, grounds, wide boulevards, ceremonial spaces, and overall garden-like setting created by small public parklands situated throughout. It states that replacement of these gardens with six stories of hotel rooms is not a significant adverse impact because no historic resources will be destroyed or altered, and that there are other parks nearby. This reasoning is flawed. While the removal of the parkland does not destroy or alter certain historic resources, it completely destroys the public parklands, a historic resource, which, in turn, significantly adversely impacts the Civic Center's setting and grand approaches to City Hall. Not only is the garden-like setting and sense of place destroyed, but also the public visiting and living in the Central District is robbed of much-needed open space and parks.

City staff states that the public parklands are not needed and recommends that they be declared surplus property. It states giving away the public parklands for use as six stories of hotel rooms would have "an extraordinary and overriding public benefit related to the economic and public well-being of other properties." However, city staff has provided no support or documentation in support of this conclusion. And, according to city staff, the city has never before declared public parklands surplus property. Its findings cannot be made without such support and/or precedent.

2. Avoid the scale and massing of a new hotel addition that is massive and incompatible with the historic YWCA building, and other buildings, monuments, and spaces of the PCC National Register Historic District. The large scale and massing of the new hotel overwhelms the historic two-story YWCA building and rivals in size our beautiful City Hall. Its bulk obliterates views to City Hall and the mountains when looking southeastward, and destroys the gracious garden-like setting and ceremonial approaches to City Hall from any perspective. Finally, it encroaches on the space and setting of the Pasadena Robinson Memorial. While the FEIR states that the design and massing are compatible with the buildings of the PCC National Register District, it fails to answer how the scale and design are consistent with *any* of the many principles, objectives and recommendations of the General Plan, the Central District Specific Plan, the Bennett Plan, and other relevant planning documents. The FEIR states only that it is consistent with land use and planning documents, but it does not address inconsistencies with many requirements of the Central District Specific Plan ("CDSP"). Two such examples are:

- "Urban outdoor spaces may encompass a variety of types, including pocket parks plazas, courtyards, gardens, and pedestrian passages. These spaces will often accommodate public access, especially when provided in conjunction with a non-residential project." (CDSP, p. 82.)

YWCA/Kimpton Hotel Project Final EIR; Surplus Land designation



DOWNTOWN PASADENA NEIGHBORHOOD ASSOCIATION

P.O. Box 967
Pasadena, CA 91102
626-539-3762
DPNAlist@gmail.com

Officers and
Board of Directors:
elected 09/17/2015

Jonathan Edwards,
President
Marsha Rood,
Vice President
Pat Roughan,
Vice President
Qrys Cunningham,
Secretary
Fried Wilson,
Treasurer

Joao Huang-Anacleto
Barbara Bell
Marilyn Buchanan
Christine Fedukowski
Greg Gunther
Wesley Reutimann
Mitchell Tsai
Brian Wallace

- *“Precinct Character: Civic Center Core: This precinct in particular functions as the City’s symbolic and public center, and features a distinguished grouping of civic buildings that includes City Hall and the Central Library. The design of all buildings and public spaces in the precinct should reflect the highest quality, respect the prominence of civic landmark buildings, and reinforce the vision of the Bennett Plan” (CDSP, p. 102.)*

13

3. **Ground-floor use and design that does not reinforce the civic nature and pedestrian character of the Civic Center/Mid-town District.** With the ground floor consisting entirely of hotel rooms along 75% of Union Street and N. Garfield Avenue, the Project is inconsistent with many of the requirements of the city’s adopted planning documents. Furthermore, city staff’s findings in support of its recommendation to permit a variance to reduce the first floor height to only 9 feet instead of the 15 feet required by the Pasadena Zoning Code (“Zoning Code”) are unsupportable. The Zoning Code provides for *no exceptions* to ground floor height because such an exception is inconsistent with all of its planning documents.

14

DPNA’S RECOMMENDATION REGARDING ITS PREFERRED PROJECT:

The DPNA supports Design Alternative “2E,” the “Environmentally Superior Alternative” as described in the DEIR. This Design Alternative preserves the public parklands, rehabilitates the historic YWCA building, and includes a new hotel addition compatible in design and scale with the YWCA building, City Hall, the Pasadena Robinson Memorial, and the Civic Center garden-like setting. Given the inadequate and flawed FEIR, the City must select this Environmentally Superior Alternative or adopt a Statement of Overriding Considerations if it approves the proposed Project, with the necessary findings supported and documented by substantial evidence.

DPNA’S STATEMENT OF VALUES:

The YWCA building is a treasure. City Hall, all of the other major public Civic Center buildings, and the garden-like setting of the Civic Center are treasures. *We cannot needlessly destroy one treasure to save another.*

The Pasadena Civic Center must be a local as well as nationally recognized *place* to remain successful. This success will be best achieved by ensuring that all new additions and rehabilitations of existing significant Civic Center buildings follow the *Civic Center/Mid-town Sub-District* guidelines as contained in the *Central District Specific Plan* and in the nationally recognized *Bennett Plan*, approved by Pasadena voters in 1923, one of the most important and intact City Beautiful civic

YWCA/Kimpton Hotel Project Final EIR; Surplus Land designation



DOWNTOWN PASADENA NEIGHBORHOOD ASSOCIATION

centers in the United States. Importantly, commercial success also will be achieved by following one of Bill Kimpton's most-widely recognized principles to design hotels with "... *an unerring sense of place specific to a local neighborhood*". Stated another way, preserving the Pasadena's Civic Center's *sense of place* is important not only to the citizens of Pasadena and the nation, but also to its *enduring economic success*.

P.O. Box 967
Pasadena, CA 91102
626-539-3762
DPNAlist@gmail.com

Thank you for your consideration of our comments and suggestions.

Sincerely,

Officers and
Board of Directors:
elected 09/17/2015

Jonathan Edwards,
President
Marsha Rood,
Vice President
Pat Roughan,
Vice President
Qrys Cunningham,
Secretary
Fried Wilson,
Treasurer

Joao Huang-Anacleto
Barbara Bell
Marilyn Buchanan
Christine Fedukowski
Greg Gunther
Wesley Reutimann
Mitchell Tsai
Brian Wallace

Jonathan Edwards, President
On behalf of the Board of Directors of the
Downtown Pasadena Neighborhood Association

Letter #7 Jonathan Edwards/Downtown Pasadena Neighborhood Association

Response to Comment 7-1: Chapter 4.02 of the Pasadena Municipal Code authorizes the City Council to declare land to be surplus property. The property in question is zoned for commercial development and is not dedicated public open space or park land. Despite its current use as a publicly accessible landscaped area, it has been planned for development since the inception of the Civic Center in 1923 and may be declared surplus to allow fulfillment of that vision.

Response to Comment 7-2: The safety of the valet zone is addressed in Response to Comment 9-15 on page 3-73 of the Final EIR and is found not to be a safety hazard.

Response to Comment 7-3: Topical Response TR-CR-3 on page 3-16 of the Final EIR evaluated the potential impact on the YWCA building of the removal of trees and landscaping along Marengo Avenue and determined that this change would not result in a significant impact on the YWCA building.

Response to Comment 7-4: All public comments that were received on the Draft EIR are responded to in the Final EIR Section 3.0, Comments and Responses.

Response to Comment 7-5: The staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting both provide extensive documentation to support the findings for the declaration and sale of surplus property. The Planning Commission voted to recommend to the City Council that this be approved, based on the documentation provided.

Response to Comment 7-6: The staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting both provide extensive documentation to support the findings for the requested Variance to reduce the first floor height of the new building. The Planning Commission voted to recommend to the City Council that this be approved, based on the documentation provided.

Response to Comment 7-7: The Draft EIR fully evaluates the impact of the project on the Pasadena Civic Center Historic District on pages 3.1-23 and 3.1-24 and Appendix B, Historic Resources Technical Report, pages 50 and 51 as well as in Topical Response TR-CR-1 on pages 3-8 through 3-13 of the Final EIR. The analysis, as stated on page 3-9 of the Final EIR, considered the landscaped area a character-defining feature of the district and concluded that the project would not result in the physical demolition, destruction, relocation, or alteration of the historic district such that it would no longer convey its historical significance and would no longer be eligible for listing in the California Register of Historic Resources.

Response to Comment 7-8: See Response to Comment 7-5. The landscaped area in question is not dedicated public parkland.

Response to Comment 7-9: See Response to Comment 6-10.

Response to Comment 7-10: Views of City Hall were considered in the analysis of impacts on the Pasadena Civic Center Historic District in the EIR on page 3.1-23 and on page 51 of Appendix B, Historic Resources Technical Report and impacts were not considered to be significant. Views to City Hall will continue to be available from most vantage points within the historic district and the primary view looking east along Holly Street would be completely unobstructed.

Response to Comment 7-11: The Draft EIR, in Appendix F, evaluates the project's consistency with land use plan policies adopted for the purpose of avoiding or mitigating an environmental impact and the analysis on pages 3.3-24 - 3.3-38 of the Draft EIR finds that the project would not result in a significant environmental impact related to land use.

Response to Comment 7-12: The statement quoted is a statement of fact describing types of urban outdoor spaces. It does not indicate a goal, policy or objective of any kind.

Response to Comment 7-13: The design review process that is required for this project will ensure consistency with Central District Specific Plan policies that encourage high quality construction. The project will respect the prominence of civic landmark buildings by not exceeding the height of the office wings of City Hall and modulating building height to create lower-scaled volumes adjacent to the YWCA. The proposed alternative 2A and subsequent design study reinforce the vision of the Bennett Plan, as described in Topical Response TR-GEN-2 on pages 3-4 through 3-8 of the Final EIR.

Response to Comment 7-14: Section 17.61.080 of the Pasadena Zoning Code allows for Variances from any of the development standards within the Zoning Code, which includes ground-floor height.

LETTER REGARDING THE YWCA/KIMPTON HOTEL PROJECT

Dear Chair Jones and Pasadena Planning Commission:

As a life-time resident of Pasadena, I have seen many projects being built in the city—many of them improving the economic health and well-being of its residents and some which have been of dubious value. With all the changes in the City of Pasadena, however, the constant has been its pride of place and the value placed on its City Hall and surrounding Civic Center. Thus, any development within this area must improve, not detract from this historic place.

The proposed YWCA/Kimpton Hotel Project as presented in its initial plan as examined in the EIR does threaten the Civic Center. Not only does it take away much-needed open space in the Central District, but it imposes an over-sized commercial building on an iconic space dedicated to civic use. One might wonder why a hotel is the best use of this land. Civic center buildings should promote civic uses, such as museums and cultural activities, in addition to housing city functions. They should not exist just to further the economic “well-being” of the city.

} 1
} 2

The initial use of the Julia Morgan building was a YWCA which gave women low cost housing and recreation, also a civic function. Still existing in the civic center is a facility for indigent men. I believe that one of the goals of the City is to provide low-cost housing in the Central District. . This project could offer that opportunity.

} 3

If the City of Pasadena is committed to building a hotel on city property in order to provide a “financially viable use”, it should also have facilities open to public use and a lower profile, valuing sight lines to the City Hall and San Gabriel Mountains from other buildings in the area. Traffic patterns should be respected as well as open space considerations.

This is project that will have a major impact on the historic Civic Center, as well as the Central District and the City of Pasadena.

Sincerely,

Mary B. Wynton, President of Casa Torre HOA and member of the Downtown Pasadena Neighborhood Association (DPNA)

601 E. California Blvd. #305 , Pasadena CA 91106

Letter #8: Mary B. Wynton

Response to Comment 8-1: See Response to Comment 7-7.

Response to Comment 8-2: See Response to Comment 6-22.

Response to Comment 8-3: The City issued a Request for Proposals to solicit development proposals from the development community for the use of the building and adjoining site. Although affordable housing could be a desirable use for the building, none of the proposals received suggested such a use. The project is limited to what can be feasibly proposed and constructed by a private developer and, as such, the City is unable to select alternative land uses other than those proposed by private developers. See also Response to Comment 6-22.

