

Agenda Report

July 15, 2024

TO: Honorable Mayor and City Council

THROUGH: Planning Commission (May 8, 2024)

FROM: Planning & Community Development Department

SUBJECT: **APPROVE CONDITIONAL USE PERMIT #6926 TO ALLOW THE CONSTRUCTION OF A NEW AUTO DEALERSHIP (PASADENA RUSNAK PORSCHE) AND VACATION OF NINA STREET FROM SUNNYSLOPE AVENUE TO ITS EAST TERMINUS – 2915 EAST COLORADO BLVD. AND NORTH SUNNYSLOPE AVE.**

RECOMMENDATION:

It is recommended that, following a public hearing, the City Council:

1. Adopt the Mitigated Negative Declaration in Attachment C and Mitigation Monitoring and Reporting Program in Attachment D;
2. Adopt the findings in Attachment A and approve Conditional Use Permit #6926, with the conditions of approval in Attachment B;
3. Adopt a Resolution of Intention to vacate Nina Street from Sunnyslope Avenue to its eastern terminus;
4. Set a public hearing for Monday, August 26, 2024, at 5:30 p.m. to consider the proposed street vacation prior to the adoption of the Resolution Ordering the Vacation in accordance with the requirements and recommendations contained in this report and subject to conditions herein; and
5. Direct the City Clerk to publish and post a Notice of Hearing in accordance with the requirements of the Streets and Highways Code Sections 8320, et seq.

PLANNING COMMISSION RECOMMENDATION:

On May 8, 2024, the Planning Commission held a public hearing to consider Conditional Use Permit #6926 to establish an auto dealership (Pasadena Rusnak Porsche) and to vacate the eastern terminus of Nina Street. Following deliberation, the Planning Commission recommended that the City Council:

- Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with a 7-0 vote;
- Approve the street vacation and transfer of ownership to a private owner with a 7-0 vote; and
- Approve the Minor Variance to allow a greater corner setback along Sunnyslope Avenue with a 6-1 vote.

The majority of the Planning Commission determined that the project did not comply with the East Colorado Specific Plan (2003). Specifically, that the project was not consistent with the intent of the specific plan in that it does not create a pedestrian oriented environment, particularly with the placement of parking in front of the building, and does not provide a defined street edge with a continuous building wall and questioned why the trellis structure could not wrap the corner and extend further along Sunnyslope Avenue. The Commission was also concerned that the design of the building was a company prototype that was not unique to Pasadena. They recognized that Rusnak was an important business in the community, and they were in a difficult position to adhere to Porsche corporate design standards while being responsive to the code requirements and design comments provided on the project. The Commission recommended that the City Council:

- Deny the Conditional Use Permit to allow the establishment of a vehicle sales and leasing land use with a 5-2 vote; and
- Deny the Conditional Use Permit to allow new construction over 25,000 square feet with a 4-3 vote.

PLANNING COMMISSION AND SUBCOMMITTEE BACKGROUND:

On July 27, 2022, the Planning Commission originally reviewed the Conditional Use Permit application to establish the auto dealership (Pasadena Rusnak Porsche) and to vacate the eastern terminus of Nina Street. The project included the construction of a new two-story auto dealership with repair services. The project reviewed by the Planning Commission, at that time, proposed to demolish all existing structures on the site, including the Swanson and Peterson building located at 2914 E. Walnut Street, and requested *two* Minor Variances to exceed maximum street setback requirements along both Colorado Boulevard and Sunnyslope Avenue.

At the conclusion of the public hearing, a motion was made to continue the hearing to a date uncertain, for a period of at least 60 days. The purpose of the continuance was to: 1) allow the applicant an opportunity to give consideration to the retention of the Swanson and Peterson building; 2) address the Design Commission's recommendations from the Preliminary Consultation from the May 24, 2022 meeting (Attachment F); and 3) for the applicant to consider a layout that is in conformance with the established setbacks.

After the public hearing, the applicant team worked towards revising their development plans to respond to the Planning Commission's recommendations. The applicant made these changes to the project:

1) Swanson and Peterson Building

The applicant is proposing to retain the building and adaptively reuse it to integrate it into the project. The building would be used to service vintage Porsche vehicles and provide a lounge for customers and enthusiasts.

