



Agenda Report

September 9, 2019

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT #11879 LOCATED AT 127 AND 141 NORTH MADISON AVENUE

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects) and that there are no features that distinguish this project from others in the exempt class. Therefore, there are no unusual circumstances; and
2. Uphold the Board of Zoning Appeal's decision and approve Affordable Housing Concession Permit #11879.

EXECUTIVE SUMMARY:

The proposed mixed-use project associated with Affordable Housing Concession Permit #11879 has undergone significant modifications in response to issues raised on appeal. The overall height and massing have been reduced, a greater setback is provided to the historic Blinn House property to the west, at grade parking has been eliminated, and the ground floor commercial office component has shrunk.

As a result, the applicant is requesting two affordable housing concessions that would facilitate the construction of a 72,000 square-foot, five-story mixed-use project consisting of 49 residential units (including four units dedicated to "very-low income" households), 2,500 square feet of commercial office, and 87 parking spaces (two levels partially subterranean) on a project site located at 127 and 141 North Madison Avenue. The request specifically includes:

- i. A concession to exceed the maximum floor area ratio (FAR). The applicant proposed a 2.25 FAR where the Zoning Code limits the maximum to 1.5;
- ii. A concession to exceed the maximum height limit. The applicant proposed a building height of 60' (no height averaging) where the Zoning Code limits the maximum to 50 feet, or 65 with height averaging; and
- iii. Private tree removal to allow the removal of four protected trees on private property that would be replaced with trees that emphasizes a tree canopy that is sustainable over the long term in conjunction with Municipal Code Chapter 8.52.075.A (Private property tree removal and landmark tree pruning permits – Issuance).

DISCUSSION:

On July 22, 2019, the City Council was to consider at a noticed public hearing an appeal of the Board of Zoning Appeals' decision of Affordable Housing Concession Permit #11879. The item was placed on the City Council agenda, publicly noticed, and a report was prepared by the staff. Due to time constraints created by preceding agenda items, the City Council directed staff to continue the item to a date uncertain. Subsequent to the continuation, the applicant received feedback from the appellant (group consisting of Pasadena Heritage, the Women's City Club of Pasadena, and the Blinn House Foundation), and in response, submitted revised plans.

The original project, as described in the July 22, 2019, City Council staff report included a request for two affordable housing concessions (2.25 FAR and 62' height) and removal of four protected trees on private property. The requests were to facilitate the construction of a five-story (62 feet tall) mixed-use project consisting of 49 dwelling units (4 "very low-income" units), 72,000 square feet (4,210 square feet of office), and 101 parking spaces (at grade and one level of subterranean parking). The feedback provided by the appellant, that was made available to the staff, expressed the following:

- Move all or most parking underground;
- Move underground parking further from the rear (west) property line away from the Blinn House and use the additional area for new trees;
- Move some units from the upper floors to the ground floor;
- Remove the fifth floor or alternatively set back the fourth floor and reduce the fifth floor;
- Reduce or eliminate the commercial space to reduce parking;
- Arrange courtyard so that it is more visible from the street;
- Preserve new/replacement trees

The revised project continues to include a request for two affordable housing concessions (2.25 FAR and 60' height), and removal of four protected trees on private property. The concessions would facilitate the construction of a five-story (60' tall) mixed-use project consisting of 49 dwelling units (4 "very low-income"), 72,000 square

feet (2,500 square feet of office), and 87 parking spaces (two levels partially subterranean parking). Subsequent to the July 22, 2019, Council meeting, and in response to specific requests made by the appellant, the applicant has proposed the following modifications:

- Reduced the maximum building height from 62' to 60';
- Removed at-grade parking and located all spaces underground;
- Moved the first subterranean level seven feet from the rear (west) property line, and two feet from side (north and south) property lines where originally built to the rear and side property lines;
- Added a partial, second subterranean level (14 spaces) that maintains 62' to the rear (west) property line, and two feet to the side (north and south) property lines;
- Moved nine units from the upper floors (1 unit from the 2nd, 1 unit from the 3rd, 5 units from the 4th, 2 units from the 5th) to the ground floor;
- Reduced the building volume and floor area at the fourth (18,384 sf to 13,231 sf) and fifth floor (12,808 sf to 6,933 sf);
- Expanded the setbacks from the rear (west) property line at the fourth (5' to 10') and fifth floor (6' to 10');
- Reduced the commercial floor area (4,210 square feet to 2,500 square feet) and total parking space count (101 to 87);
- Expanded the central courtyard from 2,806 square feet to 3,507 square feet;
- Expanded visibility into the central courtyard through an additional opening at the 2nd floor frontage;
- Expanded the number of new/replacement trees from 14 to 22 by proposing new trees within the rear (west) setback

The applicant has made significant and meaningful adjustment to the plans associated with the project in response to the concerns raised by the appellant, including adjustments to the overall height and massing, setback from the historic Edmund Blinn House (to the west), removal of at grade parking and revisions to the ground floor commercial space. The revised project also responds contextually with its surroundings.

All new construction on the property is subject to design related goals and policies in the Land Use Element of the General Plan and the Central District Design Guidelines. For projects of this size, the design of the proposed new construction is evaluated through the Design Review process, with the Design Commission being the review authority. One of the main purposes of the Design Review process is to ensure contextual compatibility. In this case, the surrounding context is mixed, but with a strong representation of traditional architectural design. The property is located between two National Register Historic Districts (Ford Place Historic District to the west, and the Pasadena Playhouse Historic District across the street to the east). Within the Ford Place Historic District is the Edmund Blinn House at 160 North Oakland Avenue, which is directly adjacent to the west of the subject property.

The revised project generally responds well to its surrounding context in terms of height, setbacks and its preliminary relationship to the street; however, through the required

Design Review process, the massing of the building should continue to be refined to pursue greater levels of articulation to avoid the appearance of a vertical extrusion of the building footprint, as recommended in the relevant design guidelines. Specifically, the design of the building should carefully respond to the adjacent and nearby lower-scaled existing historic resources and the contemporary architectural style and the design should be further refined to illustrate how the building relates to Pasadena's architectural legacy and climate. Through the Design Review process, the design team should explore ways to create a more site-specific design that reinforces the quality architecture in the context that the project exists. In addition, the aforementioned nearby historic resources should provide a vital architectural context for the proposed building and should be closely examined as the project moves forward to, possibly, glean stylistic and massing cues for the new architecture at the site.

Although the property is not a designated or eligible historic resource or within the boundaries of a Historic District, it is subject to the design related goals and policies in the Land Use Element of the General Plan and the Central District Design Guidelines, which take into account proximity to older and historic buildings and contain specific guidelines to address how new projects should respond to their respective contexts. The Secretary of Interior's Standards for Rehabilitation and Illustrated Guidelines also provide relevant guidance on context sensitive development. In order to achieve the greatest level of contextual compatibility, staff recommends additional conditions of approval that have been incorporated into Attachment B that would require the project address the following at Concept Design Review:

- The Design Commission, in its review of the Concept Plans, shall pay particular attention to the transition of the proposed project with respect to the Blinn House to ensure the building respects the scale, massing and materials of adjacent buildings and landscape. *Central District Design Guidelines: Building Design 1.3*
- The Design Commission, in its review of the Concept Plans, shall pay particular attention to the proposed design to ensure that the project achieves a design that breaks down the scale and massing of larger buildings. *Central District Design Guidelines: Building Design 2.1.*
- The Design Commission, in its review of the Concept Plans, shall ensure that the design achieves articulated sub-volumes and horizontal regulating lines to provide a visual transition to adjacent structures that are smaller in scale." *Central District Design Guidelines, Urban Residential 1.3.*
- The Design Commission shall require that future refinements to the project at the Concept Design Review stage continue to demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics. *General Plan Land Use Element Policy 4.11.*