July 13, 2016

Dear Planning Commissioners

Pasadena's Civic Center began as a vision with the 1923 Bennett Plan. This plan, created by the greatest City Planner of the day, Edward H. Bennett, has informed all subsequent planning efforts in Pasadena to this day.

The 1923 Bennett Plan laid out along 2 principal axes, Holly Street and Garfield Avenue, included not only the monumental buildings, City Hall, the Library and the Auditorium, but also took into account existing buildings, the YWCA and YMCA, and the Post Office, but also envisioned the plan extending to the Arroyo with an art museum in Carmelita Park (now the Norton Simon) where Holly meets Orange Grove at Colorado Blvd. The museum was actually achieved, its parkland sacrificed to the freeway and a huge parking lot.

The cumulative effects on the original plan have been many. The question tonight is when do these cumulative effects become so great as to reduce the plan to a collection of meaningless and unrelated objects, devoid of setting.

After World War II, urban renewal became the universal answer to the problems of our cities, and an undistinguished 10-story bank building intruded into the Civic Center, replacing 7 architectural treasures by significant architects. Next came the County Courthouse in 1969, a monumental slab that interrupted the mountain views that were part of setting of the Civic Center. The critical blow came in 1980 with the severing of the Garfield axis by a shopping mall, sold as necessary to the Pasadena's prosperity. The mall has never been successful despite the re-opening of the axis the several years later.

The mall project galvanized preservationists to place the Civic Center on the National Register in 1980, too late to save the axis or the parks on Green Street that formed the setting for the Civic Auditorium.

Now we are faced with an intrusion into the civic space even more damaging than the mall because it compromises the setting of the core of the Civic Center and will dwarf City Hall. The Y rehabilitation project bills itself as the key to Pasadena's future prosperity, just like the mall did before. This is the only solution, its proponents say; this is the way to manage change. Unless we incorporate the public parkland that is specifically called out in the National Register nomination as integral to the Civic Center, and unless the Y addition contains 180 rooms and six stories, the Y will continue to deteriorate and there will be no rehabilitation project. Ironically many of the proponents of this project once vigorously protested the mall.

} 1
} 2

The public is told that now there is a 1925 Bennett Plan, resurrected from the Bennett archives but with no documentation that it was ever approved by the Planning Commission or the City Council. This plan, labeled the Final 1925 Plan in your packet, was published only once, in 1927, with no indication that it was adopted by the City.

} 3

Pasadena is famous as a resort that once boasted many grand hotels. Their life span was about 30 years. Now they are all gone, except for one.

Now we have 5 hotel projects planned. What will their life span be? What becomes of them once the inevitable downturn occurs? Do we really want to give away our public land for such an inconsequential use? Because once it is in private hands, it is gone forever.

] 4

The fact is, the Y project has never been subjected to careful analysis, the other projects submitted have never been revealed, we don't even know the names of the members of the committee that selected this project, and the City has not followed rules on disposal of surplus property. Once again we are told, that Pasadena's prosperity depends on approval of this project.

] 5
] 6

I hope that the Planning Commissioners will subject this project to the thorough review and analysis that it deserves, and make sure that the processes required by City and State law have been followed.

Sincerely,



Ann Scheid
Former Senior Planner, City of Pasadena

Letter #9: Ann Scheid

Response to Comment 9-1: The proposed new building does not exceed the height of the office wings of City Hall and is far below the height of the City Hall dome and will, therefore, not “dwarf” City Hall.

Response to Comment 9-2: None of the analyses or studies conducted for this project indicates that the project is “the key to Pasadena’s future prosperity.”

Response to Comment 9-3: As stated in Topical Response TR-GEN-2 on page 3-6 of the Final EIR, there are no records or other evidence to indicate that either the 1923 or the 1925 Bennett Plan were adopted by the Planning Commission, City Council or voters.

Response to Comment 9-4: The land on which the project is proposed to be constructed will not be sold and will remain in public ownership.

Response to Comment 9-5: The YWCA project has been subjected to a very thorough and careful analysis of potential environmental impacts within the Draft and Final EIRs. No substantial evidence has been presented to indicate that the analysis in the EIR is inadequate.

Response to Comment 9-6: The staff report prepared for the July 13, 2016 Planning Commission meeting and the agenda report prepared for the August 15, 2016 City Council meeting outline the requirements of the surplus property ordinance and the project is in compliance with these regulations by virtue of the inclusion of this procedure with the other zoning entitlements required for the project.

Letter #10

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522



Chatten-Brown & Carstens LLP

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Michelle Black
Email Address:
mnb@cbcearthlaw.com

Direct Dial:
310-798-2400 Ext. 5

July 12, 2016

Submitted by email greg@gregjonescpa.com, kparker@cityofpasadena.net

Mr. Greg Jones, Chair
Members of the Planning Commission
City of Pasadena
175 N. Garfield Avenue
Pasadena, CA 91101

**Re: Comments on YWCA/Kimpton Hotel Project Final EIR; 78 N.
Marengo Avenue; State Clearinghouse Number: 2015031023
Agenda Item 5C**

Dear Chair Jones and Commissioners:

On behalf of the Pasadena Civic Center Coalition (Pasadena CCC), we submit comments on the final environmental impact report (FEIR) for the YWCA/Kimpton Hotel Project, staff report dated July 13, 2013, Agenda Item 5C. The Pasadena CCC has been closely following this project and provided comments on the draft EIR, as well as at subsequent Planning Commission and Design Commission meetings. We submit the following comments for inclusion in the City's official administrative record for the project. 1

The Pasadena CCC supports the rehabilitation of the historic YWCA building, but not at the needless expense of the historic public parklands along N. Garfield Avenue and Holly Street, which the City proposes to build upon. The Pasadena CCC encourages the development of a revised plan that provides for rehabilitation of the YWCA building and compatible new construction on the adjacent vacant parcel (parking lot – Parcel 2). Such a plan must also preserve the public parklands, with rehabilitation of the YWCA building and new construction that is compatible in design and scale with all of the historic buildings and setting of the Pasadena Civic Center National Register Historic District. 2

As such a plan has not yet been presented, Pasadena CCC continues to have serious concerns about the project as proposed, the CEQA process, and the adequacy of the FEIR. We ask the Planning Commission to recommend to the City Council that it: (1) not certify the final EIR; (2) not make the findings necessary to declare the City-owned public parklands along N. Garfield Avenue and Holly Street surplus property; (3) not make the findings necessary for a variance to permit the ground floor ceiling height be reduced to 9 feet from 15 feet; (4) not approve the Alternative 2A design study in 3

Attachment N of the staff report; and (5) approve Alternative 2E identified in the draft EIR as the preferred alternative for design study.

3 (cont)

A. The EIR Fails to Satisfy the California Environmental Quality Act (CEQA).

1. The FEIR Fails to Adequately Analyze Potential Impacts to the Pasadena Civic Center National Register Historic District (PCCNRD) and the Robinson Memorial.

The Pasadena Civic Center National Register Historic District (PCCNRD) is a significant historic resource that must be adequately documented, in its entirety, to determine its character defining features and any potential significant impacts.

The PCCNRD is described in the April 26, 1989 Nomination Form for the National Register of Historic Places. The Nomination Form provides great detail on the importance to the garden-like setting and the approach to the district:

Upon entering the district, one is aware that this is an important place in the city. Far less commercial and much more park-like, the Civic Center area is distinct from its surrounding neighborhoods both in architectural style and feeling. The streets are wider here, and lined with trees, the sidewalks are wider too; some of them paved in tile and brick set in decorative patterns. Small parks abound, planted with trees and flowers. Unlike other areas in the city, this section was planned *around the citizen, truly a place for people—to walk, to picnic and sunbathe, and to sit with friends among the trees and enjoy the open vistas.*

4

(Nomination Form: Continuation Sheet Significance Item Number 8 Page 2)

The FEIR claims that the project would not have significant adverse impacts on the PCCNRD. However, the FEIR lacks substantial evidence to support its conclusions that: (1) public parkland is not a character-defining feature of the PCCNRD; (2) the removal of the public parkland and scale of the newly-constructed hotel rooms would not adversely impact the PCCNRD and trigger de-listing of the PCCNRD from the National Register for Historic Places; (3) and these potential impacts on the PCCNRD are not significant adverse impacts that require disclosure, analysis, and mitigation under CEQA. Support for these claims must be included in the EIR.

The FEIR also fails to provide substantial evidence for its conclusion that constructing a six-story hotel building on the public parklands along Garfield Avenue will not have significant adverse impacts to the Robinson Memorial, an important part of

5

the PCCNRD. In the FEIR response to comments, it is acknowledged that even if the Robinson Memorial were “not currently eligible for historic designation [that] in no way diminishes the Robinson brothers and their achievements, or the importance of the memorial object that commemorates the brothers’ legacy.” (FEIR Section 3 Comments and Response 3-19). However, the FEIR conclusion that there would be no significant adverse impact created by the encroachment of the new construction into the public parklands is flawed, because it is only based on the fact that there is no “demolition, destruction, relocation, or alteration of the Robinson Memorial.” (FEIR Section 3 Comments and Responses page 3-20).

The FEIR inaccurately dismisses the Robinson Memorial as “a commemorative art piece.” The FEIR asserts that “sufficient time has not passed for the development of important associations beyond its commemorative value.” This reasoning is flawed, with respect to both (1) potential impact, as there clearly is significant alteration of the Robinson Memorial setting; and (2) historic designation, given the significance of the artist, and the “commemorative art piece,” itself, which merit eligibility for historic designation, regardless of age.

The FEIR omits any discussion of the artist, John Outterbridge, or of his significance or his place in the contemporary art world. Outterbridge was recently honored in 2015-2016 with a show at the Hammer Museum, Los Angeles’ most prestigious venue for contemporary art. Born in Greeneville, NC, in 1933, Outterbridge studied at the American Academy of Art in Chicago in the 1950s and moved to Los Angeles in 1963. Outterbridge is described as a seminal figure in the California assemblage movement of the 1960s and 1970s, composing sculpture from found and discarded materials and debris for more than 50 years. Also a committed educator and social activist, Outterbridge cofounded the Communicative Arts Academy in Compton, where he was artistic director from 1969 to 1975. He served as director of the Watts Towers Art Center from 1975 to 1992.

In 1994 he received an honorary doctorate of fine arts from Otis College of Art and Design, Los Angeles. Outterbridge’s work has been included in several group exhibitions, such as *When Stars Begin to Fall: Imagination and the American Self*, Studio Museum in Harlem, New York (2014); *The Encyclopedic Palace*, 55th Venice Biennale (2013); *Blues for Smoke*, Museum of Contemporary Art, Los Angeles (2013); *Now Dig This! Art and Black Los Angeles 1960–1980*, Hammer Museum, Los Angeles (2011); *Los Angeles 1955–1985: Birth of an Art Capital*, Centre Pompidou, Paris (2006); São Paulo Bienal (1994); *INSITE 94*, San Diego and Tijuana (1994); and *Forty Years of California Assemblage*, UCLA Wight Art Gallery (1989). A survey of his work was presented in 1993 at the African American Museum in Los Angeles, and he had a solo exhibition at

5
(cont)

LA><ART, Los Angeles, in 2011. In the 1970s and 1980s he showed with Brockman Gallery in Leimert Park, and he is now represented by Tilton Gallery in New York. In 2013 Outterbridge received the Governors' Award for Outstanding Service to Artists from the Skowhegan School of Painting and Sculpture, and in 2012 he received the California African American Museum Lifetime Achievement Award.

