



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: July 7, 2021

TO: Hearing Officer

SUBJECT: Variance #11935

LOCATION: 85 West Green Street

APPLICANT: Alen Malekian, AIA

ZONING DESIGNATION: CD1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Overlay District 1)

GENERAL PLAN DESIGNATION: Medium Mixed Use (0.0–2.25 FAR, 0–87 DU/Acre)

CASE PLANNER: Beilin Yu

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Variance #11935 with the conditions in Attachment B.

PROJECT PROPOSAL: Variance: To allow the construction of a new four-story, 20,962 square-foot, mixed-use building consisting of 4,840 square feet of commercial area and 18 residential units (including 4 low-income units). All required parking for the project is proposed as parking credits or off-site parking. A Variance is being requested to deviate from Section 17.50.160.K.2, which requires a minimum of one off-street parking space to be located on-site for each residential unit in a new project.

ENVIRONMENTAL DETERMINATION: This project was determined to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA) Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15302, Class 2, Replacement and Reconstruction, and §15332, Class 32, In-Fill Development Projects on March 28, 2017 as part of the approval of Concept Design Review, and there are no features that distinguish this project from others in the exempt class; therefore,

there are no unusual circumstances. It has further been determined that there are no changed circumstances or new information as part of the proposed Variance application that necessitate further environmental review.

BACKGROUND:

Site characteristics: The site is an 8,534 square-foot rectangular-shaped lot located on the northwest corner of Green Street and DeLacey Avenue. The property is bounded by Martin Alley to the north. The site is currently vacant, and a commercial building that existed on the site has been partially demolished.

Adjacent Uses:
North – Public Parking Garage
South – Mixed-Use (General Commercial and Multi-Family Residential)
East – General Commercial
West – General Commercial

Adjacent Zoning:
North – CD1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Overlay District 1)
South – CD1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Overlay District 1)
East – CD1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Overlay District 1)
West – CD1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Overlay District 1)

Previous zoning cases on this property: MCUP #6647 – Minor Conditional Use Permit to allow the construction of a new 17, 458 square-foot commercial building. The property is located within the Central District Transit Oriented Development Area, within which a Minor Conditional Use Permit is required for new construction of commercial projects exceeding 15,000 square feet of gross floor area. Approved on 7/13/2018

CUP #6344 – Conditional Use Permit to allow the sales of full alcohol (beer, wine, and distilled spirits) for on-site consumption in conjunction with the operation of a proposed restaurant. Approved on 12/2/2015.

CUP #5994 – Conditional Use Permit to allow on-site sale and consumption of beer, wine, and spirits (full alcohol) in conjunction with the operation of a proposed full service restaurant. Approved on 4/17/2013

CUP #2722 – Conditional Use Permit to provide alcoholic beverages for on-site consumption in conjunction with a restaurant use. Conditional Use Permit to provide live entertainment in conjunction with a restaurant use. Conditional Use Permit to establish a collective parking arrangement as part of required on-site parking for a restaurant use. Variance to provide tandem

parking stalls as part of required on-site parking for a restaurant use. Approved on 7/21/1993

PROJECT DESCRIPTION:

The applicant, Alen Malekian, AIA, proposes to construct a four-story, 20,962 square-foot, mixed-use building at 85 West Green Street. The proposed building would include a 6,628 square-foot first floor, a 6,851 square-foot second floor, a 5,829 square-foot third floor, and a 1,654 square-foot fourth floor. Restaurant uses are proposed to occupy the first floor tenant spaces, with 18 residential units on the upper floors.

The new structure would mainly be constructed with zero setback along the street property lines, except for one 12'-10" deep outdoor open space along Green Street, where four trees are proposed to be planted, and future outdoor seating area could be accommodated. The new structure would have an overall height of 49.68', as measured from lowest existing grade to the highest proposed ridge. The maximum permitted height for the subject property is 40'0" feet, however when utilizing height averaging, the maximum permitted height is 50'0" feet.

The subject 8,534 square-foot property is located on the northwest corner of De Lacey Ave and Green Street, within the CD-1-AD-1 zoning district. Per Figure 3-6 (Central District Maximum Residential Density) of the Zoning Code, the maximum density for this site is 87 units per acre, or 17 units for the subject lot. In order to develop the site with additional residential units, a density bonus is being requested.

The density bonus section of the Zoning Code (Section 17.43.040) permits an increase in the number of units permitted on the site, without discretionary approval, provided a specified percentage are designated as affordable units. As noted above, the maximum number of units permitted on the property under the base zoning is 17 dwelling units. Per Table 4-3.1 of the City's Zoning Code, shown below, designating 23 percent of the allowed base units (four units) as low-income would permit a density bonus of 35 percent (6 units), for a total of 23 dwelling units. The proposed 18 dwelling units are therefore within the maximum permitted number of units with the provision of the four low-income units.

Table 4-3.1 - Increase in Allowable Density for Low-Income Units

Percentage of Very Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

California State Law permits a project that is utilizing a density bonus increase to request concessions, or deviations, from an applicable development standard, provided the concessions result in identifiable and actual cost reductions to provide for affordable housing costs or for rents

for the targeted units. Per Zoning Code Section 17.43.055 (Affordable Housing Concession Menu), an applicant who utilizes the density bonus provisions and does not request any concession or incentive except for those specified within the affordable housing concession menu in Section 17.43.055, is not subject to the application requirements, procedures, or findings set forth in Section 17.43.050 (Affordable Housing Concession Permit). In addition, the applicant may choose to utilize up to two of the concessions from the menu in Section 17.43.055, as listed below.

