



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: March 3, 2021

TO: Hearing Officer

SUBJECT: Vesting Tentative Tract Map #82169

LOCATION: 127-141 N. Madison Avenue

APPLICANT: Mike Balian

ZONING DESIGNATION: CD-3 (Central District Specific Plan, Walnut Housing Subdistrict)

GENERAL PLAN DESIGNATION: Medium Mixed Use

CASE PLANNER: Jason Van Patten

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Vesting Tentative Tract Map #82169 with the Conditions of Approval in Attachment B.

PROJECT PROPOSAL: Vesting Tentative Tract Map: To consolidate two land lots and create 49 air parcels for residential condominium purposes and one air parcel for commercial condominium purposes on one land lot. This application is for the consolidation of the land lots and creation of air parcels only that will allow for the sale of each unit. This application does not address the design or construction of the project and does not include any proposed changes to the previous Design Review approval.

ENVIRONMENTAL DETERMINATION: In conjunction with the Affordable Housing Concession Permit approval on September 16, 2019, it was determined that the project is Categorically Exempt from CEQA (Section 15332, Class 32, In-Fill Development Projects). It has further been determined that there are no changed circumstances or new information as part of the proposed

Vesting Tentative Tract Map application that necessitate further environmental review and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

BACKGROUND:

Site characteristics:

The 32,000-square-foot project site is located on the west side of Madison Avenue between Walnut Street and Union Street and consists of two separate parcels (5723-015-027, 5723-015-028). The site is rectangular, relatively flat in topography, and currently improved with a commercial office building (141 N. Madison Avenue) and surface parking lot (127 N. Madison Avenue).

Adjacent Uses:

North – Fuller Theological Seminary
South – Surface parking lot
East – Scottish Rite Cathedral
West – Fuller Theological Seminary

Adjacent Zoning:

North – CD-3 (Central District Specific Plan, Walnut Housing Subdistrict)
South – CD-3 (Central District Specific Plan, Walnut Housing Subdistrict)
East – CD-3 (Central District Specific Plan, Walnut Housing Subdistrict)
West – CD-3 (Central District Specific Plan, Walnut Housing Subdistrict)

Previous zoning cases on this property:

Affordable Housing Concession Permit #11879: A request for two affordable housing concessions to 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 floor area, and 87 parking spaces. The request includes: 1) a concession to exceed the maximum floor area ratio (FAR) and allow a 2.25 FAR where the Zoning Code limits the maximum to 1.5; 2) a concession to exceed the maximum height limit and allow a building height of 60 feet (no height averaging) where the Zoning Code limits the maximum to 50 feet, or 65 with height averaging; and 3) a Private Tree Removal Permit to allow the removal of four protected trees on private property. Approved September 16, 2019.

Exception #6972: Permission to let remain as erected a rubbish and storage building on the property. The structure contains approximately 300 square feet and comes to within approximately 15 feet of the front property line. Approved October 31, 1963.

Use Permit #61: Permission to allow the expansion of one existing medical office in the building located on the subject property. Permission is also requested to encroach upon the side yard setback with a fire escape. Approved October 9, 1954.

Variance #3786: Permission to establish a pharmacy within the existing building. The proposed location of the pharmacy would be more than 100 feet from Madison Avenue and would serve the needs of patients requiring this type of service. Approved March 5, 1953.

Variance #2938: Permission to utilize the existing buildings for the establishment of 10 additional professional offices. Under the provisions of a Variance #1979 there are at present six professional offices located on the property and the current request would allow a total of 16 professional offices. Approved August 10, 1950.

Variance #1979: Permission to remove the existing dwellings and convert this property into a parking lot to be used in conjunction with the existing three-story building located at 141 N. Madison Avenue, which is proposed to be used for six doctors or dentists offices. Approved October 30, 1947.

PROJECT DESCRIPTION:

The applicant, Mike Balian, has submitted a Vesting Tentative Tract Map application to consolidate two existing land lots, and to create 49 air parcels for residential condominium purposes and one air parcel for commercial condominium purposes on one lot. Affordable Housing Concession Permit (AHCP) #11879 was approved on September 16, 2019 to facilitate the mixed-use project, and the project received Final Design Review approval on July 28, 2020. This application is limited to consolidation of two parcels and the creation of air parcels to allow the individual sale of the commercial space and dwelling units. This application does not address the design or construction of the 49-unit project and does not include any proposed changes to the previous AHCP or Design Review approvals.