As artworks, the Robinson Memorial sculptures are exceptionally finely crafted bronze sculptures. Beyond this, Outterbridge's interest in assemblage is expressed in the richly detailed messages and objects depicted in the hair of the two Robinson brothers. These aspects of the work clearly relate to Outterbridge's interest in incorporating found objects that inject meaning into his art. Pasadena CCC questions why such an outstanding artist of no interest to the City and to the preparers of the FEIR.

5
(covH.)

The Robinson Memorial, a monument to two Pasadena heroes, Jackie and Mack Robinson, was placed in this prominent location in the park in front of City Hall to honor the brothers who grew up in Pasadena and went on to achieve national and international recognition as world-class athletes and civic activists. According to Stanley Wilson, head of the Pasadena Arts Commission at the time, the setting was specifically chosen for its prominence at the center of the City, and more importantly, for the contemplative aspect of the surrounding park. The project, which will encroach within 15 ft of the Robinson Memorial, will not only disturb the contemplative nature of the setting, but will also inhibit views of the Memorial from the south and southwest and will remove the green space that now serves as the Memorial's background when viewed from the east and the north. The EIR fails to disclose or mitigate this significant adverse impact.

Although the Memorial is less than 50 years old, and the artist remains alive, the artistic achievements of John Outterbridge and the achievements of the Robinson Brothers make this Memorial a significant cultural resource. Pasadena CCC questions why the Robinson Memorial has not been evaluated in the context of the PCCNRD as a contributing resource whose setting will be compromised and negatively impacted by the YWCA/Kimpton Hotel Project.

2. The FEIR Must Either Select the Environmentally Superior Alternative or Adopt a Statement of Overriding Considerations.

The FEIR identifies an Environmentally Superior Alternative (as defined by CEQA) that meets project objectives, retains and reuses the historic YWCA, and significantly reduces or eliminates overall project impacts. Most importantly, the Environmentally Superior Alternative reduces the loss of public parklands and approaches to the PCCNRD monumental buildings, including City Hall.

6

While the FEIR concludes that it need not adopt the Environmentally Superior Alternative, substantial evidence does not support the FEIR conclusion that the project has no significant unavoidable adverse impacts. As discussed above and in Pasadena CCC's April 4, 2016 comments, the project's removal of public parklands and the massive scale of new construction will have a significant adverse impact on the PCCNRD. CEQA prohibits approval of projects with significant adverse environmental impacts if there are feasible alternatives or mitigation measures that would reduce or eliminate those impacts. (Pub. Resources Code § 21002; Guidelines § 15021(a)(2).) When an agency seeks to approve a project despite its significant unmitigated impacts on the environment, the agency must adopt a statement of overriding considerations. (Pub. Resources Code § 21081.) Until the EIR adequately supports its flawed conclusion that the project will not have significant adverse impacts on historic resources, the City must either choose the Environmentally Superior Alternative, or adopt a Statement of Overriding Considerations. (Pub. Resources Code § 21081.)

6 (cont.)

A statement of overriding considerations must include two specific findings, supported by substantial evidence. The first finding that must be made is that "There is no feasible way to lessen or avoid the significant effect..." of the project. (Guidelines §§ 15043, 15093(b).) The second finding is that the project's benefits outweigh its significant adverse environmental impacts. (Guidelines § 15093(a).) These findings must both be supported by substantial evidence. (Guidelines § 15093(a)-(b).)

Contrary to the City assertion that the YWCA/Kimpton Hotel Project was not selected based on economics, evidence suggests economics was the *only* reason the Kimpton Hotels and Restaurants, LLC was selected as the private hotel developer and operator. Arguably, the only reason to not choose the environmentally superior alternative is due to financial considerations, which the draft EIR alludes to as having "less operational capacity." Here, if the City chooses to not select the Environmentally Superior Alternative, it must disclose its reasons and support them with legal, economic and financial data and analysis, and other relevant documentation.

3. The FEIR Fails to Adequately Respond to Comments.

CEQA requires the City to respond to Pasadena CCC's comments and questions. (CEQA Guidelines § 15088). When a comment raises a significant environmental issue, the lead agency must address the comment "in detail giving reasons why" the comment was "not accepted." (*Ibid.*) "Conclusory statements unsupported by factual information will not suffice." (*Ibid*; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124.) This requirement for good faith, reasoned

7

analysis “ensures that stubborn problems or serious criticism are not swept under the rug.” (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715, 732.) The courts have held that inadequate responses to comments – alone – can be grounds for voiding a project’s approval. (See, *Env. Protection Information Center. v. Johnson* (1985) 170 Cal. App. 3d 604, 627.) Failure to respond to a *single* comment is sufficient to invalidate approval of a FEIR. (*Flanders Foundation v. City of Carmel by-the-Sea* (2012) 202 Cal. App. 4th 603.)

7
(cont)

The FEIR either did not respond, or provided inadequate responses, to many of Pasadena CCC’s comments and questions regarding the above-described issues and concerns. These deficiencies, alone, are sufficient to invalidate the EIR. Inadequate responses include, but are not limited to, the following:

- **No bona-fide identification and analysis of the character-defining features of the PCCNRD is provided.** As was stated in the Pasadena CCC Comment Letter of April 4, 2016, the draft EIR focused solely on the potential impacts on the YWCA building, but did not analyze the impacts *on the far more significant PCCNRD*. The FEIR’s responses to comments largely ignore the buildings of the PCCNRD, including City Hall, and its monuments, appurtenances, grounds, and approaches. This must be remedied.
- The FEIR lacks a Cultural Landscape Report. Given the importance of the historic resources of the PCCNRD *as a whole*, without a Cultural Landscape Report to identify the important cultural landscape historic resources, the FEIR lacks substantial evidence for its conclusions regarding potential impacts to the PCCNRD. A Cultural Landscape Report must be provided, and its conclusions must be summarized in the FEIR before project approval may proceed.
- The FEIR fails to provide substantial evidence for the conclusion that removal of the public parklands along Garfield Avenue and Holly Street is not a significant adverse impact under CEQA despite comments of Pasadena CCC indicating that their removal could trigger de-listing from the National Register of Historic Places. The DEIR states, and the FEIR concurs, that the parkland east of the YWCA is “not critical to understanding the historic YWCA.” However, the FEIR fails to support this conclusion and ignores the impact on the more prominent historic resources, City Hall and the PCCNRD. This comment is nonresponsive.
- The FEIR does not respond adequately to Pasadena CCC’s questions about how the removal of the public parkland does not impair the garden-like setting of the PCCNRD, the grand approaches to City Hall, and the loss of open-space now

7a

7b

7c

7d

available for the public's benefit. Pasadena CCC has also requested completion of a Cultural Landscape Report, which has not yet occurred.

4. The FEIR Fails to Adequately Analyze the Project's Inconsistencies with City Planning Documents and to Respond to Related Public Comments.

The FEIR fails to address or adequately respond to Pasadena CCC's specific comments regarding the City's land use and planning rules and regulations. Instead, the FEIR makes only general comments about consistency. The City's responses result in both a failure to adequately respond to comments and a failure to adequately disclose the project's impacts on land use.

a. Public Parks.

For example, the DEIR's land use analysis and the FEIR fail to provide satisfactory responses to Pasadena CCC's many questions about the project's consistency with City policies encouraging the retention and increase in public park space:

- The FEIR does not answer how the removal of the parkland is consistent with any of the plans and policies discussed on pages 14 and 15 of Pasadena CCC Comment Letter, such as Pasadena's Green Space, Recreation and Parks Master Plan, which calls for additional public open space defined as: "...public outdoor spaces that cannot be classified as parks, but that fulfill many of the same functions as public parks. Public plazas, golf courses and the grounds of museums and historic sites are examples of this type of open space. Community gardens and *pocket parks* also fit into this classification." (emphasis added.) The FEIR fails to explain the City's claim that the parkland at Holly and Garfield cannot be defined, and function, as "pocket parks."
- The FEIR does not support the claim that the project is consistent with the Central District Specific Plan, District wide Urban Design Concept. The Public Realm – Section 6, p. 811 states, "because of limited Downtown parkland, there is a critical need to maximize the benefit of existing park resources, as well as explore opportunities for new park and recreational facilities." Because of this lack of park space, the Central District Specific Plan (CDSP) calls for the expansion of the open space network, "the provision of smaller-scaled urban outdoor spaces" in conjunction with public improvements and private development projects, allowing public access where feasible (CDSP p. 82) and the protection of mature street trees and other landscaped resources (CDSP p. 149.) Also, the CDSP calls for the "presence of gracious landscape space" as one of the "defining qualities of the

Civic Center/Midtown area” (CDSP p. 172) and “Courtyards, gardens and other landscaped areas should be embellished with year-round greenery and floral abundance.” (CDSP p. 172). The project’s removal of green space and replacement with large buildings is inconsistent with this concept. Thus, the FEIR’s failure to explain how the removal of the parkland is consistent with the District Wide Urban Design Concept and the CDSP to maximize the benefit of existing park resources given the critical need and limited Downtown parkland presents a failure to adequately respond to comments.

8b
(cont.)

- Pasadena CCC’s comments expressed concerns about the project’s consistency with Pasadena Municipal Code 4.17.040 Paragraph D. The City Council adopted an ordinance in December 15, 2014 that added “Pocket Park” to the definition of park that could be funded by the City’s Residential Impact Fees. “Pocket Parks” are defined in this ordinance as small urban outdoor spaces, usually less than one acre in size, that are open to the general public. As Paragraph D states, “These public outdoor spaces may include amenities such as seating areas, plazas, rest areas, landmarks and public art installations, are typically in urbanized areas of the city, and primarily serve the immediate local population.” The definition of “Pocket Park” succinctly describes the nature of the “Civic Gardens or parks at Holly and Garfield and the tree-lined promenade north of the YWCA and south of the YMCA along Holly between N. Garfield and N. Marengo. The effect of having funding available for “Pocket Parks” is that this parkland can now be enhanced in a manner consistent with adopted plans (“*Design Development Plan for the Pasadena Civic Center/Mid-town District Design Project, 2003 and 2007*”). The FEIR fails to explain how the proposed Project and removal of parkland is consistent with this recent legislative action.

8c

CEQA requires disclosure, analysis, and mitigation of significant adverse impacts to land use, which occur when a project is inconsistent with a lead agency’s land use plans. Absent substantial evidence to the contrary, the project conflicts with City park policies.

8d

b. Central District Specific Plan.

The FEIR does not respond to Pasadena CCC’s concerns about how the project is consistent with any of the Central District Specific Plan (CDSP) policy statements cited on pages 17 – 20 of the Pasadena CCC Comment Letter and the Bennett Plan. Given that the project would remove public parkland and that the project would place new construction on almost 100 percent of Parcels 2 and 3, consistency with the 84 policies, principles, and objectives referenced in the Pasadena CCC Comment Letter appears

9

impossible. The FEIR must be revised to respond to consistency concerns regarding:

- “The Public Realm: An engaging public realm is important to the development of any great city. Pasadena’s residents also believe that their quality of life is related to the provision of accessible outdoor space that not only serves their recreation needs, but also finds a balance between built and natural resources. Building on the notion of a well-connected Downtown, this component describes a District- wide network of key pedestrian streets, public parks and civic spaces.” (CDSP p. 76.)
- “Downtown Linkages: Civic Heart: The Civic Center/Mid-town area is also one of Downtown’s principal activity nodes, additionally recognized as the symbolic center of the community. Highlighted by a collection of extraordinary civic landmarks sited in accordance with the historic Bennett Plan, this place should be highly accessible and communicate its status as the heart of the community. Public improvements that reinforce the significance and grandeur of the Bennett Plan’s axial arrangements are recommended.” (CDSP p. 77.)
- Public Parks: Because of limited Downtown parkland, there is a critical need to maximize the benefit of existing park resources, as well as explore opportunities for new park and recreational facilities.” (CDSP p. 81.)
- “Urban outdoor spaces may encompass a variety of types, including pocket parks, plazas, courtyards, gardens, and pedestrian passages. These spaces will often accommodate public access, especially when provided in conjunction with a non-residential project.” (CDSP p. 82.)
- “Precinct Character: Civic Center Core: This precinct in particular functions as the City’s symbolic and public center, and features a distinguished grouping of civic buildings that includes City Hall and the Central Library. The design of all buildings and public spaces in the precinct should reflect the highest quality, respect the prominence of civic landmark buildings, and reinforce the vision of the Bennett Plan” (CDSP p. 102.)
- Sub-district Concept: Civic Center/Midtown: “City Beautiful Vision”: Some of Pasadena’s most significant architectural treasures are found within the Civic Center/Midtown areas, particularly the complex of public buildings that includes the City Hall, the Central Library, and the Civic Auditorium. The setting for these buildings is no less important, and therefore, the realization of the 1920’s “City Beautiful Vision should be advocated through 1) preservation of historically significant buildings; 2) requirements for new buildings that are complementary to

9
(cont.)

existing landmarks, and 3) reintegration of the Beaux-Arts axial plan.” (CDSP p. 104.)