1. **Height.** Increase in maximum allowable height of each building by up to 12 feet beyond otherwise applicable standard over no more than 60% of the proposed footprint of the respective building. This concession shall not be applicable to any other development standards relating to building scale and massing, including but not limited to, encroachment plane and view corridor preservation standards.
 - a. **Height averaging.** In areas where height averaging is allowed, the project may utilize either the height increase in this concession, or the applicable height averaging standards, but not both. The additional height allowed under this concession shall apply to the average height, and not the maximum height indicated in the height averaging standards.
2. **Floor area ratio.** Increase in maximum allowable floor area ratio by up to 0.5 beyond otherwise applicable standard. This increase shall apply to the floor area ratio itself, and not the resulting allowable gross floor area, as shown in the following examples:
 - a. **Examples.** For zones with a maximum floor area ratio of 1.5, this concession shall allow a floor area ratio of up to 2.0. For zones with a maximum floor area ratio of up to 2.25, this concession shall allow a floor area ratio of up to 2.75.
3. **Setbacks.** Reduction of side or rear setback requirements by up to 50% from otherwise applicable standards. This concession applies only to setbacks from property lines, and shall not be applicable to setbacks from required gardens or any development standards relating to building separation, including but not limited to light and air separation.
 - a. **Exceptions.**
 1. This concession shall not apply to any setback that is adjacent to any RS Zoning District or a Historic Resource.
 2. Setback reductions pursuant to this concession shall not result in the removal of a protected tree, nor shall they exempt a project from meeting the requirements of Chapter 8.52 - City Trees and Tree Protection Ordinance.
4. **Loading.** Exemption from any of the requirements set forth in Section 17.46.260 - Number, Location, and Design of Off-Street Loading Spaces.
5. **Parking.** Reduction of the minimum number of off-street automobile parking space requirements by up to 50% below otherwise applicable standards, provided that the project site is located within the Central District Transit Oriented Development area (Figure 3-5), or any portion of the project site is located within a one-half mile radius of any Metro Gold Line Station, with the exception of the Sierra Madre Villa Station. The 50% reduction shall be in addition to any other applicable parking reduction, including but not limited to

those included in Section 17.43.090 - Alternative Parking Standards and Section 17.50.340 - Transit-Oriented Development (TOD).

The two concessions from the menu requested with this application are:

- 1) An increase in the maximum allowable floor area ratio from 2.0 to 2.5; and
- 2) An exemption from the required one loading space.

Other than the requested concessions, the application also requests a Variance from Section 17.50.160.K.2, which requires a minimum of one off-street parking space to be located on-site for each residential unit in a new project. The proposed project includes 18 residential units and does not include the provision of any off-street parking spaces. The Variance request is discussed below. As discussed below, the project is compliant with all other applicable Zoning Code-development standards.

ANALYSIS:

The allowable uses and development standards for the site are those of the CD (Central District Specific Plan) zoning district in Zoning Code Section 17.30 and Mixed Use Development Standards in Zoning Code Section 17.50.160. The site is also located within the Central District Transit Oriented Development Area and is therefore subject to the regulations of the Transit-Oriented Development section of the Zoning Code Section 17.50.340. Described below are several of the development standards applicable to the project.

Development Standards

Floor Area Ratio (FAR)

Per Figure 3-9 (Central District Maximum Floor Area Ratio) of the Zoning Code, the maximum FAR for this site is 2.00. Based on a site area of 8,534 square feet, the maximum allowable above ground building size is 17,068 square feet.

Gross floor area means the total enclosed area of all floors of a building measured to the inside face of the exterior walls including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet, but excluding area used exclusively for vehicle parking or loading.

Floor Area Ratio (FAR) means the numerical value obtained by dividing the aboveground gross floor area of a building or buildings located on a lot by the total area of the lot. The proposed four floors totals 20,962 square feet, which is equivalent to a 2.45 FAR for the subject site. As discussed above, the application utilizes the density bonus provisions and is requesting two concession from the menu listed in Zoning Code Section 17.43.055.B (Affordable Housing Concession Menu). One concession requested is to increase the maximum allowable floor area ratio by up to 0.5 beyond the applicable standard, as permitted under the menu.

Setbacks

Per Figure 3-7 (Central District Required Setbacks) of the Zoning Code, buildings are required to be built to the property lines along DeLacey Avenue and Green Street. In addition, no setback is required for the rear and interior sides of the site.

As described above, the building would be mainly constructed with zero setback along street property lines, except for one 12'-10" deep recessed exterior open space along Green Street to accommodate four new trees. These trees are required replacement trees for two protected trees previously located on the subject site, which have been removed. This open space would also accommodate outdoor dining area for the future restaurant uses, therefore in compliance with the front and corner side setback requirement.

The proposed project does not provide any rear or side setbacks, therefore in conformance with the side and rear setback requirement.

Height

The maximum permitted height for the subject property is 40 feet, however when utilizing height averaging, the maximum permitted height is 50 feet. As described above, the proposed building would have an overall height of 49'.68', as measured from the lowest existing grade to the top of the highest ridge. The project is proposing to utilize the height averaging provisions of the Zoning Code. The additional height allowed through height averaging requires Design Commission approval and must comply with the height averaging standards in Section 17.30.050.B of the Zoning Code.

The project was reviewed by the Design Commission on June 8, 2021, and received its Concept Design Review approval. Included in the review and approval was the height averaging for the proposed building. The Design Commission found that the height limits comply with the regulatory provisions in the Zoning Code Section 17.30.050. These provisions limit an increase in height (to 50 feet in this case) over a maximum of 30 percent of the building footprint if the additional height is counter-balanced by lower heights elsewhere on a development site such that the average height does not exceed the otherwise required maximum building height (40 feet in this case). As such, the proposed height of 49'.68' is in compliance with the Zoning Code.

Ground Floor Height

Pursuant to Table 3-2 in Section 17.30.040 (CD General Development Standards) of the Zoning Code, the minimum height of the ground floor of all non-residential buildings (including mixed-use projects) is 15 feet. This height is measured from the floor of the first story to the floor of the second story. As proposed, the ground floor would have a height of 17'-13', in compliance with the 15-foot minimum height requirement for the ground floor.

Open Space

Each mixed-use development project shall provide a minimum of 150 square feet of community space for each dwelling unit. For the proposed 18-unit project, a minimum of 2,700 square feet of community space is required to be provided. Community space is required to include both indoor/outdoor space and outdoor open space, and can be in the form of private open space such as balconies, or common open space such as pool or side or rear setback areas. An indoor recreation room of up to 600 square feet may be credited toward fulfilling this community space requirement. Required front setbacks cannot be utilized for the community space requirement. Private open spaces are limited to 30 percent of the total requirement for community space (810 square feet). Each private open space is required to have a minimum six-foot dimension. Each community open space is required to have at least one minimum dimension of 15 feet and the other dimensions shall be at least six feet, except for private open space.

