



September 6, 2019

Pasadena City Council
City of Pasadena
100 North Garfield Avenue
Pasadena, CA 91101

**RE: Appeal of Board of Zoning Appeal's Decision on Affordable Housing
Concession Permit #11879 Located at 127 and 141 North Madison Avenue**

Dear Honorable Mayor and Members of the City Council,

In conjunction with the Women's City Club of Pasadena and the Blinn House Foundation, Pasadena Heritage filed an appeal of the project proposed at 127-141 N. Madison Ave., due to its impacts on historic resources and its inconsistency with Pasadena's General Plan.

We are pleased to say that there have been major revisions to the project by the developer and specific conditions prepared by the Planning Department with our input. As a result, the revised project addresses many of our objections and concerns regarding this specific project.

We accept and are pleased with the following positive changes to this project:

- Setbacks at the rear (west property line) have increased from 0 to 7 feet for the underground parking, 10 feet for the first three floors, and additional significant setbacks at the 4th and 5th stories that move the project massing away from the Ford Place Historic District and the historic Blinn House.
- A Vibration Monitoring Plan will be incorporated into the project construction plans and utilized to monitor the safety of the Blinn House and other adjacent properties during construction.
- Increased setbacks at the rear and front property lines allow for the planting of new required trees in real soil, and the conditions require the developer to seek to achieve a greater setback if possible. (Previously the underground parking extended to the lot lines on the north, south and west, allowing no room for trees to be planted in the ground.)
- All parking will be constructed underground, rather than combined at-grade and subterranean which created a 15' parking podium which was highly problematic from a design perspective and added height to the project.
- The overall height of the project has been reduced, with the tallest portion now confined to only the eastern portion of the building, toward Madison Ave. and away from the Ford Place Historic District where the scale is dramatically smaller and more residential.
- The commercial space within the project has been reduced, thus reducing the overall bulk of the building and the parking requirements.
- The center courtyard will now be closer to and more visible from the public right-of-way along Madison Avenue.
- The massing of the revised project can better lend itself to a design that is compatible with the surrounding streetscape and adjacent buildings, though no actual architectural design has yet been put forth.
- The condition that directs redesign of the balconies will facilitate a more traditional design approach which would help achieve compatibility with the adjacent historic districts.

For you to approve a Class 32 CEQA Exemption for this project, you must find that it is consistent with the General Plan, including all the policies (see below) about compatibility and contextuality. Since there is no actual design for the revised project, it is difficult to make that determination. Ideally, the project would go to the Design Commission for another preliminary consultation or for concept review, and you would have the advice of the Commission as to whether the project is compatible with its surroundings. The revisions noted above make it more likely that that result is achievable, but that question remains open. In addition, please note that the positive changes in the project were achieved through a lengthy negotiation process between the appellants, the developer and city staff but not in the public realm where others could have participated.

Whatever your decision with regard to this project, we ask that the Council acknowledge the general reasons for our appeal and how our concerns with policy and procedure will continue to apply to other projects. We urge you to consider changes in the review process that will improve it and provide more opportunity for public participation.

GENERAL PLAN CONSISTENCY

A requirement for approval of a Class 32 CEQA Exemption (one of the required approvals for this and a number of other current projects) is the finding that the project is consistent with Pasadena's General Plan. In our appeal application, we stated that we did not believe this finding could be made and spelled out the many policies in the General Plan meant to ensure compatibility with existing historic resources. There are multiple provisions in General Plan meant to ensure compatibility and contextual development with existing historic resources. These general plan policies include (see our appeal application for more details about these policies):

- 4.11 Development that is Compatible
- 4.12 Transitions in Scale
- 6.1 Sense of Place and History
- 6.2 Established Neighborhoods
- 7.3 Compatibility
- 7.4 Design Review

The City drafted the policies with input from the community when the General Plan was created. The emphasis on contextual development and historic resources was even the basis of Guiding Principle #2 which explicitly states: "New construction that could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource." Central District Specific Policy 31.4 requires even more stringent contextuality: "Require new development within and adjacent to the historic districts to be compatible with the scale, density, and urban features of existing historic buildings and districts." This project as first proposed did not meet those standards, and therefore the finding of compliance with the General Plan could not, in our opinion, be made. The revised project better addresses these policies, but a determination of compliance must still be made, by the Council, or by another body or the staff before an exemption could be considered.

This particular project site is in a historically sensitive location, adjacent to two National Register Historic Districts, Ford Place and the Pasadena Playhouse. Furthermore, The Edmund Blinn House is individually listed on National Register and is adjacent to the project site. Given these historic resources, we believe strongly that proper environmental review would have been the right thing to do and should have been required. An EIR, or even a focused EIR, would have appropriately analyzed the project for consistency with the General Plan, provided thorough study of potential impacts, and offered alternatives where necessary to mitigate those impacts. The very cursory consultant's report that was done completely overlooked virtually all of the policies about historic resources and neighborhood context. **We ask that any project proposal requesting a**

Class 32 CEQA Exemption be more carefully evaluated through a more rigorous environmental review process, and any project that includes or is adjacent to historic buildings or districts must demonstrate respect for and compatibility with those resources, as called for in the General Plan, or it should not be recommended for a CEQA Exemption.