- “BD 1.3 Establish a harmonious transition between newer and older buildings; compatible design should respect the scale, massing and materials of adjacent buildings and landscape.” (CDSP p. 152.)
- “BD.2 Mitigate Massing and Bulk: Intent: Large monolithic buildings negate the qualities particular to the Central District. As their worst, these buildings make Downtown a less humane place. The proper consideration of the scale, massing and detail of the individual buildings will contribute to a coherent streetscape and satisfying public environment.” (CDSP p. 153.)
- Section 10 Sub-district Guidelines Civic Center/Midtown Design Character
“Guideline 3: Create Dignified Public Spaces: Distinguish this area by the presence of major public plazas and outdoor spaces suitable for public gatherings. These should include dignified spaces associated with public buildings and institutions.”
- Guideline 1: “Provide a Gracious Landscape Setting: The presence of gracious landscape spaces is one of the defining qualities of the Civic Center/Midtown area. Significantly, these spaces exhibit a strong relationship and comfortable flow between interior and exterior space.” (CDSP p. 172.)
- Guideline 2: Embellish Outdoor Spaces: Courtyards, gardens and other landscape areas should be embellished with year-round greenery and floral abundance. These elements present a gracious quality and are evocative of the Tournament of Roses Parade.” (CDSP p. 172.)

9
(cont.)

If the EIR cannot be revised to provide evidence of the project’s consistency with these policies, the project’s inconsistency with these policies would present a significant adverse impact on land use that the EIR fails to disclose, analyze, or mitigate.

c. Bennett Plan.

The FEIR discusses in great length its interpretation of the requirements of the 1923 and 1925 Bennett Plans and its comparisons of the two. However, neither the FEIR nor the City’s Staff Report for the July 13, 2016 Planning Commission meeting contain the meeting reports and minutes requested in the Pasadena CCC Comment Letter. As these reports and minutes apparently support the City’s conclusion about consistency, these documents must be provided. The City claims it does not have copies of these

10

reports and minutes; however, the City cannot be allowed to hide behind the failure to gather evidence to support its position. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) The City fails to provide a good faith, response response to this request.

10 (cont.)

d. Pasadena Zoning Code Section 17.30.040.

The General Development Standards for the Central District require that the first floor of all non-residential buildings in this District have a ceiling height of at least 15 feet. The Applicant's request for a variance that would permit reduction of the first floor height cannot be supported by either the FEIR or the staff findings. Section 17.30.050 of the Pasadena Zoning Code sets out limited exceptions to the general development standards. While the Code provides for exceptions to other development standards (and provides requirements for granting these exceptions), *no exception is provided for any exception to the required minimum 15 foot first floor height*. The City cannot create an exception that does not exist in the Zoning Code. Additionally, since this type of exception has never been allowed before, it would set a precedent whereby other development would seek to skirt this requirement. This requirement is essential to a number of General Plan and Specific Plan principles directed at creating a pedestrian-friendly and engaging ground floor environment. A precedent for exceptions to this requirement would require CEQA review of the reasonably foreseeable impacts.

11

The FEIR states that the difference between the first-floor height of the hotel rooms and that of the contributing buildings would not result in a significant adverse impact because this difference in height does not result in any physical demolition, destruction, relocation or alteration of any portion of the Historic District. The FEIR also states that, due to exterior design, the floor height is not discernible. This reasoning is flawed because the first-floor height difference is not just a historic resources concern; is an aesthetic concern. Further, compliance with the City's rules and regulations are necessary to create a pedestrian-friendly environment consistent with the City's guiding land use plan. The City will not be able to make the findings to grant this variance, and it must be denied.

12

Regarding the first-floor height variance, the FEIR fails to adequately respond to the specific questions asked on page 9 of the Pasadena CCC Comment Letter, including:

1. Will the first floor height of the addition be compatible with the first floor height of the historic YWCA?
2. Are there other buildings within sight of the proposal that have such a short

first floor?

3. Does this difference in first floor height have a negative effect on the Beaux Arts Bennett Plan?

Good faith responses to these questions are required. The FEIR must answer the questions above and support its conclusion, if possible, that the requested variance would not result in a significant adverse impact, especially when it conflicts with the Pasadena Zoning Code.

12
(cont.)

5. The City is Segmenting/Piecemealing the Project in Violation of CEQA.

The Agenda for the July 13, 2016 Planning Commission meeting includes a discussion item: Planning Commission Subcommittee for Civic Center Undeveloped Landscaped Space and Symmetry of Future New Construction on Holly Street. As the analysis of undeveloped landscaped space and what to construct upon it directly implicates the project, the City's environmental review of this item separate from the project violates CEQA. CEQA prohibits a public agency from "subdivide[ing] a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole." (*Orinda Assn v Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

13

The staff recommendation directs staff to "study means of providing additional undeveloped landscaped space in the vicinity of City Hall as well as means of ensuring a symmetrical building line for any future project to be built at 280 Ramona Street." Staff analysis states, "due to public concern about losing undeveloped space in the central District, as well as reducing the landscaped character of the Civic Center, the potential for provision of additional landscaped space in the vicinity of City Hall should be studied as a separate effort." However, the YWCA/Kimpton Hotel Project requires the use of undeveloped landscaped space in the Civic Center and is the impetus for public concern about losing undeveloped space in the central district.

By staff's own analysis, the proposed Centennial Plaza Subcommittee project and the YWCA/Kimpton Hotel Project are both part of the same project – not separate efforts. On the contrary, staff's recommendation for approval of staff efforts to identify additional landscaped space is seemingly an attempt to mitigate the adverse impacts of the YWCA/Kimpton Hotel Project's removal of public parklands. CEQA requires consideration of these projects, together, in a single environmental review process.

The court in *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 set out three items to be used to determine what constitutes the whole of a project: (1) relationship in time, (2) physical location; and (3) the entity undertaking the action. (*Id.* at 1227.) Here, the project to increase open space is being proposed at the same time that the City is considering reducing open space in the civic center. Both projects implicate the open space (or soon to be lack thereof) in the civic center. And both projects are occurring at the direction of the City, although the City did choose the applicant for the YWCA/Kimpton Hotel Project. The "whole of the project" for CEQA purposes encompasses both the reduction in open space from the YWCA/Kimpton Hotel Project and the need to increase open space included on the Planning Commission's agenda.

13
(cont.)

Moreover, the inclusion of this discussion item supports Pasadena CCC's claim that the project will have significant and adverse impacts on the City due to the removal of public parklands and open space. Based on the City's admission that these impacts are significant enough to require a separate public process to provide mitigation, the project's impacts to parklands and due to the reduction in open space must be disclosed, analyzed as significant impacts, and mitigated or avoided to the extent feasible.

B. The City Has Not Complied with Other Local and State Requirements.

1. Exclusive Negotiating Agreement.

The Pasadena CCC DEIR comments raised concerns about the City's public process for choosing the Applicant for this project. The FEIR fails to respond to the questions asked on Pages 24 and 25 of the Pasadena CCC Comment Letter, including, but not limited to:

- How was the Applicant chosen and why? Who were the other applicants, what were their design solutions and why were they rejected?
- Is there documentation of the Exclusive Negotiating Agreement (ENA) extensions?
- If the City has a direct financial interest in the proposed Project given that it owns the land and the building and will receive compensation for some sort of lease agreement, how can the city separate its role as a regulator and decision maker from its financial interest? Does the ENA define the City's financial interest in the Project? Does that interest vary depending on the number of rooms and design of the Project?
- The City as landlord and as the recipient of transit occupancy tax and property taxes

14

has a financial interest in defining an "Operational Capacity" in a manner that maximizes its financial interest. An independent, third party analysis must be made and the financial assumptions and details must be made public.

The FEIR does not respond to these questions and comments. Instead, it states only that because the project creates no significant unavoidable impacts, the FEIR does not need to disclose financial details, including the terms and conditions of the ENA. Whether the project's environmental impacts are significant is irrelevant to the City's disclosure of public documents. The document is disclosable pursuant to the California Public Records Act and must be provided.

14
(Cont.)

2. Declaration of Surplus Property.

The City has not complied with State and City regulations regarding disposition of surplus property, nor has it provided support for its findings.

The Pasadena Municipal Code defines "surplus real property" as real property of the city not needed for the purpose for which it was acquired *or for any other public purpose*. (Pasadena Municipal Code, Title 4.02.010 A, emphasis added.) The City's findings address only whether Parcel 3 (i.e. the public parkland) is needed for the purpose for which it was *acquired*, i.e. "part of the development of the Civic Center, specifically City Hall and its appurtenances, grounds and approaches." While neither the City nor the FEIR have provided substantive evidence that this parkland is not needed for "City Hall and its appurtenances, grounds and approaches," even if it were assumed that Parcel 3 was not necessary for this purpose, the City failed to consider *any other public purpose* for which Parcel 3 could be used.

15

Also, according to City staff, the City has no precedent where public parkland has been declared surplus property. Pasadena CCC asks for additional information to be included in the Staff Report regarding how the City supports its findings that all three (3) project parcels are not needed for either the purpose for which they were acquired in 1923 and/or for any other public purpose.

The Municipal Code also provides that a sale of surplus real property may only occur if "it has made special findings, after public hearing, that an extraordinary and overriding public benefit will be achieved. Such public benefit may relate to the provision of public parking, low-cost housing, a public service facility, or a museum or other cultural or artistic institution, or the economic and public well being of other properties in the immediate vicinity." (Pasadena Municipal Code, Title 4.02.03 A.)

The City has not and cannot make the necessary findings. In finding that the project is exempt from the competitive bid requirements, the City has not provided evidentiary support for claims that the project (1) would have an extraordinary and overriding public benefit related to the economic and public well-being of other properties; and/or (2) is necessary to cause the rehabilitation of the YWCA building. The City has also failed to discuss the declaration of the property as "surplus" in a public hearing.

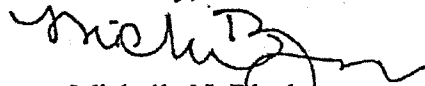
No legal, financial or economic data, or supporting documentation required to support economic findings under the Municipal Code has been provided in the staff report or in the FEIR. Pasadena CCC renews its request for responses to the questions raised on pages 27 through 29 of its April 4, 2016 comment letter.

The City has also failed to comply with the State Surplus Land Act because it failed to offer Parcel 3 for park and open space used prior to disposal of the property. Government Code section 54420 subd. (b) provides, "there is an identifiable deficiency in the amount of land available for recreational purposes and that surplus land, prior to disposition, should be made available for park and recreation purposes or for open-space purposes."

Conclusion

Thank you for your consideration of these comments. Pasadena CCC urges the Planning Commission to uphold the City's goals and objectives outlined in the General Plan, Central District Specific Plan, and other relevant plans and policies related to historic resources, parks and open space. Compliance with CEQA requires further documentation and analysis of the entire PCCNRD in the EIR, and of the need for public parkland and open space in the Civic Center to truly assess project impacts and provide the good-faith effort at full disclosure required by CEQA.