ANALYSIS:

The subject property is located in the CD-3 (Central District Specific Plan, Walnut Housing Subdistrict) zoning district, which permits mixed-use projects. The maximum residential density allowed is 48 dwelling units per acre, or 36 units based on a site area of 32,000 square feet. To achieve the proposed density of 49 units, the applicant applied density bonus provisions in the Zoning Code and State Law. The provisions allow for an increase in the unit count without discretionary approval, provided a percentage of the units are dedicated for affordable households (i.e. very low-income, low-income, moderate-income). The project includes four very low-income units, which represents more than 11 percent of the base 36 units. Pursuant to Table 4-3 (Increase in Allowable Density for Very Low-Income Units), Zoning Code Section 17.43.040 (Density Bonus Allowance), the percentage of very low-income units proposed qualifies the project for a 35 percent density bonus, or 49 total units. The applicant's proposal includes 49 units, and complies.

Applicants using density bonus provisions may also request concessions through an Affordable Housing Concession Permit application to facilitate construction of the project. The applicant requested and received approval of Affordable Housing Concession Permit #11879 on September 16, 2019. The approval allowed: 1) a 2.25 FAR where the Zoning Code limits the maximum to 1.5; and 2) a building height of 60 feet (no height averaging) where the Zoning Code limits the maximum to 50 feet, or 65 with height averaging.

During the review for the Affordable Housing Concession Permit, the 49-unit project was analyzed for compliance with applicable requirements of the Zoning Code. At the time, staff determined that the proposal satisfied general requirements of the applicable zoning district, including mixed-use standards. The City's Design Commission later found on July 28, 2020, that the project, upon implementation of the conditions of Final Design Review approval, would be consistent with the purposes of design review, the design-related goals and policies in the Land Use Element of the General Plan, the Land Use Element of the General Plan, and the Private Realm Design Guidelines in the Central District Specific Plan. As such, the purpose of this Vesting Tentative Tract Map application is strictly to allow the future sale of each dwelling unit and the commercial space, following the issuance of a building permit and, subsequently, construction of the project.

Tenant Protection Ordinance

The proposed project would create air parcels in conjunction with new construction that would replace an existing commercial office building and surface parking lot. Therefore, the proposed project is not subject to the City's Tenant Protection Ordinance requirements because it does not entail the demolition/removal of housing units.

Inclusionary Housing

Chapter 17.42 (Inclusionary Housing Requirements) of the Zoning Code applies to projects proposing 10 or more new dwelling units. These standards are intended to encourage the development of housing that is affordable to a range of households with varying income levels. The purpose of the Chapter is to encourage the development and availability of affordable housing by ensuring that the addition of affordable housing units to the City's housing stock is proportional to the overall increase in new housing units. As the 49-unit project was granted approval of the Affordable Housing Concession Permit prior to the effective date of the current Inclusionary Housing Ordinance, a minimum of 15 percent of the total number of dwelling units were required to be developed, offered to, and sold to households at an affordable housing cost. The requirement was also allowed to be adjusted if very low-income units were provided. For this project, the applicant intends to provide four very-low income units within the development, which satisfies inclusionary housing requirements. The approved Inclusionary Housing Plan is in the process of being amended to reflect a mix of 2 one-bedroom and 2 two-bedroom affordable units. Sale of the affordable units also requires an amendment to the Inclusionary Housing Plan. Housing and Career Services has provided a recommended condition of approval should the applicant pursue sale of those units.

GENERAL PLAN CONSISTENCY:

The project site is designated Medium Mixed Use (0.0-2.25 FAR, 0-87 du/acre) on the Land Use Diagram in the Land Use Element of the General Plan. Development is characterized by shared open spaces, extensive landscaping, small to medium separations between buildings, and shared driveways and parking. Sites may be exclusively commercial or exclusively residential, or with buildings vertically integrating housing with non-residential uses. The proposed mixed-use project

consisting of residential units and commercial office is within the floor area ratio and density prescribed in the General Plan, consistent with the applicable designation. In addition, the project is consistent with goals and policies of the General Plan related to mixed-use corridors and villages, sustainable growth, housing affordability, and Central District vitality.