- The Design Commission shall require that future refinements to the project at the Concept Design Review stage continue to demonstrate that the scale and massing of the project provide appropriate transitions in building height and bulk and are sensitive to the physical and visual character of adjoining lower-density neighborhoods. *General Plan Land Use Element Policy 4.12.*

Pursuant to Zoning Code Section 17.72.070.B.2 (Processing and Action on Appeals or Calls for Review – Action on appeals or calls for review – Consideration of submitted application, plans, and materials), and because the hearing before the City Council is a de novo hearing (where the City Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision), the City Council may consider revised plans and materials. In this case, the plans and materials do not differ substantially from the materials submitted for the original decision by the Hearing Officer, and subsequently, the Board of Zoning Appeals. The revised project maintains the same FAR, unit count, and number of floors, while incorporating reductions in building height and parking count. The project continues to arrange the residential units around a central courtyard that is located behind a ground-floor commercial office use at the street frontage. New and replacement trees identified on the revised landscape plan adhere to the City's replacement matrix and respond to a finding (#6), necessary for removal. Additionally, the project is designed to comply with all applicable provisions in the Zoning Code, with the exception of the requested concessions for FAR (2.25) and building height (59'11").

Pursuant to California Government Code Section 65915, the City shall grant the concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c);
2. The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households;
3. The concession or incentive would be contrary to state or federal law.

As discussed in the July 22, 2019 City Council staff report, staff concluded that there was no evidence in the record that the original concessions requested for FAR (2.25) and height (62') do not result in identifiable and actual cost reductions; 2) would have a specific, adverse impact (as defined in State law); or 3) would be contrary to state or

federal law. The applicant's revised project with concession requests for FAR (2.25) and height (60') do not change staff's conclusions. There is not sufficient evidence for the City to reject the FAR and height concessions associated with the revised project. To support this conclusion, memorandums discussing financial characteristics and applicability of the California Environmental Quality Act (CEQA) Class 32 In-Fill exemption are included as Attachments C and D, respectively. The memorandums supplement the technical analyses provided as part of the July 22, 2019 City Council staff report.

CONCLUSION:

It is staff's assessment that the applicant has made significant and meaningful changes to the proposed project in response to comments raised on appeal. The changes have resulted in a more compatible project with recommended conditions that would ensure the final design is contextual and relates to the adjacent historic resources.

Staff has also determined that there is no evidence in the record demonstrating that the concessions do not result in identifiable and actual cost reductions to provide for affordable housing costs or that the concessions would have any specific adverse impacts (as defined by State Law) on public health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources. The requested concession would be granted consistent with the procedures and requirements established by California Government Code Section 65915 (Density Bonuses and Other Incentives) and would not be contrary to any state or federal laws. Further, the applicant's landscape plan demonstrates replacement trees proposed adhere to the City's replacement matrix. Therefore, the proposed tree removal would satisfy required Finding No. 6. Therefore, staff recommends that the City Council approve the Affordable Housing Concession Permit and Private Tree Removal Permit associated with the revised project, with the findings in Attachment A and the Conditions of Approval in Attachment B.

FISCAL IMPACT:

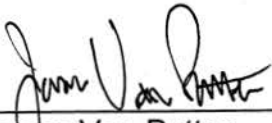
There is no fiscal impact as a result of this action and will not have any indirect or support cost requirements.

Respectfully submitted,



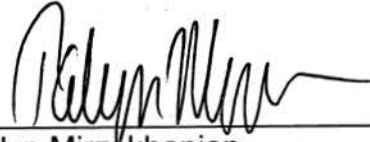
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Attachments (7):

- Attachment A – Findings
- Attachment B – Conditions of Approval
- Attachment C – City Council Staff Report dated July 22, 2019
- Attachment D – Appeal Application of Board of Zoning Appeals' Decision dated June 17, 2019
- Attachment E – Financial Analysis Memorandum
- Attachment F – CEQA Memorandum
- Attachment G – Revised Project Plans