The project proposes a 767 square foot common open space on the third floor, a 1,639 square foot open common space and a 600 square-foot indoor gym on the fourth floor, totaling 3,006 square feet of community space for the project, in compliance with the minimum community space required.

Commercial uses along street frontages

Commercial uses are required to be located along street frontages and have a minimum depth of 50'. The Zoning Administrator may reduce the commercial uses for a secondary street. On corner lots, the commercial space is required to turn (wrap around) the corner for a minimum depth of 50'.

The ground floor of the proposed mixed-use building would be mostly occupied by commercial space totaling 4,840 square feet. The commercial space fronts Green Street and De Lacey Avenue and has a minimum depth of 52 feet measured from Green Street, and a minimum depth of 61' measured from De Lacey Avenue. The project complies with the commercial uses along street frontages, as well as the minimum commercial depth.

Parking

Sections 17.46.040 (Parking and Loading), 17.50.340 (Transit-Oriented Development), and 17.50.160 (Mixed-Use Projects) of the Zoning Code govern parking for this project.

The minimum parking requirement for a restaurant use is 10 parking spaces for every 1,000 square feet of gross floor area. For the proposed 4,840 square foot commercial space, 48 parking spaces are required. However, because the subject site is located within the CD-1 Old Pasadena Historic Core Precinct, the required number of parking spaces shall be equal to 75 percent of the number of spaces required. As such, 36 parking spaces are required for the restaurant use proposed to occupy the commercial space of the project.

The residential parking requirement is one covered space for each unit less than 650 square feet, and two covered spaces for each unit 650 square feet or greater. Additionally, one guest parking space is required for every 10 residential units. According to the submitted plans, eleven units are less than 650 square feet, and seven units are 650 square feet or greater, therefore, the parking requirement for the proposed 18 units is 25 spaces plus one guest parking space, for a total of 26 covered spaces for the residential units. For the entire project, a total of 62 parking spaces are required.

Because the project is utilizing the Density Bonus provision of the City's Zoning Code, the project may utilize the alternate parking requirement in Section 17.43.090 (Alternate Parking Standards) and shown in the table below:

Number of bedrooms	On-site parking spaces
0 -1	1
2 - 3	2
4 or more	2.5

The plans indicate that all of the 18 units would either be a studio or one-bedroom units. If the project were to utilize the alternate parking requirement, the residential portion of the project would require 18 spaces, and the entire project would require 54 parking spaces.

In 2013, 63 Zoning Parking Credit spaces were allocated to a restaurant located at the subject site (85 West Green Street) and the adjacent commercial structure at 101 West Green Street. In 2016, all 63 Zoning Parking Credit spaces were allocated to the subject site. Additionally, in 2017, the applicant entered into a private lease agreement for 23 parking spaces at 160 South DeLacey Avenue, located approximately 580 feet south of the subject site. The property at 160 South DeLacey Avenue is developed with a parking lot containing the 23 parking spaces only. As such, the site currently has, or has access to, 86 parking spaces, which satisfies the parking requirement for the project.

Section 17.50.160.K (Mixed-Use Projects, Parking) of the Zoning Code provides standards for parking in a mixed-use project. A mixed-use project may have parking located at grade level behind the ground floor commercial/residential uses on the street frontage. For new development projects, a minimum of one off-street parking space is required be located on-site for each residential unit. All other parking spaces designed to serve the residential units may be located off-site with a long-term parking lease agreement and shall meet the distance requirements for commercial customer/visitor spaces, which in the Central District Specific Plan is 1,000 feet. Lastly, City Permits for overnight parking on City streets are not allowed to be issued for residential development projects.

The project does not include the construction of any on-site parking spaces, and is therefore unable to provide the minimum required one on-site parking space for each residential unit. A Variance is being requested as part of the application, and discussed further below.

Loading

Zoning Code Section 17.46.260 (Number, Location, and Design of Off-Street Loading Spaces) regulates the number, location, and design of off-street loading spaces. Specifically, for restaurant uses with less than 20,000 square feet of gross floor area, one off-street loading space is required to be provided.

The project includes 4,840 square feet of commercial space, to be occupied by restaurant use(s) in the future. As such, one loading space is required to be provided with the project. The project does not include the construction of an off-street loading spaces.

As described above, because the project utilizes the density bonus provision under Zoning Code Chapter 17.43 (Density Bonus, Waivers and Incentives), the project is entitled to two concessions from the menu outlined in Section 17.43.055 (Affordable Housing Concession Menu). In addition to the FAR concession described above, the project proposes to utilize a concession to reduce the number of required off-street loading space from one to none.

Variance: To deviate from Section 17.50.160.K.2 and not provide residential parking on-site.

The Hearing Officer may approve a Variance to adjust the parking requirement only after making five findings pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

As discussed above, although the required number of parking spaces for the project are being provided in the form of parking credits and off-site parking lease agreement, a Variance is being requested to deviate from Section 17.50.160.K.2, which requires new mixed-use developments to provide one on-site parking space for each residential unit. The project includes 18 residential units, therefore the request is to deviate from 18 on-site parking spaces.

In reviewing the Variance request, staff finds that there are exceptional or extraordinary circumstances applicable to the site that do not generally apply to other sites in the same zoning district. The site is located within the CD-1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict) zoning district, with a property frontage of 105 feet along De Lacey Avenue, 81 feet along Green Street, and 81 feet along Martin Alley. Zoning Code Section 17.46.250.A.2 (Central District Additional Standards for Parking) prohibits at-grade or above-ground off-street parking facilities to front Green Street, thereby requiring any off-street parking proposed on the subject site to be provided as subterranean parking. In order to access a subterranean parking facility, a ramp would be required, and according to the applicant, the width and depth of the property are not of sufficient size to accommodate the necessary ramp, the minimum parking stall dimensions, and circulation aisles. Staff does acknowledge the 8,534 square-foot site is smaller in size when compared to other project sites that have incorporated subterranean parking. Staff finds that the size of the site and the inability to accommodate subterranean parking is an exceptional circumstance related to the site that warrants the approval of a Variance request to not provide 18 on-site parking spaces for the residential units.