The Vesting Tentative Tract Map that would allow the sale of residential units and a commercial condominium is consistent with Policies 2.1 (Housing Choices), 2.5 (Mixed Use), 21.1 (Adequate and Affordable Housing), and 21.2 (Equitable Distribution of Affordable Housing). Policies 2.1 and 21.1 encourage providing opportunities for a full range of housing affordability levels. Policy 2.5 emphasizes the creation of opportunities for development projects that mix housing with commercial uses to enable Pasadena's residents to live close to businesses and employment, increasing non-auto travel, and to interact socially. Policy 21.2 encourages the equitable distribution of affordable housing throughout the City, consistent with the goals of the Housing Element. In addition, the proposed project would add to the customer base helping to sustain the economic vitality of Pasadena's commercial land uses, and provide additional opportunities for residents to live close to businesses and employment and interact socially.

TREE PROTECTION ORDINANCE:

In conjunction with Affordable Housing Concession Permit #11879, the applicant requested and was granted approval to remove four protected trees on-site. The applicant's landscape design plan includes replacement trees that adhere to the City's replacement matrix. No new tree removal is proposed with this Vesting Tentative Tract Map application.

ENVIRONMENTAL REVIEW:

In conjunction with the Affordable Housing Concession Permit approval on September 16, 2019, it was determined that the project is Categorically Exempt from CEQA (Section 15332, Class 32, In-Fill Development Projects). It has further been determined that there are no changed circumstances or new information as part of the proposed Vesting Tentative Tract Map application that necessitate further environmental review and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

REVIEW BY OTHER DEPARTMENTS:

The Departments of Transportation, Public Works, Fire, Housing and Career Services, Water and Power, Building and Safety, AT&T California, and Southern California Edison reviewed the current application. All conditions of approval of Affordable Housing Concession Permit #11879 (PLN2017-00596) approved by the City Council September 16, 2019, remain in effect. Additional recommended conditions of approval have been included in Attachment B of this staff report.

CONCLUSION:

The Vesting Tentative Tract Map would consolidate existing parcels into one land lot and create air parcels to allow the sale of units. The proposal is consistent with the General Plan, and complies with the development standards for mixed-use projects as established in the Zoning Code. Therefore, staff recommends approval of the application based on the findings in Attachment A and the conditions in Attachment B.

Attachments:

Attachment A: Findings

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VESTING TENTATIVE TRACT MAP #82169

1. *The proposed map is consistent with applicable general and specific plans as specified in Section 65450.* The project site is designated Medium Mixed Use (0.0-2.25 FAR, 0-87 du/acre) on the Land Use Diagram in the Land Use Element of the General Plan. Development is characterized by shared open spaces, extensive landscaping, small to medium separations between buildings, and shared driveways and parking. Sites may be exclusively commercial or exclusively residential, or with buildings vertically integrating housing with non-residential uses. The proposed mixed-use project consisting of residential units and commercial office is within the floor area ratio and density prescribed in the General Plan, consistent with the applicable designation. In addition, the project is consistent with goals and policies of the General Plan related to mixed-use corridors and villages, sustainable growth, housing affordability, and Central District vitality.

The Vesting Tentative Tract Map to allow the sale of residential units (inclusive of a mix of market rate and very low-income units) and a commercial condominium, is consistent with Policies 2.1 (Housing Choices), 2.5 (Mixed Use), 21.1 (Adequate and Affordable Housing), and 21.2 (Equitable Distribution of Affordable Housing). Policies 2.1 and 21.1 encourage providing opportunities for a full range of housing affordability levels. Policy 2.5 emphasizes the creation of opportunities for development projects that mix housing with commercial uses to enable Pasadena's residents to live close to businesses and employment, increasing non-auto travel, and to interact socially. Policy 21.2 encourages the equitable distribution of affordable housing throughout the City, consistent with the goals of the Housing Element. In addition, the proposed project would add to the customer base helping to sustain the economic vitality of Pasadena's commercial land uses and provide additional opportunities for residents to live close to businesses and employment and interact socially.