Sincerely,



Michelle N. Black
Amy C. Minter, on behalf of
Pasadena CCC

15
(cont.)

16

Planning Commission
July 12, 2016
Page 16

cc:

Mayor Terry Tornek and City Council Members
ttornek@cityofpasadena.net
janastewart@cityofpasadena.net
mjomsky@cityofpasadena.net
pthyret@cityofpasadena.net
jwest@cityofpasadena.net

Pasadena Design Commissioners, cburciag@cityofpasadena.net

Pasadena Historic Preservation Commissioners, cburciag@cityofpasadena.net

Kevin Johnson, Senior Planner, rkevinjohnson@cityofpasadena.net

Steve, Mermell, Pasadena Interim City Manager, smermell@cityofpasadena.net

David Reyes, Pasadena Acting Planning Director, davidreyes@cityofpasadena.net

Letter #10: Michelle N. Black/Amy C. Minter, Chatten-Brown & Carstens

Response to Comment 10-1: The commenter makes opening remarks; no response is required. The City's responses to the Civic Center Coalition's (CCC's) previous comment letters on the Draft EIR are provided in Chapter 3 of the Final EIR, including the responses to comment letter 17, submitted by Chatten-Brown & Carstens on behalf of the CCC.

Response to Comment 10-2: The commenter expresses opinions regarding the merits of the project and encourages the development of a revised plan. The comment is noted and will be forwarded to the decision-makers for their consideration. The design of the proposed project considers its historic context and its location in the National Register-designated Pasadena Civic Center Historic District. Historic resources are addressed in Section 3.1 of the Draft EIR and a further detailed analysis of the impacts of the proposed project on historic resources is provided in Appendix B of the Draft EIR. In addition, Section 3 of the Final EIR provides topical responses to further clarify the analyses of impacts to the Pasadena Civic Center Historic District (TR-CR-1) and the compatibility of the project with historic resources (TR-CR-2).

Response to Comment 10-3: The commenter expresses opinions and provides recommendations to the Planning Commission regarding the proposed project actions. The comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 10-4: The commenter asserts that the EIR did not provide substantial evidence to support the conclusions regarding impacts on the Pasadena Civic Center National Register Historic District (PCCNRD). In contrast to the commenter's assertions, the Draft EIR on pp. 3.1-23 and 3.1-24 evaluates the project's potential impacts on the PCCNRD. In addition, Section 3 of the Final EIR provides topical responses to further clarify the analyses of impacts to the Pasadena Civic Center Historic District (TR-CR-1) and the compatibility of the project with historic resources (TR-CR-2). Furthermore, in contrast to the commenters assertion, the EIR specifically does identify the landscape areas flanking Holly Street and Garfield Avenue in the project area as character-defining features (see Draft EIR p. 3.1-24 and the table of "Contributing Resources and Character-Defining Features" in TR-CR-1 of the Final EIR).

Response to Comment 10-5: In contrast to the commenter's assertion, the Robinson Memorial is not an important part of the PCCNRD. The Robinson Memorial is not a contributing resource or character-defining feature of the PCCNRD. The Robinson Memorial was built in 1997 and clearly outside of the period of significance for the PCCNRD, with the vast majority of the District's contributing resources built in the 1920s. The District was nominated to the National Register in 1980, 17 years before the Robinson Memorial was installed.

The commenter alleges that the Robinson Memorial merits eligibility for historic designation, regardless of age "*given the significance of the artist, and the 'commemorative art piece,' itself.*" The significance of an artist, architect or other designer is not the only factor that would be considered in an evaluation of historic significance. As detailed in Topical Response TR-CR-5 of the Final EIR, insufficient time has passed to understand the historical importance of the memorial outside of its status as a

commemorative object. The same is true for the artist. The Robinson Memorial does not meet the special criterion for commemorative properties identified by the National Park Service (Criteria Consideration F) as a guide to evaluating their potential historic significance. For the reasons stated above and further detailed in Topical Response TR-CR-5 of the Final EIR, in the opinions of the highly qualified experts at Historic Resources Group and the highly qualified staff in the City's Design and Historic Preservation Section, the Robinson Memorial is not a significant historic resource pursuant to CEQA, despite the additional information provided by the commenter.

The commenter also alleges that the analysis in the EIR is flawed because "*it is only based on the fact that there is no 'demolition, destruction, relocation, or alteration of the Robinson Memorial.'*" The commenter further alleges that there is a potential impact on the Memorial because, "*there clearly is significant alteration of the Robinson Memorial setting.*" As previously discussed, and further detailed in Section 3.1 of the Draft EIR and in Topical Response TR-CR-5 of the Final EIR, the Robinson Memorial is an art piece and a commemorative memorial and does qualify as a historic resource under CEQA. In regards to the setting of the art piece, the proposed project studied in the EIR would preserve not only the Robinson Memorial itself but the patch of grass and landscape that surrounds it, which is bounded by concrete walkways on the south and west sides and by the textured sidewalks along Holly Street, Garfield Avenue, and Centennial Plaza on the north, northeast, and east sides. The Alternative 2A design study would also preserve this grass/landscape area. In addition, the Robinson Memorial would maintain its prominent location in the Civic Center, facing City Hall on the boundary of Centennial Plaza. Furthermore, visitors to the Robinson Memorial would continue to have 360-degree access to the statutes and would be able to view and experience the artwork from all sides. While not a CEQA matter, the City's Cultural Affairs Manager has reviewed these designs from an art perspective to ensure that the important characteristics of the commemorative artwork would be maintained.

Response to Comment 10-6: See Response to Comments 4 and 5, above, regarding the EIR's conclusions regarding impacts on the PCCNRD. As concluded in the EIR, the project would not result in any significant and unmitigable impacts. Therefore, a Statement of Overriding Considerations is not required for the project and the City is not required to select the Environmentally Superior Alternative.

Response to Comment 10-7: The commenter alleges that the Final EIR did not provide adequate responses to comments raised by the Pasadena CCC. In fact, the Final EIR provides 16 pages in response to the Pasadena CCC's (Chatten-Brown & Carstens) letter alone. The following responses provide response to specific inadequacies that the commenter alleges.

Response to Comment 10-7a: In contrast to the commenters assertion, the Draft EIR included a detailed analysis of the project's potential impacts on the PCCNRD—see pp. 3.1-23 and 3.1-24. In addition, Section 3 of the Final EIR provides a topical response to further clarify the analysis of impacts on the PCCNRD (TR-CR-1). These analyses consider all contributing resources and character-defining features of the PCCNRD.

Response to Comment 10-7b: See Topical Response TR-CR-4 in Section 3 of the Final EIR.

Response to Comment 10-7c: See Response to Comment 10-4, above.

Response to Comment 10-7d: See Responses to Comments 10-4, 10-7a, and 10-7b, above.

Response to Comment 10-8: The commenter alleges that the Final EIR does not adequately analyze the project inconsistencies with city planning documents and that the Final EIR did not provide an adequate response to the Pasadena CCC's comments regarding land use and planning rules and regulations. In fact Section 3.3 of the Draft EIR addresses the proposed project's consistency with the City's land use plans. In addition, Appendix F of the Draft EIR provides a detailed, seven-page analysis of the project's consistency with specific objectives and planning concepts of the City's land use plans. The Pasadena CCC's (Chatten-Brown & Carstens) comment letter on the Draft EIR provides approximately two dozen provisions from the Central District Specific Plan. The commenter quotes the text of the provisions but does not provide any comments regarding the relationship of the provisions to the proposed project, or any evidence that the proposed project is inconsistent with the provisions cited. See also Response to Comment 17-22 in the Final EIR.

Response to Comment 10-8a: The Draft EIR analyzes the project's consistency with the City's Green Space, Recreation and Parks Master Plan, including the provision cited by the commenter. See Draft EIR pp. 3.3-12 and 3.3-37, which explain that the Master Plan defines a pocket park (also known as a vest pocket or mini-park) as a site with an emphasis on amenities such as picnic facilities and small playgrounds and that the project site does not provide such amenities.

Response to Comment 10-8b: See Responses to Comments 17-20 and 25-13 in the Final EIR. The impacts of the proposed project on parks, including pocket parks, are addressed in Section 3.3 of the Draft EIR. As indicated in that section, the project is considered consistent with the provisions of the identified regional and local plans because it meets the general intent of the plans, and would not preclude the attainment of the primary intent of the land use plan or policy. As noted in Section 3.3, if the project were determined to be inconsistent with individual objectives or policies of an applicable land use plan, but was determined to be largely consistent with the other goals and policies of that plan and would not preclude the attainment of the primary intent of the land use plan, then the project would be considered consistent with the plan. Furthermore, any such inconsistency would also have to result in a physical change in the environment, not analyzed in the other chapters of the EIR, to result in a significant environmental impact. The consistency of the proposed project with individual goals and objectives of various planning documents is evaluated in Appendix F of the Draft EIR. Specifically, Table 2 addresses consistency with Objective 4 of the Central District Specific Plan, which calls for expansion of the open space network in the downtown area. The commenter does not provide substantial evidence that the impacts of the proposed project on policies related to parks would be different from those determined in the Draft EIR. Moreover, the commenter does not provide substantial evidence that the proposed project would result in a physical change that would be considered to be a significant impact on the environment.

Response to Comment 10-8c: Title 4 of the Pasadena Municipal Code (PMC) is the "Revenue and Finance" portion of the PMC. Within this Title, Chapter 4.17 establishes the requirement for residential subdivisions and new residential development to dedicate land or pay in-lieu fees for park and recreational purposes. Section 4.17.060 provides for "disbursing the funds collected under this chapter

to develop park or recreational facilities, or targeting certain improvements for acquisition, construction and installation.” Section 4.17.040 establishes the following park and recreational facility classifications: neighborhood parks, community parks, city-wide parks, and pocket parks. This section does not establish any actual pocket parks (or any parks for that matter), but rather simply provides a definition under which currently designated parks or future designated parks can be classified as pocket parks. While funds collected pursuant to PMC Chapter 4.17 can be disbursed for pocket parks, funds can only be used for sites that are designated as pocket parks. No portion of the project site is designated as a pocket park (or a neighborhood, community, or city-wide park) in any City plans or documents. Therefore, funds collected pursuant to PMC Chapter 4.17 are not currently available for use on the project site.

Response to Comment 10-8d: See Responses to Comments 10-8, 10-8a, 10-8b, and 10-8c, above.

Response to Comment 10-9: See Response to Comment 17-22 in the Final EIR. The commenter alleges that the project is not consistent with 84 policies, principles, and objectives of the Central District Specific Plan (CDSP) because “the project would remove public parkland and...would place new construction on 100 percent of Parcels 2 and 3.” As previously noted, the project site does not contain any public parkland. The General Plan land use designation for the project site is Medium Mixed Use, and the site is zoned CD-2 (Central District Specific Plan, Civic Center/Midtown Sub-District). Moreover, the site is not identified as open space or as a park in the City’s Green Space, Recreation and Parks Master Plan. Furthermore, it is unclear how development on Parcels 2 and 3 would be in conflict with any of the CDSP items cited by the commenter. A detailed analysis of the project’s consistency with the City’s planning documents, including the CDSP, is contained in the Draft EIR (Section 3.3 and Appendix F). The proposed project would not conflict with any land use plans, policies, and regulations that were adopted for the purpose of avoiding or mitigating an environmental effect.