A strict application of the Zoning Code requires the property to provide at least one parking space for each residential unit, or alternatively, to develop the site with a commercial project with no residential units. A Minor Conditional Use Permit was previously approved in July 2018 to allow a commercial project on the site. However, residential uses are permitted on the subject site, a substantial property right of the applicant. Furthermore, a mixed-use project would be consistent with the primary purpose of the Central District Specific Plan, which emphasizes the concept of a higher density, mixed-use environment that supports transit- and pedestrian-oriented mobility strategies.

The project would not be detrimental or injurious to properties or improvements in the vicinity of the site because the site has 63 parking credits allocated to its tenants and residents, as well as a lease agreement for 23 off-site parking spaces at 160 South De Lacey Avenue, located approximately 580 feet south of the project site. The parking lot at 160 South DeLacey Avenue is within the maximum distance required for residential off-site parking spaces in a mixed-use project, which is 1,000 feet. Furthermore, Zoning Code Section 17.50.160.K (Mixed-Use Projects, Parking) prohibits overnight parking on City streets to be issued for proposed development, and a condition of approval is recommended. As such, the lack of on-site parking would not be detrimental or injurious to the properties and improvements in the vicinity of the site.

GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY:

The site is designated Medium Mixed Use (0.0-2.25 FAR, 0-87 dwelling units per acre) in the General Plan Land Use Element, which is intended to support the development of multi-story buildings with a variety of compatible commercial (retail and office) and residential uses.

The proposed mixed-use project has been found to be consistent with Policy 1.2, Targeted Growth, in that the project would result in new construction in an infill area and away from Pasadena's residential neighborhoods and open spaces by redeveloping underutilized commercial and industrial properties within the Central District.

The project is also consistent with Policy 2.1, Housing Choices, of the City's General Plan Land Use Element, as the project would provide opportunities for a full range of housing types, densities, locations, and affordability levels to address the community's fair share of regional, senior, and workforce housing needs and provide a strong customer base sustaining the economic vitality of Pasadena's commercial land uses.

Furthermore, the project is consistent with Policy 4.2, An Active Central District as the proposed project would redeveloped an underutilized site within the Central District Specific Plan area. The proposed four-story structure containing restaurants and residential units would replace a previously existing one-story restaurant. The new structure would enhance DeLacey Avenue as well as Green Street, thereby promoting the area as pedestrian-friendly by complementing the surrounding existing commercial uses.

Lastly, the proposed project is consistent with Policy 19.2, Parking Limits, as no on-site parking is proposed with the project, which promotes walking, bicycling, and use of alternate transit.

ENVIRONMENTAL REVIEW:

This project was determined to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA) Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15302, Class 2, Replacement and Reconstruction, and §15332, Class 32, In-Fill Development Projects on March 28, 2017 as part of the approval of Concept Design Review, and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. It has further been determined that there are no changed circumstances or new information as part of the proposed Variance application that necessitate further environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The project has been reviewed by the Building and Safety Division, Department of Transportation, Department of Public Works, Design and Historic Preservation Section, and Water Division. The Building and Safety Division, Department of Transportation, Department of Public Works, and Water Division provided comments and recommended conditions of approval, which have been incorporated to this report under Attachment B "Recommended Conditions of Approval.

CONCLUSION:

It is staff's assessment that the findings (Attachment A) to approve the requested Variance for the proposed project can be made, subject to the recommended conditions of approval (Attachment B). The site is located along Green Street, where at grade parking is not allowed. Furthermore, the site's width and depth is not of sufficient size to accommodate subterranean parking. The size of the subject site is smaller when compared to other development sites with subterranean parking. 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 for Approval
Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11935

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The site is located within the Central District Specific Plan, with a property frontage of 105 feet along DeLacey Avenue and 81 feet of frontage along Green Street and Martin Alley. Within the Central District Specific Plan, at grade or above ground off-street parking facilities are not allow to front Green Street, thereby requiring any parking proposed on the subject site to be provided as subterranean parking. The width and depth of the site is inadequate to accommodate a ramp to access the subterranean parking, the minimum parking stall dimensions, and the circulation aisles. The 8,534 square-foot site is smaller in size when compared to other project sites that have incorporated subterranean parking. The size of the site and its inability to accommodate subterranean parking pose as exceptional circumstances related to the site, which warrants the approval of the Variance.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* A strict application of the Zoning Code requires the property to provide at least one parking space for each residential unit, or alternatively, to develop the site with a commercial development with no residential units. Residential uses are permitted on the subject site, a substantial property right of the applicant, and the granting of the Variance to deviate from the provision of one on-site parking space for each residential unit is necessary for the preservation of a right to develop the site with residential use. Furthermore, a mixed-use project will be consistent with the primary purpose of the Central District Specific Plan, which emphasizes the concept of a higher density, mixed-use environment that supports transit- and pedestrian-oriented mobility strategies.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The project will not be detrimental or injurious to properties or improvements in the vicinity of the site because the site has 63 parking credits allocated to its tenants and residents, as well as a lease agreement for 23 off-site parking spaces at 160 South De Lacey Avenue, located approximately 580 feet south of the project site. The parking lot at 160 South DeLacey Avenue is within the maximum distance required for residential off-site parking spaces in a mixed-use project, which, within the Central District Specific Plan, is 1,000 feet. Therefore, it is anticipated that providing all residential parking off-site will not be reasonably detrimental or injurious to property or improvements in the vicinity of the project site, or to public health, safety or general welfare.
4. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The subject site is designated as designated Medium Mixed Use (0.0-2.25 FAR, 0-87 dwelling units per acre) in the General Plan Land Use Element, intended to support the development of multi-story buildings with a variety of compatible commercial (retail and office) and residential uses.

The proposed mixed-use project has been found to be consistent with Policy 1.2, Targeted Growth, in that the project would result in new construction in an infill area and away from

Pasadena's residential neighborhoods and open spaces by redeveloping underutilized commercial and industrial properties within the Central District.

The project is also consistent with Policy 2.1, Housing Choices, as the project would provide opportunities for a full range of housing types, densities, locations, and affordability levels to address the community's fair share of regional, senior, and workforce housing needs and provide a strong customer base sustaining the economic vitality of Pasadena's commercial land uses.

