



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** April 3, 2019

**TO:** Hearing Officer

**SUBJECT:** Variance for Historic Resources #11901

**LOCATION:** 600 East Colorado Boulevard

**APPLICANT:** Morton Development Group, LLC

**ZONING DESIGNATION:** CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)

**GENERAL PLAN DESIGNATION:** High Mixed Use

**CASE PLANNER:** Nathan Gapper

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Variance for Historic Resources #11901 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Variance for Historic Resources - To allow for relief from the minimum required off-street parking spaces to facilitate the adaptive reuse of an existing 14,815 square foot former theater (United Artist Theater), a locally designated landmark, into restaurants, medical offices, and a physical fitness club. The Variance for Historic Resources application requests a relief from the 25 required off-street parking spaces.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be 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, Class 1 §15301, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts the operation and licensing of existing private structures involving negligible or no expansion of an existing use. The proposed project would facilitate the adaptive reuse of an existing commercial building, no expansion to the existing building is proposed.

**BACKGROUND:**

**Site characteristics:** The subject lot is a 10,239 square foot interior lot located on the south side of East Colorado Boulevard, between Madison Avenue and El Molino Avenue. This site is improved with a 14,815 square foot former theater built in 1931. The building was constructed with zero setbacks on the front and side property lines, and with no off-street parking. On August 31, 2015, the City Council designated the structure a local historic landmark. The project site is located within the Pasadena Playhouse Historic District; a district listed in the National Register of Historic Places.

**Adjacent Uses:** North: Mixed-Use (Commercial/Multi-Family Residential)  
South: Parking Lot and General Commercial  
East: Commercial  
West: Commercial

**Adjacent Zoning:** North: CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)  
South: CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)  
East: CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)  
West: CD-4 (Central District Specific Plan, Pasadena Playhouse Subdistrict)

**Previous cases on this property:** Variance for Historic Resources #11828: To allow for relief from the minimum off-street parking spaces required (three) for the adaptive reuse of a historic theater into office uses and for the addition of a 1,478 square foot mezzanine. Approved February 3, 2016.

**PROJECT DESCRIPTION:**

The applicant, Morton Development Group, LLC, has submitted an application to allow the adaptive reuse of the existing 14,815 square foot historic theater building to medical office, restaurant, and physical fitness club uses. No additions to the existing building are proposed. The Variance for Historic Resources application requests a relief from the 25 required off-street parking spaces.

The subject site is a historic landmark that was originally constructed in 1931 as a movie theater for United Artist and designed by the firm Walker and Eisen. The building has been known locally as the United Artists Theater building. The building is located within the Pasadena Playhouse Historic District; a district listed in the National Register of Historic Places.

## **ANALYSIS:**

### *Variance for Historic Resources*

Pursuant to Section 17.61.080.H, a Variance for Historic Resources is intended to accommodate historic resources that are undergoing adaptive reuse, and is designed to provide relief from strict compliance with the development standards of the Zoning Code that may impair the ability of a designated historic resource to be adaptively reused properly. Adaptive reuse is the reuse of a structure with a new use different from that for which the structure was originally constructed. This type of Variance does not allow a use of land or structure not otherwise allowed in the zoning district in which the subject property is located and only applies if the property has a historic designation.

In order to approve a Variance for Historic Resources, the following three specific findings must be made:

- that the Variance for Historic Resource is necessary to facilitate the appropriate use of an existing designated historic structure;
- that the Variance for Historic Resource would not adversely impact property within the neighborhood or historic district; and
- that granting the Variance for Historic Resource application would be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.

Staff's analysis suggests that all of these findings can be made as reflected in the analysis below and in Attachment A.

### *Historic Resource*

On August 31, 2015, the City Council designated the site a historic landmark. The City Council found that the building was one of the best examples of Art Deco architecture in Pasadena and that the building retained most of its significant character-defining features. The property is non-contributing to the Pasadena Playhouse Historic District because in 1993 when the district was nominated for the National Register, the structure reflected a remodel from the 1960's that was detrimental to the architectural integrity of the building. However, in 1997, the building was rehabilitated and was able to regain its architectural integrity.

### *Parking*

The subject site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning district, where the proposed mix of uses are permitted by-right. The last known use for the 14,815 square-foot building was Angel's School Supply, a retail land use. The applicant is proposing to convert the interior of the historic building from a retail use to a combination of uses including medical office, restaurant, and physical fitness club uses. The establishment of the proposed uses is considered a change of use which requires the proposed uses to comply with the current parking requirement.

The previous use located in the building was a retail land use, which required three parking spaces for every 1,000 square feet of gross floor area. Because the site is located within the Central District Transit Oriented Development (TOD) area, when the retail land use was established, the parking requirement for the retail land use was reduced by 10 percent. Based on this requirement, the previous retail sales land use required 40 parking spaces for the 14,815 square-foot building.