The commenter specifically restates 11 items from the CDSP that they previously stated in their commenter letter on the Draft EIR (comment letter 17, submitted by Chatten-Brown & Carstens on behalf of the CCC). Appendix F of the Draft EIR analyzes the project’s consistency with numerous specific policies, principles, and objectives of the City’s land use plans, including 20 such items from the CDSP. Two of the items restated by the commenter are specifically analyzed in this appendix—Precinct Character: Civic Center Core and Sub-district Concept: Civic Center/Midtown: “City Beautiful Vision.” Five of the remaining nine items restated by the commenter are from the CDSP’s design guidelines. As noted in Response to Comment 17-22 of the Final EIR, the City’s CDSP design guidelines were developed in order to guide a building’s form and style within the permitted development restrictions (e.g., building height limits, setbacks, open space requirements, etc.). The CDSP design guidelines are used during the City’s Design Review process to ensure that a proposed project is consistent with the CDSP. If the proposed project is approved by City Council, the project will be required to go through the Design Review process, at which time the Design Review Commission will consider the design guidelines. The design guidelines are not policies that were adopted for the purpose of avoiding or mitigating an environmental effect; therefore, these design guidelines are not appropriate for review in the Draft EIR.

The four remaining CDSP items restated by the commenter are analyzed in the following table:

<p>The Public Realm: An engaging public realm is important to the development of any great city. Pasadena’s residents also believe that their quality of life is related to the provision of accessible outdoor space that not only serves their recreation needs, but also finds a balance between built and natural resources. Building on the notion of a well-connected Downtown, this component describes a District-wide network of key pedestrian streets, public parks and civic spaces.</p>	<p>Consistent: This statement is one of the Urban Design Concept Components identified in the CDSP. The network of pedestrian streets, public parks and civic spaces noted in this statement are detailed in the CDSP’s District-wide Map 22: Public Open Space Concept, which identifies “Major Parks and Plazas,” “Key Places,” and “Streetscapes.” The project site is adjacent to Centennial Plaza, which is identified on Map 22 as a “Civic Plaza.” Additionally, the streetscapes of Holly Street and Garfield Avenue along the project frontages are identified on Map 22 as “Civic Promenades.” The Marengo Avenue and Union Street streetscapes along the project frontages are identified as “Streetscape Priority (primary pedestrian connection).” The proposed project would not conflict with the civic plaza designation of Centennial Plaza or with the streetscape designations for the streets that border the site.</p>
<p>Downtown Linkages: Civic Heart: The Civic Center/Mid-town area is also one of Downtown’s principal activity nodes, additionally recognized as the symbolic center of the community. Highlighted by a collection of extraordinary civic landmarks sited in accordance with the historic Bennett Plan, this place should be highly accessible and communicate its status as the heart of the community. Public improvements that reinforce the significance and grandeur of the Bennett Plan’s axial arrangements are recommended.</p>	<p>Consistent: The proposed project would reinforce the Civic Center as the symbolic center of the community by rehabilitating the historic YWCA building and constructing a complementing building with heights that respect the monumentality of City Hall and the hierarchy of buildings within the Civic Center Historic District (see Topical Response TR-CR-2 of the Final EIR). In addition, the project would not result in a disruption of the axial arrangement of the Bennett Plan (i.e., the views north and south along Garfield Avenue between the public library and Civic Auditorium and the views east along Holly Street to City Hall). These views would still be available and uninterrupted following construction of the proposed project. Finally, the project would not affect the accessibility of the Civic Center.</p>
<p>Public Parks: Because of limited Downtown parkland, there is a critical need to maximize the benefit of existing park resources, as well as explore opportunities for new park and recreational facilities.</p>	<p>Consistent: No portion of the site is a public park. The General Plan land use designation for the site is Medium Mixed Use, and the site is zoned CD-2 (Central District Specific Plan, Civic Center/Midtown Sub-District). Moreover, the site is not identified as a park or as open space in the City’s Green Space, Recreation and Parks Master Plan. The project site is not within the park deficient area identified on CDSP p. 81 and not within an area with significant park need identified</p>

	on CDSP District-wide Map 22: Public Open Space Concept. Finally, the proposed project would not prevent the City from exploring opportunities for new park and recreational facilities.
Urban outdoor spaces may encompass a variety of types, including pocket parks, plazas, courtyards, gardens, and pedestrian passages. These spaces will often accommodate public access, especially when provided in conjunction with a non-residential project.	Consistent: The CDSP’s Public Realm concept encourages the provision of smaller-scaled urban outdoor spaces in conjunction with public improvement and private development projects. The proposed project includes outdoor courtyards and pedestrian passages and satisfies the intent of this concept.

Response to Comment 10-10: See Response to Comment 17-21 in the Final EIR, which explains that Planning Commission minutes and reports from 1923 are not necessary as there is sufficient evidence in the record to conclude that the Bennett Plan is not a regulatory land use planning document with which the project must comply. Even if the Planning Commission minutes listed by the commenter were to indicate a review or approval of the Bennett Plan by the Planning Commission, the Plan would not be considered a regulatory land use plan unless adopted as such by the Board of Directors (now City Council). And in any event, at this point in the City’s well documented legislative history, it is clear that the Plan has been woven into, but not adopted wholesale by, other documents which actually set policy and control development, such as the CDSP.

Response to Comment 10-11: See Responses to Comments 1-2 and 7-14. The Pasadena Police Department building is a precedent within the Civic Center for the ground-floor condition proposed by the project. At the northeast corner of this building is a volume with arched, double-height window openings with a solid spandrel between the first and second-story windows, which creates the appearance of a double-height base while being two separate floors on the interior.

Response to Comment 10-12: See Response to Comment 9-22 in the Final EIR, which explains that the difference between the first-floor height of the proposed new building and the first-floor heights of contributing buildings including City Hall would not result in a significant impact to the Historic District. For this difference in floor height to be considered a “substantial adverse change” to the Historic District under CEQA, it must be shown that the different floor height would result in physical demolition, destruction, relocation, or alteration such that the Historic District would no longer convey its historical significance and would no longer be eligible for listing in the California Register of Historical Resources. Construction of a new building with a different floor-height would not, in itself, result in any physical demolition, destruction, relocation, or alteration of any portion of the Historic District. Moreover, the public-facing façades of the proposed new building include first- and second-floor windows joined and articulated as single, double-height windows so that the actual floor height is not discernible when viewed from the street and the outward proportion better approximates the proportions of the contributing buildings to the Historic District.

The Draft EIR and supporting Historical Resources Technical Report include discussion and analysis of the compatibility of the proposed new construction with historic resources based in part on guidance from the National Park Service, including the Secretary of the Interior's Standards and Guidelines for Rehabilitation, and *National Park Service Preservation Brief 14*. The Draft EIR concluded that the proposed project is generally compatible with, and its construction would not result in a significant impact to, the YWCA, City Hall or the Historic District. This analysis considered the whole of the project, including the requested Variance for reduced first-floor height.

In regards to the comment that the proposed first-floor height is an aesthetic concern, the commenter does not provide substantial evidence to support this claim and offers no explanation as to why the first-floor height is an aesthetic concern that should be addressed in the EIR. Regardless, as stated on page 31 of the Initial Study (Appendix A of the Draft EIR), aesthetic impacts of this project cannot be considered significant pursuant to SB 743 and Section 21099(d) of the State CEQA Guidelines.

Response to Comment 10-13: The enhancement of Centennial Plaza has been a topic of discussion and study for many years, including the following planning efforts:

- Pasadena Central District Improvement Program, 1971
- Civic Center Mall Design Study, 1978
- Civic Center Specific Plan, 1990 & 1994
- Civic Center/Midtown Programming Effort Report, 1998
- Civic Center/Midtown Design Project, 2001 & 2003

The YWCA/Kimpton Hotel Project has been a catalyst for reviving these discussions, but enhancement of Centennial Plaza is not a direct result or requirement of the project. Reduction in landscaped space in the Civic Center as a result of the project was fully disclosed and analyzed in the EIR and was not found to meet the threshold for significant impacts under CEQA. Furthermore, the proposed project, which is a private land development entitlement application, has separate utility from any ongoing discussions regarding enhancement of Centennial Plaza. The proposed project is not dependent in any way on any enhancements of undeveloped landscaped space in the Civic Center area. Likewise, any future actions by the City to enhance undeveloped landscaped space would have merit and value that is entirely independent from the proposed project.

The symmetry of buildings along Garfield Avenue is a policy issue related to the Civic Center as a whole and separate from the specific discussion of the YWCA/Kimpton Hotel Project. Current regulations allow a building to be constructed with a 10-foot setback, and the discussion is regarding whether that is an appropriate setback for a specific off-site location that is not currently proposed to be developed. See Response to Comment 17-9 in the Final EIR regarding the absence of potentially significant environmental impacts related to the symmetry of the two landscaped approaches on the west side Garfield Avenue.

Response to Comment 10-14: See Topical Response TR-GEN-1 in the Final EIR, which demonstrates that the City is not committed to accepting the applicant's proposal for this project and discusses business aspects related to the proposed project, including the Exclusive Negotiating Agreement (ENA).

Response to Comment 10-15: See Responses to Comments 6-1, 6-3, 6-7, 6-20, 7-1, 7-5 and 9-6. Two of the three parcels that comprise the project site (parcel 1 and parcel 2) were purchased in 2012 for the purpose of rehabilitating the YWCA building. These two parcels will continue to be used for this purpose and are, therefore, not considered surplus property.

Response to Comment 10-16: Closing remarks and opinions are provided; no response is required.

Johnson, Kevin

From: Thomas Seifert <tdseifert@aol.com>
Sent: Wednesday, July 13, 2016 8:18 AM
To: Johnson, Kevin
Subject: Fwd: YWCA/Kimpton Agenda Item July 13, 2016

For Distribution to City of Pasadena Planning Commissioners July 13, 2016:

I stand in support of positions taken by the Civic Center Coalition, the WPRA and in opposition to those of Pasadena Heritage. I became involved in this process early on and have been exposed to all aspects of the historical reasoning, positioning and rationale

The retention of all open space is my highest priority and, as such, Alternative 2 E of the present scheme is preferred. But clearly the endorsement of this alternative is not the total consideration though it is a strong and enthusiastic endorsement..

My position is that the entire process has been flawed from the beginning as there was not an open public discussion of all possible uses for the YWCA property (the 2 parcels, the Y itself and parking lot), and how these possible uses might be implemented and what their effects on the Civic Center might be. The process has been backwards and does not address many of key issues. The Kimpton Hotel is not the only potential dance partner and the Civic Center, the YWCA and Pasadena all deserve better. Please do not approve this project as it stands before you tonight.

Thank you for your consideration,
Thomas D. Seifert
436 South Arroyo Blvd.
Pasadena, CA 91105
626-577-6000

Letter #11: Thomas D. Seifert

Response to Comment 11-1: See Responses to Comments 6-2 and 6-22.



Hintz & Balvin Communications

To: Pasadena Planning Commission
Cc: Eric Duyshart,

From: Christle Balvin *Christle Balvin*

Re: RFP on KHP Capital Partners project in Civic Center

I am writing to voice my strong objection to allowing the gift of public park land in the Pasadena Civic Center to KHP Capital Partners to make way for a new hotel (Kimpton Hotels) that would include the former Julia Morgan designed Pasadena YWCA.] 1

Although I have many reasons for opposing the way the Economic Development Department, under the City Manager's office, has gone about trying to give away, sell or lease this much needed parkland, three objections are paramount.