2. *The site is physically suitable for the type of development.* The site consist of two rectangular shaped interior lots, is relatively flat in topography, and is accessible to traffic from a public street (Madison Avenue). The site is located in a developed, urban area consisting of similarly sized lots that are developed with similar uses. Therefore, it is anticipated that the site will be physically suitable for a mixed-use development.
3. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.* The property is located in an urbanized area and not near any sensitive habitat. The proposal for air parcels will not cause substantial environmental damage as the uses proposed on the property will be consistent with other sites nearby that consist of a mix of uses. Furthermore, the proposed improvements were previously determined to be categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15332 (In-Fill Development) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. No fish or wildlife habitats in the vicinity have been identified. As such, approval of the map will not result in significant environmental impacts.
4. *The design of the subdivision or the proposed improvements is not likely to cause serious health problems in that the subdivision is compatible with existing residential land uses in the vicinity.* The design of the subdivision and proposed improvements will be consistent with uses in the vicinity. The mixed-use project will be designed in compliance with applicable Zoning Code standards, and Citywide Design Principles and architectural standards. The design of

the project provides appropriate ventilation, light, and circulation within the development and adjacent developments, consistent with requirements of the Zoning Code. Therefore, the design of the subdivision nor the proposed improvements are not likely to cause serious health problems.

5. *The proposed map meets the requirements of Title 16 as applicable.* The proposal for air parcels complies with applicable design standards. The map identifies the height, size, and location of all buildings to be erected, information on planned uses, and parking layout. Copies of the Vesting Tentative Tract Map were provided to the applicable parties, including, but not limited to the City engineer, water department, power department, fire department, transportation department, housing department, and Telephone Company. The proposed number of parcels complies with the General Plan Land Use Element and Zoning Code. The project is consistent with the size and character of other developments in the vicinity.
6. *The discharge of waste from the proposed subdivision into existing sewer system would not add to or result in violation of existing water quality control standards.* The development standards of the Pasadena Municipal Code provide standards that will require the applicant to connect to public sewer. Compliance with this requirement will be verified during the building permit plan check process. Therefore, the discharge of waste from the proposed subdivision into existing sewer system would not add to or result in violation of existing water quality control standards.
7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.* The design of the subdivision and type of improvements proposed will not conflict with easements acquired by the public, because no public easements traverse the site.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #82169

The applicant or successor in interest shall meet the following conditions:

General

1. The final map to be recorded with the Los Angeles County Recorder shall substantially conform to the Vesting Tentative Tract Map submitted with this application and dated "Approved at Hearing, March 3, 2021," except as modified herein.
2. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans submitted and stamped "Approved at Hearing, March 3, 2021, except as modified herein.
3. The consolidation of two land lots and creation of the air parcels for residential condominiums purposes and an air parcel for commercial condominium purposes on one land lot shall occur substantially as shown on the submitted plans, except as modified herein and shall comply with the applicable land use regulations and development standards of the Pasadena Municipal Code subject to the approval of the Zoning Administrator.
4. All utility substructures shall be located underground if required by the applicable City Departments. However, no subterranean gas meters shall be allowed.
5. All conditions of approval of Affordable Housing Concession Permit #11879 (PLN2017-00596) approved by the City Council September 16, 2019, shall remain in effect.
6. The applicant shall receive written final approval of the addresses that will be assigned to each proposed parcel/unit prior to recordation of map. Final approval of the addresses shall come from the Addressing Coordinator. For additional information please contact the Addressing Coordinator at (626) 744-4622.

Planning

7. Any change to these conditions of approval or expansion of the use shall require the modification of this Vesting Tentative Tract Map or a new Vesting Tentative Tract Map.
8. The common area portion of the site shall be maintained and kept in good condition at all times.
9. The applicant or successor in interest shall comply with the conditions of the Design Review approval.

Housing and Career Services

10. Should the owner propose to sell the four deed-restricted rental inclusionary units to eligible buyers, an amendment to the Inclusionary Housing Agreement shall be required, subject to the sole discretionary approval of the City Manager.

Public Works

11. Prior to submission of the final map to the City for approval, the applicant shall pay a non-refundable flat fee (based on the current General Fee Schedule) to cover the cost of processing the final map. The applicant shall complete all required conditions before City's approval, or provide a Letter of Credit or cash deposit to cover all unfinished public improvements as quantified in an approved cost estimate.
12. The applicant's engineer shall set boundary monuments on the proposed subdivision per Pasadena Municipal Code, Section 16.24, and furnish to the City a set of field notes that have been recorded with Los Angeles County Department of Public Works. The monuments shall be independently inspected by a third party licensed surveyor; with a certified report submitted to the City.