Furthermore, the project is consistent with Policy 4.2, An Active Central District, as the proposed project would redeveloped an underutilized site within the Central District Specific Plan area. The proposed four-story structure containing restaurants and residential units would replace a previously existing one-story restaurant. The new structure would enhance DeLacey Avenue as well as Green Street, thereby promoting the area as pedestrian-friendly by complementing the surrounding existing commercial uses.

Lastly, the proposed project is consistent with Policy 19.2, Parking Limits, as no on-site parking is proposed with the project, which promotes walking, bicycling, and use of alternate transit.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance in that the cost to the applicant of complying with the City's development standards has not been considered a factor at any time throughout the review of this application.* The cost to the applicant of complying with the City's development standards was not the primary factor considered during the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR VARIANCE #11935

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

General

1. The site plan, floor plans, parking level plans, elevations, building sections, and landscape plans submitted for building permits shall substantially conform to those plans submitted and stamped "Approved at Hearing, July 7, 2021", except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval allows for the construction of a new four-story, 20,962 square-foot mixed-use building, with 4,840 square-feet of commercial space and 18 residential units.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The project shall adhere to the City regulations governing hours of construction, noise levels generated by construction and mechanical equipment, and the allowed level of ambient noise as specified in Chapter 9.36 of the Pasadena Municipal Code.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number ZENT2020-10086, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Beilin Yu, Current Planning Section, at 626-744-6726 to schedule an inspection appointment time.

Planning Division

8. A landscape, hardscape, and irrigation plan, consistent with the plan submitted for this application, shall be installed in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. The plan shall include drought-resistant plant materials and/or low volume irrigation. The plan shall be prepared by a licensed landscape architect and shall meet the requirements of Chapter 17.44 of the Zoning Code.
9. The project is subject to compliance with the State of California Model Water Efficient Landscape Ordinance (MWELO).
10. An exterior lighting plan, including specifications of the proposed fixtures, shall be submitted to the Zoning Administrator prior to the issuance of any building permits. No light sources (e.g., bulb) shall be visible from any location off the site. The lighting shall comply with the standards of Section 17.40.080 (Outdoor Lighting) of the Zoning Code.

11. The applicant shall maintain the off-site parking lease agreement with 160 South DeLacey Avenue for a minimum of 23 parking spaces.
12. The applicant shall maintain the contract with the City of Pasadena for a minimum of 63 parking credits.
13. City Permits for overnight parking on City streets shall not be issued for the proposed project. Residential tenants shall be advised of the unavailability of on-street overnight parking permits. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a copy of the document informing future residential tenants of the unavailability of on-street overnight parking permits.
14. No grading permit shall be issued until the building permit for the project is ready to be issued.
15. Any above-ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
16. A construction staging and traffic management plan shall be submitted to and approved by the Zoning Administrator, Department of Public Works, and Department of Transportation prior to issuance of any permits. The plan shall include information on the removal of demolished materials as well as the on-site storage of new construction materials. A copy of the approved construction parking and staging plan shall be furnished to the Current Planning Division for inclusion into the case file on this project. The plan shall be available for review by surrounding property owners.

Building and Safety Division

17. Governing Codes: Comply with the Current Edition of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, Green Building Standards Code and the City of Pasadena Municipal Code. The governing edition is based on the date in which the project is submitted to the City for review.
18. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area.
19. Best Management Practices: Photocopy to plans and complete the BEST MANAGEMENT PRACTICE page 1 (form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at: [Building & Safety Applications and Forms - Planning & Community Development Department \(cityofpasadena.net\)](http://cityofpasadena.net/Building%20Safety%20Applications%20and%20Forms%20-%20Planning%20Community%20Development%20Department)
20. Property Line Survey Required: Per City of Pasadena Policy property line survey is required for:
 - a. New construction.
 - b. Auxiliary buildings and additions where setback is less than 5'-0" to property line.
 - c. All buildings where specific Zoning Division Variance is issued for approved setbacks & whether newly constructed or altered.

21. Soils Report Required: A soils engineer report is required for:
- All new constructed single and multi-family residential, commercial, and industrial buildings.
 - An addition to a commercial or industrial building.
 - Second (2nd) story addition to existing one-story building.
 - Hillside construction, i.e. decks, retaining walls, and swimming pools.
22. Grading:
- Show compliance with CBC 2016 Appendix J – Grading with City of Pasadena Amendments.
 - Clearly show the cubic yard quantities for excavation (cuts) and fills and label if site grading or foundation excavations.
 - Clearly show the cubic yard quantities for excavation (cuts) and fills; and label if site grading or foundation excavations. A grading permit may not be required per section J103.2 Exemptions.
23. Green Code:
- Photocopy to plans and complete the 2016 CALIFORNIA GREEN BUILDING STANDARD CODE WITH CITY OF PASADENA AMENDMENTS FORMS. These forms can be found at: <http://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>
 - For new buildings 10,000 square feet or over, building commissioning shall be included in the design and construction process of the building project.
24. Low Impact Development (LID): Low Impact Development (LID) may be required for this project. Refer to the City of Pasadena link for further information on the requirements and submittal process: <https://www.cityofpasadena.net/wp-content/uploads/sites/30/Form-PC.pdf?v=1599178168233>
25. Means of Egress (Exiting):
- Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings as applicable.
 - Primary accessible path of travel shall include a primary entrance to the building or facility; toilet and bathing facilities serving the area; drinking fountains serving the area; public telephones serving the area, and signs.
26. Fire and Smoke Protection Features: Show materials, systems and assemblies used for structural fire resistance and fire-resistance rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
27. Accessibility: Provide compliance with accessibility per CBD Chapter 11A and 11B accordingly.
28. Required Plans and Permits:
- In addition to architectural plans, provide structural, shoring, plumbing, mechanical, electrical plans, and grading plans as required. No deferred submittal.
 - Separate permits are required for the following: mechanical, electrical, plumbing, fire sprinkler, demolition, block walls, others.