ZONING CODE INCONSISTENCY

Our appeal application also identified a zoning inconsistency, and a finding must be made that a project complies with the Zoning Code in order to win a Class 32 exemption. The N. Madison site has a base FAR of 1.50 with an allowance of up to a 2.0 FAR (a 33% increase) to accommodate more density. This specific information is found in the Zoning Code, and therefore the project, which seeks a 2.25 FAR (a 50% increase) is not consistent with the Zoning Code. The point is that the claim should not have been made that the project conforms with the Pasadena Zoning Code when it does not!

Pasadena Heritage does not specifically focus on FAR except when increased FAR makes for a bulkier, taller, less architecturally interesting project. We understand the need to add density to provide more housing, and we further acknowledge that concessions can be requested and must, under State law, be granted. It is important to note that the revised project has the same increased FAR and the same number of housing units, but the massing, bulk, parking, setbacks and design direction have drastically improved.

CEQA GUIDELINES

In addition to the General Plan and Zoning Code inconsistencies we found, State CEQA Guidelines Section 15300.2 lists possible exceptions to a categorical exemption. One such exemption (f) speaks directly to historic resources and states: “A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historical resource.” The California Supreme Court held that if there is a “fair argument” that the project may cause a substantial adverse change in the significance of an historic resource, even if there is other information in the record to the contrary, the exemption can be denied. We believed strongly that the initial project, without a doubt, posed the threat of both physical and aesthetic impacts to the Ford Place Historic District and the Blinn House.

The consultant's report claims that there was be no impact to adjacent resources caused by the initial project, but we strongly disagreed. The Women's City Club and its historic Blinn House could, in our opinion, be adversely affected by nearby construction, especially given the already compromised state of its foundation and its very rare and fragile leaded glass windows and glass tile fireplace. Much more careful study and care should have been required to determine if the proposed construction could damage this National Register property specifically. We also believe that the Ford Place Historic District would have had its setting significantly altered and aesthetically compromised by having a five-story building looming on its eastern border. Again, CEQA review would have addressed this question in detail and alternatives or mitigations could have been proposed where potential impacts were identified. Our request for a full EIR was driven by these issues. In the revised project, the kinds of mitigation measures we envisioned would have been the result of the CEQA process have been agreed upon through negotiation. However, without our efforts, the original project would have been constructed at great detriment to adjacent historic resources. No CEQA exemption should have been recommended for the original project, but rather a full EIR, limited EIR, or Mitigated Negative Declaration would have been the right choice.

TREE REMOVAL AND REPLACEMENT PERMIT

Pasadena Heritage and others further identified that mature trees would be lost with the construction of the original project with no provision for replacement trees to be planted in the ground with the opportunity to grow and mature to provide a shade canopy. Replacement trees in containers that will remain small and, even in greater numbers, are not legitimate replacements for mature trees, and therefore we argued that the tree permit should not be granted. With the increased setbacks in the revised project it is now possible that trees can be planted in the soil, and species can be selected that will establish root systems in the space provided. **We strongly request that no tree removal and replacement permit be granted unless replacement trees can be planted in the ground and have a chance to grow to maturity and provide a shade canopy.**

PROJECT DESIGN AND DETERMINATION OF COMPATIBILITY

Pasadena Heritage and its co-appellants objected that the City's Design Review process was put forth as the solution for new project design to achieve a compatible and contextual relationship with the surrounding properties and the adjacent historic resources. However, the Design Commission's preliminary consultation of the project proposal was highly critical and did not accept the design as compatible or contextual. To entitle the project and grant it exemptions and concessions and then expect the Design Review process to make it fit into its context is backwards and probably an impossible task, as it has proven to be in the past. Pasadena Heritage expressed repeatedly that the design approach was wrong, that there was no identifiable reference to the context of the project (a General Plan Requirement). **We strongly request that the process for projects like this one be revised so that Design Review is scheduled before entitlement approvals are requested and that a finding or opinion from the Design Commission be issued that states the project does (or can with recommended revisions) achieve compatibility. The Design Commission should have a positive opinion about any project that is requesting concessions or a CEQA exemption.**

MIXED USE CLASSIFICATION

Lastly, we have found in reviewing this and other projects, that the concept of Mixed Use is often being used primarily to take advantage of certain variations in zoning regulations. For example, setbacks in a Mixed Use project, even when largely residential, are drastically reduced to nothing or almost nothing, as was the case with the first version of this project. First floor height is taller, meant for retail or commercial uses, but then leads to taller buildings overall. Commercial uses require more parking, which is often provided at grade and drives the whole project to be larger and taller, with unattractive solid parking walls at the pedestrian level. **There are certainly places where Mixed Use as defined in our Zoning Code is appropriate and advisable. However, the locations and applications of Mixed Use should be immediately revisited and refined, particularly with the Specific Plans coming into focus.**

In closing, let us restate that we are pleased with the changes to the project that have been achieved and feel that real improvements have been made. The adjacent historic resources are better protected and respected as a result, which was our primary concern. We appreciate the willingness of the developer to listen to our concerns and the time and guidance provided by the planning staff. We do have lasting concerns about the building's ultimate design. If you decide to approve this project, we will continue to participate in the Design Review process as this project

moves through it. You may well hear from us if we don't believe, in the end, that an architecturally compatible project, as required by the General Plan, has been achieved, but we will remain hopeful that the end result will be positive.

Sincerely,



Susan N. Mossman
Executive Director



Andrew Salimian
Preservation Director

cc: Pauline Field, Pasadena Women's City Club
Brian Baker and William Washington Ellinger III, the Blinn House Foundation
Mike Balian, Toledo Homes
David Reyes, City of Pasadena