2) Response to Design Commission Preliminary Consultation Recommendations

The project incorporates these changes related to land use recommendations:

Recommendation No. 2: *As the landscape design is developed, consider the use of alternative pavement materials that are permeable, and that reduce solar heat gains as further sustainability enhancements to the project. In addition, the open parking areas of the site should be richly landscaped to soften the paved areas and the building itself.*

The project includes permeable grasscrete for the entirety of the vehicle display area fronting Colorado Boulevard. In addition, areas not used for vehicles will be landscaped with a variety of trees, hedges, and groundcover.

Recommendation No. 3: *Consider a freestanding structure along the street edge to enhance the pedestrian environment, and to create a relationship to the broader context of Pasadena's architectural legacy along Colorado Boulevard.*

The applicant collaborated with Art Center to respond to this comment. The revised project includes a freestanding, trellis-like, metal finished sculpture at the front of the property, along the Colorado Boulevard frontage. The structure will be located along the front property line, complying with the setback, and will be used to visually frame a portion of the outdoor vehicle display while also activating the street edge.

Recommendation No. 5: *Explore the feasibility of retaining and adaptively reusing the existing brick building at the north end of the site fronting East Walnut Street. Relocation of the building to another area on the project site may be appropriate in order to retain and reuse it.*

The applicant is proposing to retain the building and integrate it into the project.

3) Setbacks

The revised project includes a freestanding metal sculpture at the front of the property, along the Colorado Boulevard frontage. The structure will be located along the front property line, set back five feet, in compliance with the front setback requirement. Although the sculpture structure was designed to engage with the front of the project site, near the street edges, the project requires a Minor Variance to deviate from the corner side setback on Sunnyslope Avenue. The required setback is 5 feet, fixed. The

sculpture structure is setback approximately 43 feet from the corner property line to allow the outdoor display of vehicles that is needed for the proposed use.

Subcommittee of the Planning Division

Before presenting the revised project to the entire Commission, an ad-hoc subcommittee of the Planning Commission was formed to review the project.

The subcommittee met with staff and the applicant team on November 15, 2023, and December 6, 2023. At the November meeting, the subcommittee commended the applicant team for retaining the Swanson and Peterson Building and for including it in the programming of the project. The applicant team provided an overview of the collaboration between Rusnak, Porsche, and ArtCenter on the development of the sculpture structure and the intent of the structure to respond to comments received from the Planning Commission and Design Commission. The subcommittee did not find the sculpture structure to be appropriate and encouraged the applicant team to consider other means to engage the street, including but not limited to a smaller building sited at the corner of East Colorado Boulevard and Sunnyslope Avenue, introducing projecting roofed elements to the main building, such as a porte-cochere, that extends to the front property line, or a combination of a smaller building and colonnade at the corner that reflect architectural elements from the main auto dealership building. If the sculpture structure was going to be further pursued, the subcommittee recommended that the design be improved.

At the December subcommittee meeting, the applicant team shared that Rusnak returned to Porsche with the suggestions of the subcommittee but was informed that adherence to branding and design standards would not allow the suggested options to be built in front of the main auto dealership building. Each of the alternatives obstructed views of the building and the display of vehicles. Rusnak indicated that they could incorporate the subcommittee comments to improve the design and siting of the sculpture structure.

BACKGROUND:

Site Characteristics:

The subject 4.4-acre project site encompasses eight contiguous parcels (2914, 2926, 2932, 2940 & 2948 E. Walnut Street; 2929 & 2942 Nina Street; and 40 N. Sunnyslope Avenue) and is currently bisected by Nina Street, which is accessible from N. Sunnyslope Avenue. The site is rectangular and is bounded by East Walnut Street on the north, North Sunnyslope Avenue on the west, and East Colorado Boulevard to the south. North of Nina Street, the site is occupied by commercial buildings, a garage structure, surface parking, and a vacant lot. South of Nina Street, the site is occupied by a commercial building and surface parking. The site slopes from east to west with an 11-foot grade change from the northwest to southeast corners of the property.