- First, the land was acquired through a 1923 Bond to fulfill the Civic Center City Beautiful Bennett Plan. It was not acquired to help a hotel developer just because the firm has promised to incorporate the much-loved Julia Morgan designed building.] 2
- Second, a former mayor of great foresight, John Crowley, created a process by which the City determines if a city owned property is "surplus" and can be leased or developed. In this case, the Economic Development Department of the City of Pasadena did not follow that process. It did not begin at the beginning by creating a publically noticed competitive bidding process as required by the Code. In fact, it appeared to circumvent the very purpose of this Municipal Code, chapter 4.02 which requires public accountability and transparency.] 3
- Third, because of the rapid increase in office towers, apartments and condos, Pasadena is extremely "park poor." We have increased our residential base while eliminating much-needed open space. With the give-away of this Civic Center parkland, the City of Pasadena, under the direction of the staff of the Development Department, will give away nearly 80% of the existing parkland in the Central District to make way for a hotel. What about the residents who live in the densely populated Central District, particularly condo and apartment dwellers? Therefore it is clear that the benefits of this project are far and away overpowered by its negative consequences. It must not be allowed to move forward.] 4

I submit the following in an effort to elaborate on my reasons for objecting to this project and the way the City's Economic Development Department has gone about moving it forward:

1. The City Council never approved the sale or lease of this civic center park in open session by voting on the RFP. This prevented people like me, who have long been active in the promotion of more (not less) open space, from voicing opposition to the project, particularly in its early stages before so much staff and developer time has been wasted upon it. 5
2. Because of the growing and all too often unquestioned power of the City's Economic Development Department, neither the Planning nor Community Development Departments had input into the RFP before it was released to potential proposers. To this day, information on those proposers such as who they were and who brought the greatest financial and other benefits to the City has not been shared with the public. Neither have the names of those on an Advisory Review Panel that reviewed the project. For all citizens know, they could be named Richard McDonald and be the attorney for the project. This is definitely not the Pasadena Way. 6
3. The selected proposer was eventually presented in Closed Session to the City Council as was the Exclusive Negotiation Agreement (ENA). Thus both the list of proposers and the ENA were never publically released although such disclosure is required. This is strange considering that an ENA is basically a public document. 8
4. In the recently completed Master Plan for the City of Pasadena, residents from all parts of the community spoke out loud and clear on the need for more open space. A project that eliminates so much parkland in the very center of our City is not what the Citizens' supported nor called for in their Master Plan. In fact they asked for the very opposite. This leads me to question the direction of the Economic Development Department and its awareness of the real needs of the citizens it is supposed to serve. It's time for a change. 9

Thank you for considering my comments on the EIR for the Kimpton Project on the site of the former YWCA. Hopefully our efforts to save this wonderful building will not result in any further erosion of much needed parkland, particularly in the Civic Center where smart growth and future density is being encouraged.

6/22/2016

Letter #12: Christle Balvin

Response to Comment 12-1: See Response to Comment 1-1.

Response to Comment 12-2: See Response to Comment 6-3.

Response to Comment 12-3: See Response to Comment 6-2.

Response to Comment 12-4: See Response to Comment 1-1.

Response to Comment 12-5: See Response to Comment 6-15.

Response to Comment 12-6: See Response to Comment 6-16.

Response to Comment 12-7: See Response to Comment 6-16.

Response to Comment 12-8: See Response to Comment 6-18.

Response to Comment 12-9: There is no such document as the "Master Plan for the City of Pasadena." In Section 3.3 and Appendix F of the Draft EIR and Response to Comment 25-13 on page 3-203 of the Final EIR, the potential land use impacts of the projects on parks are analyzed and addressed, including a detailed analysis of General Plan and Central District Specific Plan policies related to encouraging development of parkland. See also Response to Comment 6-4.

232 Avenue 64
Pasadena, CA 91105

July 5, 2016

RE: Entitlements for Kimpton Hotel/YWCA Project

Dear Planning Commission:

Unfortunately, I will be out of town and unable to attend your meeting on July 13. However, as evidenced by my previous testimony on this project, I am very interested in a successful rehabilitation of the YWCA in a way that does not require building on public open space in the heart of the Civic Center. My recent six-year term on the Historic Preservation Commission should demonstrate my keen appreciation of the need to preserve our historic heritage.

] 1

I have reviewed the Final EIR and the report to you by City staff recommending that you support this development, including Alternative 2A in the EIR. While I find 2A to be a slight improvement over the original project and the variation of 2A described in the staff report to be a further improvement, I still have significant objections and concerns. As some of you know, I am a professional city planner, and I worked for almost 14 years in the City of Pasadena Planning Department. Some of the findings recommended in the staff report are contrary to Pasadena's previous precedents.

Loss of Open Space:

When I worked for the City, this open space between Garfield Avenue and the YWCA was one of my picnic spots for lunchtime relaxation. Those Sister City Gardens have one of the best views of our fabulous City Hall, and I cannot think of another open space in Pasadena with a better view. Instead of trying once again to develop Centennial Plaza, let's spend just a fraction of that money upgrading the landscaping and seating area in this important downtown mini-park.

This open space was purchased by a bond issue authorized by the voters of Pasadena in 1923. It is protected by numerous guidelines and objectives in City plans, to name just a couple:

- The Open Space and Conservation Element states that one of the City's key issues is to create more parks in the Central District (page 11), and a goal on page 13 is to "Preserve, Acquire and Create Open Space."
- The Central District Specific Plan has a Public Open Space Concept map on page 85 showing Garfield Avenue from Green Street to Walnut Street, as well as Holly Street, as a "Civic Promenade," which specifically supports the goal of preserving the 90-year-old open space along the promenade.

] 2

The EIR and the staff report tout how the project brings jobs and economic development to downtown, thereby meeting generic City objectives; however, the Commission should not ignore the ones that encourage open space preservation. Beyond whether the loss of open space is considered a significant impact in the context of CEQA, it seems impossible to argue that the open space is surplus property

that the public does not need. The staff report acknowledges on page 9 that no park land has ever been declared surplus before in Pasadena; while this site may not be a dedicated park, it certainly feels like a park. (In this regard, there should also be a requirement to designate any long-term private use of land on the Holly Street approaches to City Hall as surplus property, as well as Garfield; I did not see this acknowledgement in the staff report.)

3

Noise issues from the proposed loading zone mitigation measure:

The Final EIR refuses to evaluate the noise that would be created by its own mitigation measure requiring loading on Union Street only between 2 AM and 5 AM because that loading zone might not be needed. If the developer does not show a code-compliant loading zone to the Planning Commission on July 13, then there is every likelihood that all six code-required loading spaces will be on Union Street between 2 AM and 5 AM providing towels and bedding for hotel rooms, furniture, office supplies, candy and soda pop for vending machines, food for the restaurants, cleaning supplies, trash removal, etc. etc. It would be crazy to impose such an illogical, noisy situation on the hotel's own guests, as well as on the future residents of an approved condominium project on the other side of the street. We can all imagine the noise from opening and closing roll up doors, hand carts over curb thresholds and sidewalks, boxes being moved in and out of trucks, etc. If the developer cannot devise a safe and quiet method of bringing supplies to his development, he will not have 185 rooms to rent because word will spread among the public that the rooms along Union Street are noisy at night. Will the City still be able to recoup its investment if one-third of the hotel rooms are class B? Please keep in mind how busy these six loading zones will be when 24 hours of operation are crammed into three hours.

4

In spite of statements in Final EIR Responses 9-23 and 17-25 that there are no existing uses that are sensitive to noise, the EIR fails to adequately evaluate the noise impacts of the proposed mitigation measure because a sensitive receptor (i.e. the hotel residents) is part of the project. Noise impacts on people who will use a project are clearly within the scope of CEQA and even listed in the Initial Study checklist. (See Initial Study in Appendix A of the DEIR: "15. NOISE. Will the project result in: a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?" (bolding added))

7

Variance for Loading Zones

The findings cannot be made for approval of this variance. Finding 49 requires that "there are exceptional or extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district." Note that the exceptional circumstance must apply to the project site, not to the project. Staff contends that the applicant has a right to reduce the on-site loading requirements from six full-size loading zones, as required by the zoning code, to one short loading zone, or even to zero. However, the required finding cannot be made. The staff report states that there is not enough room for the loading zones because of the existence of the YWCA and certain unspecified landscaping. However, the staff report does not recognize the possibility of underground or semi-subterranean loading spaces under the new building. I see no reason why that land is not available on this site, especially when the project already proposes removing 34 of 61 protected trees. Such loading zones are commonplace in Pasadena and other urban areas of Southern California. Therefore this variance should not be approved.

5

Approval of the proposed loading zones will create noise for both the hotel residents and the future condominium residents to the south between 2 AM and 5 AM. This factor violates Finding 51 by being "injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare." This will overly burden the general welfare of the neighborhood, one of the most important neighborhoods in the City. Noisy, congested loading operations are proposed for the middle of the night when people are trying to sleep nearby.

6

Number of Parking Spaces

The project proposes no provisions for parking for employees of the hotel and restaurant or for restaurant guests or for ballroom guests. Has the Commission seen the shared parking study prepared by the City's Dept. of Transportation in August, 2015? The study blithely presumes that all of these motorists can find parking places at the Paseo Colorado or elsewhere in the downtown. While many restaurant-goers and banquet-goers will use the valet option, the study does not require that the hotel lease any parking for them. The Commission should ask staff where such conditions have been approved elsewhere in Pasadena, outside of parking districts like Old Pasadena where owners are paying into a joint solution. The shared parking study finds a need for only 80 parking spaces for the hotel, restaurant and banquet facilities in total; that is the number that Kimpton must lease.

7

The EIR says the hotel will generate 240 jobs. Assuming that most of those will be hospitality workers who work during the day, there could be 180 more people working downtown during the day. If 30% use public transit, there would still be 125 more motorists in need of a parking place during the day. The restaurant has 140 seats, which indicates a need for 50 to 70 parking spaces just for the restaurant. Will the restaurant be open at the same time as there are banquets in the ballroom? Surely it will. Adding all the parking needs together comes to a total of 400 perhaps, not 80, and 275 of those cars will be served by a substandard and dangerous valet zone on Marengo Avenue.

Variance for First Floor Height

The findings for approval of this variance cannot be made. The staff's proposed findings for Finding 44 and 48 are in conflict. In Finding 44, staff says that the need to rehab the YWCA means that there are a certain number of hotel rooms that must be designed into the project. However, complying with the first floor height would eliminate one floor of hotel rooms and conflict with the economics required to rehab the Y. In Finding 48, the proposed findings say cost is not the sole reason for requesting the variance. If the whole argument is about the economics of the project, these statements are in conflict.

8

Furthermore, Finding 44 requires that "there are exceptional or extraordinary circumstances or conditions applicable to the project site that do not apply generally to sites in the same zoning district." Staff sites the existence of the YWCA as the exceptional circumstance because it already has a tall first floor that can be used for the hotel lobby, restaurant and ballroom. However, as Planning staff has told me recently in regard to another project, there must be a nexus between the exceptional circumstance and the variance request, and there is none in this case. How does the YWCA's existence make it

difficult or impossible for the hotel to have a 15-foot minimum first floor height? It doesn't. Indeed the tall first floors of the Y encourage the addition to have tall first floors for design compatibility, rather than discouraging meeting the zoning code.

Finding 45 is also insufficiently made; it does not state what property right there is that the applicant is being denied if they have to build a 15' first floor height. Comparison to the economics of other hotels is not supported by evidence that these other hotels do not have 15' high first floors or do not comply with this code.

9

Postponement of findings regarding the Tree Protection Ordinance:

In the past, whenever the Planning Commission, the Zoning Hearing Officer, the Design Commission or the Historic Preservation Commission approved a development project, there was a finding made on page one of the staff report that the project complied with the Tree Protection Ordinance based on an analysis of the project submittal. (For example, see the notices for CUP 6299 and HDP 6420 in the Zoning Hearing Officer's agenda for July 6.) Why is no such finding required in this case? Why is staff giving unfair and inconsistent treatment to this project? How is staff able to assure the Commission and the public in this case that everything will be fine when no details are presented at all? Approval without review of a Tree Protection Plan at this time is inconsistent with City policy and improper. I am personally aware of all of the work involved in reviewing tree removals for the Ambassador West project, for which I was the case manager; this was accomplished prior to any other approvals.