Department of Transportation

- 29. Transportation Analysis: Based on the preliminary information provided in the Master Application form, this project does not generate more than 300 daily trips. Therefore, this current project scope is exempt from requiring a transportation analysis.
- 30. Loading: DOT will not install a loading zone for project use along the project frontage. Parking: No permanent, on-street, overnight parking permits will be issued to future residents of this project. Future tenants shall be advised of the unavailability of permanent, on-street, overnight parking permits by the property management.
- 31. Parking in the City-owned lots are not guaranteed. The parking requirements for this development shall be reviewed and approved by the Planning Department prior to the issuance of a Building Permit.
- 32. Construction Staging & Traffic Management: Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging & Traffic Management Plan to the Department of Public Works for review and approval. This plan shall show the impact of the various construction stages on the public right-of-way including street occupations, parking space relocation agreements, closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. Permitted hours for construction vehicles (delivery, haul) may be limited to the hours between 9:00 AM – 3:00 PM.
- 33. Traffic Impact Fee: The Traffic Reduction and Transportation Improvement Fee (Ordinance No. 7076) will apply to all net new residential, retail, industrial, and office developments. For FY 2021 the fees are:

Land Use	Fee (FY 2021)
New retail use per square foot	\$11.46
Multi-family (per dwelling unit)	\$3,662.53

Department of Public Works

- 34. De Lacey Avenue along the frontage of the subject property has a substandard sidewalk width of eight (8) feet. In order to provide for a standard ten (10) feet wide sidewalk, the applicant shall dedicate to the City a 2-foot strip of land along the subject frontage for street purposes.

The applicant shall be responsible for all the costs required to complete the dedication. The dedication documents and processing fee shall be submitted to this office, at least three to four (3-4) months prior to the issuance of any permits. The dedication documents shall be executed and recorded prior to the issuance of a Certificate of Occupancy.

- 35. The applicant shall improve the dedicated areas, sidewalk, full width alley pavement per Standard Drawing S-415 and alley approach per City Standards. In improving/restoring the alley, caution shall be exercised to preserve the embedded-on-pavement alley name sign, Martin Alley.

The applicant is responsible for the design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by a Civil Engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to submit fees, per the current General Fee Schedule, to cover the cost of plan

checking and construction inspection of the improvements. Note that building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit public improvements plans and the plan check fees at least two (2) months prior to the issuance of any building or demolition permits.

36. In order to accommodate an Americans with Disabilities Act (ADA) compliant curb ramp, the applicant shall verify, and reconstruct if necessary, a standard curb ramp at the northeast and northwest corner of De Lacey Avenue and Green Street intersection, if possible, per Caltrans Standard A88A or City of Pasadena Standard No. S-414. The curb ramp construction shall be completed prior to the issuance of Certificate of Occupancy. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process.

The applicant shall submit to the City for review any proposed designs that will comply with the ADA requirements. The applicant is responsible for the design, preparation of plans and specifications, and construction of the new curb ramp. Plans for the curb return improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to submit fees, per the current General Fee Schedule, to cover the cost of plan checking and construction inspection of the improvements. Note that the building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit the curb return improvement plans and the plan check fees at least two (2) months prior to the issuance of any building or demolition permits.

Upon review of the curb ramp improvement plans, the applicant may need to dedicate to the City for street purposes the land necessary at the property line corner rounding (Per Standard Plan No. S-423) to provide for the minimum clearance required by the Americans with Disabilities Act standards. If so, the applicant shall remove and reconstruct the sidewalk for the dedicated area, per Standard Plan No. S-421. The applicant shall be responsible for all the cost required to complete the dedication, if it is required. The dedication document and processing fee shall be submitted to this office, at least three to four (3-4) months, prior to issuance of any permits. The dedication documents shall be executed and recorded prior to the issuance of a Certificate of Occupancy.

37. The traffic signal at Green Street and De Lacey Avenue intersection shall be upgraded/modified as follow:
- a. Because the intersection is a high generation of pedestrian activity which services residences on south De Lacey, as well as, restaurant and shopping patrons; Public Works would require that the pedestrian push buttons be installed using Accessible Pedestrian System (APS) devices which utilize technology for the hearing and sight impaired.
 - b. To provide more efficient vehicle and pedestrian coordination, as well as, traffic flow; installation of video detection systems will be required to provide the intersection with that capability, especially during peak times.
 - c. The east bound traffic signal with mast arm needs to be brought up to standard. A longer mast arm and will be required to provide adequate sight visibility; and a larger pole will provide ample structural stability with the added third party telecom antennas. Additional

vehicle heads will be required to increase visibility for drivers travelling within the tree canopy along Green Street.

- d. With all these upgrades, there will be some conduit, pull boxes, and miscellaneous concrete work that may be required to provide the complete functionality of the intersection and its operation.
 - e. To provide energy efficiency and better visibility at evening times, the existing luminaires will be upgraded to LED type luminaires for energy savings and better luminosity for pedestrian visibility.
38. The existing street lighting fronting the subject site is substandard. In order to improve pedestrian and traffic safety, the applicant shall replace/renovate the existing street lighting, on or near the frontage of the subject property, with LED lights, per the City requirements and current standards as follow:
- a. Two (2) existing street lights on Green Street
 - b. Two (2) existing street lights on De Lacey Avenue

Street lighting upgrade shall be completed prior to the issuance of a Certificate of Occupancy.

In the event where the existing street light pole determined, by the City, to be deteriorated and/or damaged, the applicant shall replace the existing street light pole with a new street light pole in kind. The replacement shall include but not limited to new pole, new footing, new LED light(s), conduit, conductors, lamp socket, fuse, globe/lantern, globe holder, photo cell, and other miscellaneous related parts. The applicant shall schedule a street lighting pre-inspection with the Public Works inspector to determine the details/scope of the replacement/renovation of the existing street lighting. Please contact 626-744-4195 or via email: pw-permits@cityofpasadena.net to schedule a street lighting pre-inspection, prior to the issuance of any permits.