Project Description:

The project involves the demolition of the existing improvements on seven parcels, which includes commercial buildings and surface parking lots, and retention of an existing 13,585 square-foot two-story building at 2914 E. Walnut Street (Swanson and Peterson building) for adaptive reuse. The project would construct a new 58,849 square-foot auto dealership building, which is proposed to be 36-feet tall with rooftop parking. The front two-story portion of the structure, totaling approximately 27,410 square feet, would be occupied by the sales office area with interior vehicle display. The rear, first level of the structure, totaling approximately 31,439 square feet, would be occupied by the auto service portion of the dealership and parts storage. Parking would be provided on the second level, and rooftop, above the auto service portion of the structure. A total of 158 customer and employee parking spaces and 84 display and inventory spaces are proposed in the structure and as surface parking throughout the site. A 298 square-foot battery storage structure is proposed along the east property line, and a 4,864 square-foot car wash structure is proposed at the northeast portion of the site, along Walnut Street, for exclusive use by the auto dealership.

Outdoor display of vehicles is proposed throughout the site, including along the Sunnyslope Avenue and Colorado Boulevard frontages, with a trellis structure over the display area along the Colorado Boulevard frontage. The sculpture structure would be irregularly shaped, with an overall length of approximately 138 feet, a maximum depth of approximately 30 feet, and a height of approximately 15 feet. The display structure would be open on all sides with an open roof. On-site improvements are proposed throughout the project site, to include paving, landscaping, and lighting.

The portion of the site north of the Nina Street centerline is located within the EPSP-d1-IG (East Pasadena Specific Plan, Subarea d1, Industrial General) zoning district, while the portion south of the Nina Street centerline is located within the ECSP-CG-6 (East Colorado Specific Plan, Chihuahueta sub-area) zoning district. In both zoning districts, the establishment of a new auto dealership requires approval of a Conditional Use Permit. Furthermore, pursuant to Section 17.61.050.J.2 of the City's Zoning Code, a Conditional Use Permit is required for new construction of nonresidential projects exceeding 25,000 square feet of gross floor area.

Within the ECSP-CG-6 zoning district, a five-foot fixed setback is required along the front and corner side property line, in this case, Colorado Boulevard and Sunnyslope Avenue. The project proposes a five-foot setback from Colorado Boulevard and a 43-foot setback from Sunnyslope Avenue. A Minor Variance is required to deviate from the setback requirement along Sunnyslope.

Lastly, the project proposes the vacation and incorporation of the eastern terminus of Nina Street, from Sunnyslope Avenue into the project site.

Entitlements:

Conditional Use Permit: To allow the establishment of an auto dealership use

The Conditional Use Permit process allows the City to review a project to determine if the proposed use is compatible with the surrounding area, and in conformance with the General Plan and the purpose and intent of an applicable specific plan.

The site is located within a general vicinity of other sites that are developed with similar vehicle services and other commercial uses. Automobile showrooms, sales, leasing, as well as businesses devoted to servicing automobiles and other related auto related uses, have been historically located along these segments of Colorado Boulevard and Walnut Street. The proposed auto dealership would be compatible with businesses in the area.

The project will comply with all applicable development standards including setbacks, building height, landscaping, parking, and floor area ratio with the exception of the Minor Variance for the corner setback.

The auto dealership is also subject to use specific development standards. These standards are intended to minimize impacts to surrounding uses by limiting the floor area dedicated to vehicle repair to a maximum of 40 percent of the lot area; requiring all repair services to be conducted within an enclosed structure; requiring the enclosed structure to be soundproofed and prohibiting entrances to service bays from facing the public right-of-way. As designed, the project complies with all use specific development standards.

The auto dealership is also subject to specific operational requirements to minimize impacts to surrounding uses by limiting the hours of operation for vehicle service between 7:00 am and 7:00 pm, Monday through Saturday; prohibiting the storage of damaged vehicles; requiring the removal of discarded vehicle parts from the premises etc. Conditions of approval are included to ensure compliance with all operational requirements.

Conditional Use Permit: To allow construction over 25,000 square feet

A Conditional Use Permit is required for new construction of a nonresidential project that exceeds 25,000 square feet of gross floor area. The proposed project is the construction of a new 58,849 square-foot auto dealership.