The parking requirement for a restaurant land use is 10 spaces per 1,000 square feet of gross floor area, including any outdoor dining area not located in the public right-of-way. The area proposed for restaurant land use would be 5,429 square feet and would require 54 parking spaces. The parking requirement for a physical fitness club land use is five spaces per 1,000 square feet of gross floor area. The area proposed for physical fitness club would be 5,398 square feet and would require 27 parking spaces. The parking requirement for a medical office land use is four spaces per 1,000 square feet of gross floor area. The area proposed for medical office land use would be 3,334 square feet and would require a total of 13 parking spaces. The remaining 654 square feet of communal areas (e.g., corridors, service closets) of the building would be subject to a parking rate of three spaces per 1,000 square feet of gross floor area and would require two spaces. Altogether, the proposed mix of uses would require 96 off-street parking spaces.

Because the site is located within the TOD area, the minimum number of required off-street parking spaces may be reduced by up to 20 percent. Based on this requirement, the proposed mix of uses would require a minimum of 77 parking spaces. Additionally, a relief of three parking spaces was previously approved for this site per Variance for Historic Resources #11828. Based on this additional reduction, the proposed mix of uses would require a minimum of 74 parking spaces.

The difference between the parking requirement of the previous use and the proposed mix of uses, 34 parking spaces, would be the parking requirement for the proposed change in use. However, California State Assembly Bill 2263 allows for a 25% reduction in the required number of parking spaces for a project that proposes the adaptive reuse of a historic resource to a nonresidential use. Based on this bill, the proposed mix of uses would require a minimum of 25 parking spaces. The applicant does not have the ability to provide the required 25 off-street parking spaces onsite; necessitating the need for the requested application.

Strict compliance with the development standards of the current Zoning Code's parking requirements would impair the ability of this designated historic resource to be adaptively reused properly. Based on the current parking requirements of the Zoning Code, several of the permitted uses for the site would result in noncompliance with the parking requirements.

Furthermore, the subject site is located within the City's TOD Area, the standards of which provide for a mixture of commercial, high-density residential, mixed-use, public, and semi-public uses in close proximity to light rail stations, encouraging transit usage in conjunction with a safe and pleasant pedestrian-oriented environment, and emphasizes intensification of development and reduced reliance on motor vehicles. The proposed uses are the type of uses that are encouraged within the TOD Area. Additionally, lowering the number of off-street parking spaces is one way to promote non-vehicular modes of transportation.

#### *Adaptive Reuse and Historic Preservation*

Rehabilitation and adaptive reuse of the historic United Artists Theater building has the potential to result in a significant impact to the resource if preservation measures are not in place. To ensure that these potential impacts are avoided, any rehabilitation shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. However, it is not anticipated that the alterations associated with the proposed uses would result in substantial adverse changes in the historic significance of the United Artists Theater or the Pasadena Playhouse Historic District. On the contrary, these tenant improvements associated with the change in uses would serve to enhance and preserve the building.

The primary purpose of the Central District zoning district is to implement the objectives and policies of the Central District Specific Plan by providing for a diverse mix of land uses designed to create the primary business, financial, retail, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that will support transit- and pedestrian-oriented mobility strategies. The Pasadena Playhouse sub-district is intended to provide for a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. The adaptive reuse would enhance the Central District as the primary retail center of the City, and would improve the pedestrian experience along Colorado Blvd. Additionally, the adaptive reuse would support and complement the Pasadena Playhouse, which is located to the immediate southeast of the subject site on the opposite side of Playhouse Alley.

#### **GENERAL PLAN CONSISTENCY:**

As conditioned, the proposed project is consistent with General Plan Land Use Element Policy 4.3: An Active Central District, as the adaptive reuse of this historic site reinforces the Central district as a vital, pedestrian-oriented place. The medical office, restaurant, and physical fitness club uses would promote the Central District as a focal point of community identity, business activity, employment, living, governance, and culture.

One of the Guiding Principles of the Land Use Element of the General Plan is that Pasadena's historic resources will be preserved. Goal 8 of the General Plan seeks the preservation and enhancement of Pasadena's cultural and historic buildings as valued assets and important representations of its past. The adaptive reuse of the historic site for medical office, restaurant, and physical fitness club uses will ensure the preservation of a surviving early example of a particular building type.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be 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, Class 1 §15301, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts the operation and licensing of existing private structures involving negligible or no expansion of an existing use. The proposed project would facilitate the adaptive reuse of an existing commercial building, no expansion to the existing building is proposed.

#### **REVIEW BY OTHER CITY DEPARTMENTS:**

The proposal was reviewed by the Department of Transportation, Fire Department, Department of Public Works, Public Health Department, Building and Safety Section, Design and Historic Preservation (DHP) Section, and Police Department. The Police Department had no comments. All applicable conditions of approval have been included in Attachment B. If approved, the proposal would be reviewed again by all departments during the building permit plan check process.

## **CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the Variance for Historic Resources to allow the adaptive reuse of the subject site as medical office, restaurant, and physical fitness club uses without the provision of the required 25 parking spaces can be made. The proposed uses are an appropriate use of the existing designated historic property since they would enhance the Central district and support the Pasadena Playhouse. Furthermore, it would encourage pedestrian activity, and encourage transit usage. The granting of the Variance for Historic Resource would be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the Central District Specific Plan. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR VARIANCE FOR HISTORIC RESOURCES #11901**

1. *The Variance for Historic Resources is necessary to facilitate the appropriate use of the existing historic structure.* The historic United Artists Theater was constructed and operated as a theater use and was later converted to retail use. The adaptive reuse of the historic building as medical office, restaurant, and physical fitness club uses requires relief from the current Zoning Code parking requirements. The proposed uses are appropriate for the historic site as they promote the Central District as the primary retail center of the City and support and complement the Pasadena Playhouse, which is located to the immediate southeast of the site, and improve the pedestrian experience along Colorado Blvd.
2. *The Variance for Historic Resources would not adversely impact property within the neighborhood or historic district.* The proposed uses are permitted in the CD-4 (Central District Specific Plan, Playhouse Sub-district) zoning district. The proposed uses are the type of uses that are encouraged within the TOD Area. Additionally, lowering the number of off-street parking spaces is one way to promote non-vehicular modes of transportation.

Rehabilitation and adaptive reuse of the historic United Artists Theater building has the potential to result in a significant impact to the resource if measures are not in place. To ensure that these potential impacts are avoided, any rehabilitation shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. However, it is not anticipated that alterations associated with the proposed uses would result in substantial adverse changes in the historic significance of the United Artists Theater or the Pasadena Playhouse Historic District. On the contrary, these improvements would serve to enhance and preserve this iconic building.

3. *Granting the Variance for Historic Resources application would be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* One of the Guiding Principles of the Land Use Element of the General Plan is that Pasadena's historic resources will be preserved. Goal 8 of the General Plan seeks the preservation and enhancement of Pasadena's cultural and historic buildings as valued assets and important representations of its past. The adaptive reuse of the historic site for medical office, restaurant, and physical fitness club uses will ensure the preservation of a surviving early example of a particular building type.

The primary purpose of the Central District zoning district is to implement the objectives and policies of the Central District Specific Plan by providing for a diverse mix of land uses designed to create the primary business, financial, retail, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that will support transit- and pedestrian-oriented mobility strategies. The Pasadena Playhouse sub-district is intended to provide for a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. The proposed uses would enhance the Central District as the primary retail center of the City, and would improve the pedestrian experience along Colorado Blvd. Additionally, the proposed uses would support and complement the Pasadena Playhouse, which is located to the immediate southeast of the subject site on the opposite side of Playhouse Alley.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR VARIANCE FOR HISTORIC RESOURCES #11901**

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

General

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Approved at Hearing April 3, 2019", except as modified herein.
2. In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of approval. The Hearing Officer can grant a one-year extension of this approval in compliance with Section 17.64.040.C of the Zoning Code. Such a request and the appropriate fee must be received prior to the expiration date.
3. The approval of this application authorizes the adaptive reuse of an existing 14,815 square-foot historic theater for medical office, restaurant, and physical fitness club uses without the provision of the required 25 off-street parking spaces.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing before the Hearing Officer. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Variance for Historic Resources if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Variance for Historic Resources or a new Variance.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The Final Decision Letter and Conditions of Approval shall be incorporated into the submitted building plans as part of the Plan Check process.
8. The proposed project, Activity Number **PLN2018-00595**, is subject to the City's Condition Monitoring Program and is also subject to Final Zoning inspection. Condition Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. The Condition Monitoring inspection will occur during the term of the project. The Final Zoning Inspection will occur at the completion of the project. Required monitoring fees for inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

Design and Historic Preservation Section

9. The subject site is a designated historic landmark. Any exterior changes to the building will require a Design & Historic Preservation review process for the project.

### Building and Safety Division

10. Project must satisfy all Tenant Improvement Plan Submittal Requirements at the time of applying for a Building permit.

### Public Works Department

11. The proposed development shall connect to the public sewer with a new six-inch diameter house sewer laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer “means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer.” The section of house sewer within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.
12. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City prior to the issuance of Certificate of Occupancy.
13. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/> . A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.
14. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any

existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>.

15. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
16. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:
  - a. Sewer Facility Charge - Chapter 4.53 of the PMC  
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
  - b. Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)  
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
  - c. City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC  
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee.
  - d. Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC  
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at <http://cityofpasadena.net/PublicWorks/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
    - (1) C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
    - (2) Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.