39. Additional lighting in alley walkway should be provided for security and operations, and for pedestrian activity area illumination. Light fixtures should be wall mounted wherever possible, with a minimum height clearance of 16 feet, on private property. The new lighting in alley walkway shall be similar to the predominant existing alley walkway and, where appropriate, the fixture type should correspond to the individual building facades.
40. The applicant shall restore and re-paint all existing metal street light poles, traffic signal poles and traffic signal controller cabinet(s), along the Green Street and De Lacey Avenue frontages of the subject property in a manner acceptable to the Department of Public Works. In addition, the painting specification shall be per the Old Pasadena Streetscapes and Alley Walkways Specific plans and specifications. The cost of the street light pole and traffic signal pole/equipment restoration and painting is the applicant's responsibility.
41. The applicant is responsible for the design, preparation of plans and specifications, and the construction of all required street light(s) and traffic signal modifications. Plans for the improvements shall be prepared by a civil engineer, registered in the State of California. Upon submission of improvement plans to the Departments of Public Works for checking, the applicant will be required to submit fees, per the current General Fee Schedule, to cover the cost of plan checking and construction inspection of the improvements. In addition, there is possibly considerable lead-time for the materials required for the construction and modification. In order to avoid delays in the development schedule, the applicant shall coordinate with this office at 626-744-4195 regarding this street light/traffic signal condition at least five (5) months in advance of the anticipated issuance of Certificates of Occupancy.

42. No private improvements may be placed within the public right-of-way, including, but not limited to, soldier beams, tie-backs, utility conduits, backflow preventers, transformers, fire sprinkler valve, decorative sidewalk and applicable parade post holes on Colorado Boulevard per Standard Drawing S-419. Private improvements may only be placed in the public right-of-way by submitting a license agreement, which must be approved by the City. The license agreement application for any private improvement within the public right-of-way shall be submitted to the Department of Public Works for review and shall be approved by the City before any permits are granted.

The applicant shall submit the application, plan and processing fee/deposit, associated with processing the license agreement, at least three to four (3-4) months prior to the issuance of any building or demolition permits. An approved license agreement will allow the applicant to install and maintain the private improvements within the public right-of-way with conditions.

A license agreement for shoring requires an indemnity bond in order to guarantee that shoring and tie-backs are free from defect due to faulty material, workmanship and failure. Upon review of the license agreement exhibits, an indemnity bond estimate will be prepared and forwarded to the applicant. The estimated amount is equivalent to the cost of reconstructing the public right of way, including all affected utilities, public facilities, and infrastructures, based on the plane of failure at a 45-degree angle from the lowest point of excavation. The indemnity bond shall be submitted to the City prior to the execution of the agreement and the issuance of any building or demolition permits.

All steel rods in every tie-back unit shall be relieved of all tension and stresses, and any portion of soldier beams and any portion of the tie-backs located be removed entirely from the public right-of-way. A monthly monitoring report stamped and certified by a licensed surveyor shall be submitted to indicate that the deflection from any piles or soldier beams does not exceed one inch. Upon completion of construction, the developer or his contractor shall remove all tie-back rods within the public right-of-way. The removal shall be documented by a report certified by a licensed deputy inspector. The report shall be submitted to the City for review and approval. The applicant will be charged a penalty of \$7,000 for each tie-back rod not removed from the public right-of-way. For temporary tie-backs or shoring, the maximum width of the license area fronting the development frontage(s) shall only extend to the centerline of the public right-of-way.

43. To protect existing City trees during construction, the applicant shall fully conformed to the Tree Protection Guidelines signed by the City Manager. The full guidelines is available at the following link: <https://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/>
44. Any existing street tree(s) proposed to be removed are subject to the approval of the Urban Forestry Advisory Committee (UFAC).
45. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.

The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.

The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.

46. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan (PMC Ch. 8.52 – City Trees and Tree Protection Ordinance), prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A non-refundable flat fee, per the current General Fee Schedule, will be required for staff time to review the Tree Protection Ordinance compliance.
47. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 6' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.
48. All new drive approaches shall be at least seven (7) feet clear of the existing street trees measured from the edge of the trunk closest to the drive approach. All public trees shall be protected and fenced with a posting on the fences advising of the tree protection.
49. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.
50. Prior to issuance of any permit, a sundry deposit in the amount of the applicant's total liabilities based on the aforementioned approved tree assessment report shall be submitted to the City. The sundry deposit is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.
51. The proposed development shall connect to the public sewer with one or more new six-inch diameter house sewers 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 sewers 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.

52. The applicant shall demolish existing and construct all new public improvements along the subject development frontages of Green Street and De Lacey Avenue, including concrete drive approach per Standard Plan S-403; concrete sidewalk per Standard Plan S-421; concrete curb and gutter per Standard Plan S-406. All public improvements shall be completed prior to the issuance of Certificate of Occupancy.
53. All excavations for utility connections/services for the development shall be limited to one street frontage only, either on Green Street or De Lacey Avenue. The restoration of the selected frontage shall be a full width (from gutter to gutter) cold milling and resurfacing of asphalt concrete roadway per Standard Plan S-415. All street restoration shall be completed prior to the issuance of Certificate of Occupancy.
54. The applicant is responsible for the design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to place a deposit with the department to cover the cost of plan checking and construction inspection of the improvements. The amount of deposit will be determined when the plans are submitted and will be based upon the estimated cost to the department for the work. Note that building plans approved by the City’s Planning (Building) Department do not constitute approvals for work in the public right-of-way. Independent plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue. The applicant is encouraged to submit these plans as early as possible to avoid delays in the issuance of Certificates of Occupancy.
55. On-site drainage, such as roof drain, area drain and subterranean garage discharge, shall be contained on-site per LA County Regional Water Quality Control Board’s current permit.

The site shall be designed such that all drainage flows to Green Street and/or De Lacey Avenue. No run-off shall flow to Martin Alley.

56. The applicant shall provide storm water drainage plans and obtain approval from the Planning Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
57. 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://www.cityofpasadena.net/public-works/engineering-and-construction/engineering/> . 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.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

58. In order to ensure that the developer maintains a clean and safe site during the construction phase of development, the applicant shall place a \$20,000 refundable deposit with the Department of Public Works prior to the issuance of any permit. This deposit is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/ resurfacing, street trees, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control.

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.