10

Blocking Views from approved Condominiums to the South:

Several Findings, such as Findings 8 and 14 for the CUP to allow a Hotel on this site, require view protection. These Findings state, "The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection. (bolding added)" The staff's stated finding says, "There are no existing land uses to the south of the project that would have views of the mountains to the north blocked by the proposed project." This is probably true; however, staff ignores the future condominium land use just 60 feet to the south that has already been approved by the City; their views will undoubtedly be affected, and mostly blocked completely. For some reason staff has ignored half of the criteria in this finding, i.e. future land uses. Therefore a positive response to Findings 8 and 14 cannot be made for the project.

11

Alcoholic Beverages pose a Problem:

Finding 17 requires consideration of whether approval of alcoholic beverages will "detrimentally affect the nearby surrounding area" especially considering "residential uses," parks, schools, churches, etc. The proposed finding fails to recognize the existence of Centennial Place, just north of the project. Centennial Place is housing for formerly homeless persons operated by Union Station. Many formerly homeless persons are recovering alcoholics or recovered alcoholics. The site not only proposes a full bar inside the facility, but also outdoor dining and drinking in the public property right across the street from the entrance to Centennial Place. In order to keep from encouraging Centennial Place residents

12

from being attracted to the bar, staff has appropriately recommended Condition #24 that prohibits alcohol sales to people other than hotel guests and restaurant or banquet patrons. However, an additional condition of approval is needed to bar any alcohol on patios visible from the Centennial Place residence. The residents of Centennial Place who have committed to abstaining from a habit they loved in the past should not have to see hotel patrons imbibing and enjoying alcohol when those residents enter or leave their homes at Centennial Place.

12

EIR is inadequate by providing project objectives that are not shared with the public:

Numerous EIR commenters noted that the project objectives include economic feasibility factors. When commenters asked for more details on the City's definition of economic feasibility or the "years to recoup its investment" (e.g. Planning Commissioner Hansen on page 3-298 and response 12 -54), the EIR says economics are not an environmental matter. This obfuscation is a denial of the public's right to participate in environmental review and discussion of the project's merits and demerits, which is the key goal of CEQA's adoption in 1970. This makes the EIR completely inadequate. If the City and the EIR will not answer these questions from the public, the EIR is inadequate and the Brown Act for disclosure of Public Records has been violated.

13

Valet Parking:

The Planning Commission should be asking how well the valet parking will function. This hotel is totally dependent on valet parking, and its valet drop-off area is crammed in next to a busy arterial street with a Class 3 bike route in downtown Pasadena. The valet turnout is considerably smaller than the Westin, Sheraton, Marriott Courtyard, and Hilton Hotels in Pasadena even though those have self-parking available. Yet the Commission has been given no technical analysis about how effectively it will operate for not only hotel guests, but also for banquet and restaurant guests. This valet parking sounds like a feature that will soon bring the proposed four-star hotel down a notch, as well as create untold issues for traffic in the area. When we asked for evaluation of the effectiveness of the valet parking (the EIR resolutely refuses to provide an iota of analysis (e.g. responses 17-27 and 9-14). The public is told that the applicant will prepare a Valet Permit plan to be reviewed later by City staff. This is a critical matter for this project that needs to be reviewed by the Planning Commission. Ignoring it in the EIR makes the EIR inadequate. Ignoring it as part of the CUP review and approval process is also inappropriate.

14

Other EIR inadequacies:

I am not satisfied with the responses in the FEIR to several of the environmental concerns that I and others raised in comment letters, including:

- Cumulative loss of character-defining open spaces in the heart of the Civic Center both south and north of Holly Street is a significant environmental impact on the National Register District. On page 3-10, the EIR admits that the design integrity of the district is affected.
- Traffic safety impacts from the valet parking zone

15

- Removing all landscaping and trees on Marengo frontage and narrowing sidewalk contradicts the landscape theme of the Civic Center and damages the face of the YWCA and should be considered a significant impact
- Lack of review of aesthetics
- Massiveness of the hotel addition subordinates the historic YWCA building.

} 15

It seems that, based on Response 3-3 in the Final EIR, the City and its EIR consultants are bending over backwards to avoid saying there are any significant impacts because doing so would mean the City and Kimpton would not be able to continue to hide the economics of the project.

} 16

I appreciate the Commission's devotion to your job and thank you for reading my letter and considering the points I have made. So, what is the solution? I think back to the Heritage Square project that is being built on Fair Oaks Avenue just north of Orange Grove Blvd. This beautiful project took 20 years and three or four RFP's and developers to come to fruition. Meantime, the historic Decker House on that site stood vacant; but it will now be rehabbed as part of Phase II. The City needs to follow that example, keep the roof and windows of the YWCA tight, and put the project out for new bids since Kimpton says they cannot economically build without the public open space as well as the YWCA parcel. How much money did the City spend in 1923 in today's dollars for our benefit without trying to sell any of the land it purchased to the private sector to recoup its investment? The City should follow the example of our citizenry in 1923 and not attempt to recoup all of the \$8.3 million dollars right away.

Thank you for your interest in my points.

Sincerely,

Darrell Cozen

Letter #13: Darrell Cozen

Response to Comment 13-1: See Response to Comment 1-1.

Response to Comment 13-2: See Responses to Comments 6-3 and 12-9.

Response to Comment 13-3: The project proposes establishment of an uncovered patio space along Holly Street to be used intermittently for events. Because no above-ground structures would be constructed that would obscure views to City Hall, this land will continue to be available for the purpose for which it was originally purchased, which was to create a visual approach to City Hall. As such, it is not surplus property.

Response to Comment 13-4: The commenter raised this same comment in a letter dated March 9, 2016, which was included in pages 3-64 through 3-68 of the Final EIR (Comment 23 on page 3-68) and this comment was responded to on page 3-77 of the Final EIR.

Response to Comment 13-5: While it is true that an underground loading zone could be considered for the project, staff would not support such a configuration because it would be an incompatible design within the Civic Center Core precinct. There are no other subterranean garage/loading ramps in the immediate vicinity and introducing such an incompatible design feature in close proximity to City Hall and other important historic resources would not be recommended. Use of the at-grade loading area proposed and the public right-of-way if necessary is consistent with loading operations throughout the Central District.

Response to Comment 13-6: The project will be required to comply with the City's Noise Ordinance, which will ensure that the loading zone will not be injurious to property or improvements in the vicinity of the development site or to the public health, safety or general welfare. See Response to Comment 6-9 for more information about the status of the Greyson project at 254 E. Union Street and Response to Comment 9-23 on page 3-77 of the Final EIR regarding CEQA Guidelines regarding study of impacts on future projects.

Response to Comment 13-7: The shared parking study prepared for the project, included as Attachment K to the agenda report prepared for the August 15, 2016 City Council meeting, evaluates the parking needs of the hotel and does not establish any requirements for the project. The recommended condition of approval #12 requires evidence to be provided to demonstrate that the owner of one or more nearby parking structures authorizes the use of the 136 parking spaces recommended in the shared parking study for use of the hotel and a study demonstrating that those spaces are available for the hotel's use. The study also demonstrates, in Table 1, that 240 parking spaces would normally be required by the Zoning Code, not 400 as suggested in the comment. The safety of the valet zone is addressed in Response to Comment 9-15 on page 3-73 of the Final EIR and is found not to be a safety hazard.

Response to Comment 13-8: In the draft findings prepared for the July 13, 2016 Planning Commission meeting and the findings prepared for the August 15, 2016 City Council meeting, finding #44 states the following:

The proposed project is a redevelopment of an existing development site and is therefore constrained by the existing building, namely the historic YWCA building, which will be rehabilitated as part of this project. The primary support functions of a new hotel (lobby, restaurant, banquet facilities, lounges, etc.) would typically be within an elevated ground floor; however, the existing historic YWCA will be used for these purposes and the new building will consist of hotel rooms on the ground floor, which do not require an elevated ground floor. Therefore, the existing YWCA on the site is an exceptional circumstance that does not apply to other sites in the CD-2 Zoning District.

This response does not indicate that a certain number of hotel rooms are needed to build the project; therefore, the commenter is incorrect in stating that this finding is in conflict with finding 48, which requires that “cost to the applicant is not the primary reason for granting the variance.”

Response to Comment 13-9: If required to build a 15-foot-high ground floor, one floor of hotel rooms would be lost and would result in hotel rooms with unusually high-ceilings that do not properly align with the historic YWCA building, which would be a substantial hardship. Because the building is designed to appear to have a taller ground floor on the exterior, there is no public benefit to requiring a 15-foot-high ground floor on the interior. See also Response to Comment 1-2.

Response to Comment 13-10: The Tree Protection Ordinance establishes procedures and requirements for the removal of public trees and of private trees, which are different from each other. PMC Section 8.52.070.A establishes the procedure for requesting removal of private trees in conjunction with a proposed development project while Section 8.52.076 establishes a different and stand-alone procedure for requests to prune or remove public trees. By virtue of their locations on land owned by the City of Pasadena, all of the trees on the site are public trees subject to the stand-alone review procedures in Section 8.52.076. The Urban Forestry Advisory Committee reviewed the proposed tree removals on August 3, 2016 and recommended that project alternatives that have a lesser impact on public trees, particularly the Sister City Trees, be considered and also continued the consideration of the public tree removals until after the Design Commission reviews the project in order to allow the Committee to review a landscape plan for the project. In addition, UFAC recommended that all trees in fair to good condition that are proposed to be removed be reviewed by a Certified Arborist to determine potential candidates for relocation.

Response to Comment 13-11: The finding regarding view protection is applicable in areas of the City where there are regulations related to view protection, such as within Hillside Overlay Districts. Within the urban, non-hillside areas of the City, there are no regulations related to view protection and, therefore, this does not apply to the YWCA/Kimpton Hotel project location. See Response to Comment 6-9 for more information about the status of the Greyson project at 254 E. Union Street and Response to

Comment 9-23 on page 3-77 of the Final EIR regarding CEQA Guidelines regarding study of impacts on future projects.

Response to Comment 13-12: As stated by the commenter, the recommended conditions of approval prohibit the sale of alcoholic beverages to people other than hotel and restaurant patrons and guests. This condition is sufficient to ensure that the project will not cause a detrimental effect on the Centennial Place apartments due to the sale of alcoholic beverages.

Response to Comment 13-13: Information on economic factors of a project need not be provided in an EIR, and standard in CEQA practice is for lead agencies to exclude such information from EIRs. However, if economics is a factor in rejecting an alternative as infeasible, the information must be set forth elsewhere in the administrative record. (See Kostka and Zische, Practice Under the California Environmental Quality Act, § 13.10, pp. 635-636 (CEB, 2016).) That economic information is set forth in the administrative record in this matter, primarily in the presentation to the Planning Commission on July 13, 2016, as well as in Attachment Q to the agenda report prepared for the City Council meeting of August 15, 2016. Accordingly, the EIR is not inadequate for not including economic information regarding the project, and there has not been any violation of CEQA or the Brown Act in this regard.

Response to Comment 13-14: The commenter raised this same comment in a letter dated March 9, 2016, which was included in pages 3-64 through 3-68 of the Final EIR (Comment 14 on page 3-66) and this comment was responded to on page 3-72 of the Final EIR.

Response to Comment 13-15: This comment does not provide substantial evidence to indicate that the analysis in the EIR is inadequate regarding impacts to the Pasadena Civic Center Historic District, traffic safety, removal of landscaping, lack of review of aesthetics, or scale of the hotel addition.

Response to Comment 13-16: The EIR contains a thoughtful, independent analysis by qualified professional environmental consultants of the potential environmental impacts of the project. It identifies potentially significant impacts in the areas of cultural resources, noise and traffic and determines that with the implementation of mitigation measures, these impacts can be mitigated to a less-than-significant level. As such, it is inaccurate to suggest that the EIR consultants have somehow ignored or inaccurately evaluated the potentially significant impacts of the project.