The size of the building will be similar to others in the immediate area. Existing improvements surrounding the site include one- and two-story commercial structures. Adjacent, to the east, is an existing 40,438 square-foot auto dealership (Rusnak Audi). To the east of Rusnak Audi is Gahnal Lumber comprised of multiple buildings totaling approximately 40,500 square feet in size. To the east of Kinneloa Avenue, which is

approximately 500 feet from subject site, is an approximately 154,000 square-foot retail store (Target), and to the north of the site, across Walnut Street, is an approximately 140,000 square-foot retail store (Home Depot). The construction of a 36-foot tall, 58,849 square-foot auto dealership will be compatible with the scale of buildings in the area.

Minor Variance: To exceed a corner side setback (Sunnyslope Ave)

Within the ECSP-CG-6 zoning district, a five-foot fixed setback for structures is required along the front and corner side property line, in this case, Colorado Boulevard and Sunnyslope Avenue. The five-foot setback is required to be landscaped. The intent of this setback is to implement a purpose of the East Colorado Specific Plan to “create a pedestrian-friendly environment that balances the needs of pedestrians and vehicular traffic, recognizing the heavy local and regional use of Colorado Boulevard.” The intent of the specific plan is to have engaging spaces for pedestrians, and this can come in different forms. The proposed trellis meets the standards to be considered a structure and in this case provides an engaging experience for pedestrians and other travelers along Colorado Boulevard.

The sculpture structure would provide a five-foot setback, with landscaping, and comply with the front setback standard along Colorado Boulevard. The structure is proposed to be setback approximately 43’ from the Sunnyslope Avenue frontage, exceeding the fixed five-foot corner side setback.

A Minor Variance allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when specific findings are made in the affirmative. These findings relate to special circumstances related to the property; not granting of special privilege; meeting the intent and purpose of any applicable specific plan and the purposes of the Zoning Code; and that the request would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

The subject site has a change in grade that descends from east to west, throughout the site and along the Colorado Boulevard frontage, from Sunnyslope Avenue to the eastern extent of the project site; unlike most sites on Colorado Boulevard that have a natural change in grade that descends from north to south. The resulting condition is an 11-foot grade change from the northwest corner of the site to the southeast corner. This condition constrains the ability to place the main auto dealership building at the required setback. If it were placed at the setback, it would impact vehicular access to the site by needing steeper driveways from Colorado Boulevard and Sunnyslope Avenue. It would also impact internal vehicular circulation and how cars are moved throughout the building which is an integral component of this use. The location of buildings is also affected by retaining the Swanson and Peterson building and adaptively reusing the space so that programming for the building and the new construction can be achieved.

The trellis structure is proposed to be setback further to allow access for vehicles outdoors which is an operating characteristic of the proposed use. Vehicle Sales relies

heavily on the external operations and circulation- more so than a traditional retail store or office building. The grade of the site in combination with the retention of the existing Swanson and Peterson building results in unique conditions at this site that warrant the greater setback of the trellis structure along Sunnyslope Avenue. Additionally, the larger setback from Sunnyslope Avenue would allow an uninterrupted view of the proposed dealership building from Colorado Boulevard.

Nina Street Vacation

The portion of Nina Street that is proposed to be vacated is 60 feet wide, from Sunnyslope Avenue to its terminus approximately 276 feet east. It is a dead-end street located one block north of Colorado Boulevard. The Department of Public Works memorandum to the Planning and Community Development Department is included as Attachment E.

The applicant for the street vacation, Rusnak, is the property owner for all abutting properties along both sides of the proposed vacated street segment. The City's interest in the subject segment of Nina Street is an easement dedicated for public street purposes. The fee title of the proposed vacation area is currently vested in Rusnak Daimler Chrysler Center Inc.

Staff has determined that there is no need, present or future, to retain the subject street segment for its intended public purpose, and that its vacation will not cause any negative impacts on the City's transportation system. Relinquishing all rights of the proposed vacation area will relieve the City from future maintenance responsibilities and any liability associated with the vacated area. It is therefore recommended that the subject street vacation be initiated in accordance with the Streets and Highways Code Sections 8320, et seq.

The subject portion of Nina Street currently consists of a 10-foot wide sidewalk on both sides and a 40-foot wide roadway. The street terminates abruptly at the east end and only serves to provide access to the abutting properties. The existing roadway configuration is not in conformance with the standard design for a cul-de-sac. The existing straight-angled configuration does not provide the sufficient turn-around space for public, emergency and maintenance vehicles, rendering it substandard for motorists. The subject portion of land to be vacated is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 6093), which are referenced and attached to the Resolution of Intention to vacate.

Upon Council's adoption of the Resolution of Intention to Vacate, property owners within a 500-foot radius will be notified, and a public hearing will be scheduled for the Council Meeting on Monday, August 26, 2024 to consider the proposed street vacation prior to the adoption of the Resolution Ordering the Vacation. Upon City Council's approval of the Order to Vacate and the applicant's compliance with all associated Conditions of Approval, the final vacation will convey all rights to the abutting property owner, Rusnak Daimler Chrysler Center Inc.

COUNCIL POLICY CONSIDERATION:

The proposed project supports the guiding principles of the General Plan by targeting new development to underutilized infill areas; providing jobs, housing, and services. Additionally, the project would further the City Council's Strategic Plan goals through the creation of job opportunities, as part of construction and operation, that would support and promote the local economy, as well as result in the contribution of property tax, and sales tax to the City.

The Department of Public Works has determined that the proposed street vacation is consistent with the following City Council goals and objectives: Improve, maintain and enhance public facilities and infrastructure; improve mobility and accessibility throughout the City of Pasadena to ensure public safety; and, support and promote the quality of life and local economy.

General Plan Consistency

The Land Use Element of the General Plan provides the following policies that are relevant to the proposed project and detailed in the findings (Attachment A): Policy 1.2 – Targeted Growth, Policy 2.4 – Job Choices, Policy 4.7 – Strengthen Major Corridors, Policy 11.1 – Business Expansion and Growth, Policy 12.4 – Revitalization of Commercial Areas, Policy 25.2 – Compact Infill Development, and Policy 27.1 – Diversity of Uses.

The proposed project is consistent with the aforementioned policies of the Land Use Element of the General Plan. The proposed auto dealership and vehicle service uses would be constructed on existing underutilized properties that are surrounded by mostly commercial and industrial uses. The project will provide additional job opportunities for Pasadena residents, strengthen local economic activity, and attract customers from within the City as well as the greater San Gabriel Valley and Los Angeles areas. The project is designed to retain the Swanson and Peterson building that the Commission and community asked to remain on the site and it is being adaptively reused into the project programming. Further, the applicant engaged the ArtCenter to design a unique trellis structure to provide visual interest for the pedestrian and others that travel along Colorado Boulevard which was a request of the Design Commission during Preliminary Consultation. The use will improve an underutilized site.

Specific Plan Consistency

The portion of the site north of the Nina Street centerline is located within the EPSP-d1-IG (East Pasadena Specific Plan (2000), Subarea d1, Industrial General) zoning district, while the portion south of the Nina Street centerline is located within the ECSP-CG-6 (East Colorado Specific Plan (2003), Chihuahuita sub-area) zoning district. When the new Lamanda Park Specific Plan (LPSP) is adopted, the site will be entirely located

within the LPSP boundaries. This plan is not yet completed, and the project is subject to the requirements of the 2000 East Pasadena and 2003 East Colorado plans.
East Colorado Specific Plan

A majority of the Planning Commission determined that the project was not consistent with the East Colorado Specific Plan because it did not create a pedestrian oriented environment, particularly with the placement of parking in front of the building, and the project does not provide a defined street edge with a continuous building wall. Also, that the design of the project was a generic prototype that was not designed for the site and surrounding area.

The East Colorado Specific Plan (ECSP) consists of six distinct sub areas. The project site is located in the Chihuahuita sub-area. The specific plan indicates that the Sunnyslope Avenue and East Colorado Boulevard intersection is a transition point from the auto-oriented uses to the east, where the project site is located, and the pedestrian oriented Lamanda Park neighborhood to the west. While the specific plan provides for consideration of the pedestrian, the Chihuahuita sub-area is not identified as a pedestrian-oriented area by the specific plan.

The specific plan describes the context of the Chihuahuita Sub Area as a district filled with many auto dealers, easy freeway access and large retailers, which makes this a destination location for neighboring communities and Pasadena residents. The specific plan acknowledges the uniqueness of this auto-dealer oriented area and specifies that these types of businesses should have easy access from the street and parking in the front. The project proposes customer and employee parking towards the rear or within the parking structure, not in the front. The front of the site, adjacent to Colorado Boulevard, will be utilized to display vehicles that are available for purchase. The entirety of the display area will be improved with permeable grasscrete as recommended during Preliminary Consultation. The freestanding, trellis-like, metal structure will be located along the front property line and will be used to visually frame a portion of the outdoor vehicle display while also activating the street edge. A five-foot landscaped planter will be provided between the trellis structure and the vehicle display area. As designed, the project is consistent with the specific plan.

The Commission also noted that the project did not comply with the design guidelines of the specific plan related to providing sufficient building height and mass to spatially define public streets and spaces, discouraging “off the shelf” or “chain” corporate architecture and generic designs, and other related design guidelines addressing site planning and design. If the project is approved, the project would be required to complete the Design Review process where the Design Commission will determine if the project has responded to the Preliminary Consultation comments and if it is consistent with the design-related goals and policies in the General Plan, the design guidelines applicable to specific plans, and the Design Guidelines for Neighborhood Commercial & Multi-Family Residential District. Design Review will include both the trellis structure and the new construction.

East Pasadena Specific Plan

The East Pasadena Specific Plan is divided into three subareas – d1, d2, and d3. The northern half of the project site is located within the d1 subarea of the East Pasadena Specific Plan. The d1 subarea is characterized by the plan as an older industrial area with small- to medium-sized parcels and a mix of commercial uses, with a concentration of auto-oriented businesses, including parts and body shops, as well as auto dealerships that contribute to a significant employment center.

One of the purposes of this subarea is to encourage the subarea's continued use as an industrial district with moderate amounts of additional office and commercial development. The proposed project will advance this purpose by establishing an auto dealership that will be compatible with the industrial and commercial character of the area. The portion of the project in subarea d1 will include the Swanson and Peterson building, to be adaptively reused to service vintage Porsche vehicles, and all of the new auto repair and maintenance activities of the new building. The project is consistent with the East Pasadena Specific Plan and the existing land uses in this subdistrict.

Draft Lamanda Park Specific Plan (LPSP)

The LPSP is a new specific plan that will include areas that are currently in the 2003 East Colorado and the 2000 East Pasadena Specific Plans, which includes the project site. The draft LPSP identifies that the site would be located in a zoning district that is planned to allow auto dealerships. The proposed project is within the planned development intensities (FAR and height) of the draft plan. The LPSP is currently in the process of being created. It will be presented to the Planning Commission, at a public hearing, in the summer of 2024 for a recommendation, then presented to the City Council for a decision sometime after receiving a Planning Commission recommendation. The existing standards for the ECSP and EPSP currently apply to the site.

ENVIRONMENTAL REVIEW:

Michael Baker International conducted the environmental review of the project in compliance with the California Environmental Quality Act (CEQA). This analysis resulted in the preparation of a Mitigated Negative Declaration. All impacts identified in the Initial Study were found to be less than significant, or less than significant with implementation of mitigation measures (Attachment D). The Initial Study identified potentially significant effects related to the following topics: Cultural Resources, Hazardous Materials, and Tribal Cultural Resources. However, with incorporation of mitigation measures, all potentially significant effects would be reduced to a less-than-significant level. The full analysis of these topics, as well as those found to have a less-than-significant impact can be found in the Draft Initial Study and Mitigated Negative Declaration (Attachment C).

CONCLUSION:

Staff is recommending approval of the project with the required findings and conditions as attached to this report. Staff recommends adoption of the Initial Environmental Study and related Mitigation Monitoring and Reporting Program.

FISCAL IMPACT:

The project would generate revenue to the City through tax revenue and would also generate jobs. There will also be reduced street maintenance costs with the vacation of Nina Street.


Respectfully submitted,



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Attachments: (7)

- Attachment A: Specific Findings
- Attachment B: Conditions of Approval
- Attachment C: Initial Study and Mitigated Negative Declaration
- Attachment D: Mitigation and Monitoring Reporting Program
- Attachment E: Public Works Memorandum to the Planning and Community Development Department

Attachment F Design Commission Comments from the May 24, 2022 Preliminary Consultation meeting

Attachment G Development Plans