In addition to the above conditions, the requirements of all applicable Pasadena Municipal Code (PMC) will apply and be implemented during the corresponding plan review and permitting. They may include but not limited to:

- Sidewalk Ordinance - Chapter 12.04
- Sewer Facility Charge – Chapter 4.53
- Residential Impact Fee – Chapter 4.17
- City Trees and Tree Protection Ordinance - Chapter 8.52
- Construction and Demolition Waste Ordinance - Chapter 8.62
- Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100

Water and Power Department – Water Division

59. Water Mains: Pasadena Water and Power (PWP), Water Division can serve water to this project. The following water mains serve the property:
- 8-inch cast iron water main in De Lacey Avenue installed under Work Order 6115 in 1975. This water main is located approximately 12 feet east of the west property line of De Lacey Avenue.

- 8-inch cement mortar lined cast iron water main in Green Street installed under Work Order 1903 in 1926. This water main is located approximately 21 feet south of the north property line of Green Street.

60. Moratorium: Verify with Public Works Department regarding any street construction moratorium and asbestos containing asphalt affecting this project.

61. Water Pressure: The approximate water pressure at this site is 90 -95 psi.

62. Water Service: PWP records reflect that there are two domestic services providing water to this property:

- 2 -inch copper service installed in 1993 (#48554) in Green Street
- 4-inch ductile iron service installed in 1993 (#48553) in Green Street

Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. Water services older than 50 years require renewals.

63. Water Main Charge: If it is determined that a water main must be upgraded due to size, age, pressure deficiencies, and/or the integrity of the existing water main; the upgrade will be paid for by the owner/developer. A deposit will be requested for the water main design and a cost estimate will be provided to the owner/developer for the new water service installations, main design, and main construction. The owner/developer must be aware that the design of a new water main will take 3 to 4 months after the initial deposit is made by the owner/developer. Also, an additional 4 to 6 months will be needed for the construction of the water main after the balance of the estimate is paid in full by the owner/developer. The design and construction estimated time depends on the size and length of the water main and other mains in the queue. For this reason, it is imperative that the initial deposit be submitted promptly. Also, the owner/developer will pay in full any street restoration that is required by PWD. PWD determines the limits of the street restoration.

64. Water Division Requirements:

- Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
- The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
- All services not in use must be abandoned at the distribution main at the applicable rate.
- For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
- Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.

65. Cross Connection Requirements for Domestic Services:

- All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
- There shall be no taps between the meter and the backflow assembly.
- The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.
- The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
- The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
- The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
- All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
- An administrative fee of \$180.94 will be charged for each backflow prevention assembly installed.

66. Cross Connection Requirements for Fire Service:

- The fire service requires a detector meter and back-flow prevention assembly.
- The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
- All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
- Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
- All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow prevention assembly. The assembly will be registered and require an annual test certification.
- If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
- Choose from one of the below listed options and incorporate into the fire sprinkler plans.

Option 1:

Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.

- The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.

Option 2:

Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.

- The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.

67. All Other Cross Connection Requirements: The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.

68. Residential Water Metering Requirements: Senate Bill No. 7 (Housing: water meter: multiunit structures) approved by the Governor September 25, 2016, requires that individual meters or submeters be installed on all new multifamily residential units. Per Senate Bill No. 7: Each water purveyor that sells, leases, rents, furnishes, or delivers water service to a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure for which an application for a water connection, or more than one connection, is submitted after January 1, 2018, shall require a measurement of the quantity of water supplied to each individual residential dwelling unit as a condition of new water service. The law exempts long-term health care facilities, low-income housing, residential care facilities, housing at a place of education, and time-share properties, as well as, other multiunit residential structures deemed infeasible by the Department of Housing and Community Development.

Per the Water Regulations adopted by City Council on June 4, 2012: "The water service will end at the curb, public right of way or property line at the option of PWP. Where the location of the meter box or vault on the City side of the property line is not practicable, the meter box or vault shall be located on the Customer's premises or such other location that may be agreed upon by PWP at its option. The Customer shall be responsible for the expense of installation and maintenance of the lines on the Customer's side of the property line connecting to PWP's service where construction of the Customer's facilities began."

The following submetering options are available for PWP customers:

Option 1:

Individual metering located on the parkway.

The Water Division will install individual water meters on the parkway in front of the project site, if permitted by available space as per the General Requirements, for each residential unit. The owner/developer shall install an approved double check valve backflow prevention assembly at each domestic water service. All dedicated irrigation services must have a Reduced Pressure Zone Valve Assembly ("RP"). The location of the backflow prevention assemblies shall be above ground within 20-feet of the property line, and the assemblies require registration and annual test certifications. PWP's responsibility of service ends at the meter and PWP will bill each tenant directly.

Option 2:

Individual metering located on private property.

The Water Division will install a service lateral up to the property line with a shut off valve. The owner/developer shall provide and install an approved double check valve backflow prevention assembly after the shut off valve and will install all piping behind the property line. The location of the backflow prevention assembly shall be above ground within 20-feet of the property line, and the assembly requires registration and an annual test certification. The owner/developer will pay for and install all water meters, provided by PWP, to each residential unit. Water meters must be installed horizontally and must be located in an open area or in a garage/parking area and must have a minimum 12-inch above grade in order for meter readers to have unrestricted access to them if needed. All dedicated irrigation services must have a RP. PWP will inspect the individual meters as a condition of providing service. PWP's responsibility of service ends at the property line and PWP will bill each tenant directly.

Option 3:

Submetering by third party vendor located on private property.

The Water Division will install master water meter(s) on the parkway, in front of the project site. The owner/developer must submit a statement on letterhead stating that a Contractor licensed by the California State License Board will install submeters, per Senate Bill No. 7, to all residential units. The owner/developer shall install an approved double check valve backflow prevention assembly on each submeter. All dedicated irrigation services must have a RP. The backflow prevention assemblies require registration and annual test certifications. PWP will inspect the submeters as a condition of providing service. PWP's responsibility of service ends at the master meter and the owner/developer is responsible for billing each tenant per Senate Bill No. 7.

69. Fire Flow and Fire Hydrants: The Pasadena Fire Department (PFD) has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer.

There are two fire hydrants in close proximity to the project site.

- Fire hydrant 417-5 is located on the west curb De Lacey Avenue, approximately 175 feet north of Green Street.
- Fire hydrant 417-4 is located on the northeast corner of Green Street and De Lacey Avenue.

There are no current fire flow tests information available for these hydrants. If you would like to request a fire flow test, please contact Linette Vasquez at (626) 744-7064.

70. Fire Hydrants Details:

