



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** March 21, 2018

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #6452

**LOCATION:** 535 East Union Street

**APPLICANT:** Mill Creek Development, LLC

**ZONING DESIGNATION:** CD-3 (Central District, Walnut Housing)

**GENERAL PLAN DESIGNATION:** Medium Mixed Use

**CASE PLANNER:** David Sanchez

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #6452 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** The applicant is requesting to construct a new four-story mixed-use building containing a total of four residential units, 6,595 square feet of office and 6,709 square feet of ground-level retail and the construction of a new six-story residential building containing a total of 82 residential units, ten of which would be affordable (very-low income) units, over two subterranean parking levels containing a total of 165 parking spaces. The project requires the following entitlements:

- 1) Conditional Use Permit to allow a Density Bonus exceeding 35 percent;
- 2) Affordable Housing Concession Permit to allow the proposed site to exceed the maximum allowable floor area ratio (FAR);
- 3) Affordable Housing Concession Permit to allow the proposed building to exceed the maximum height; and

4) Private Tree Removal to remove five protected trees located on site.

**ENVIRONMENTAL DETERMINATION:**

This project has been determined to be 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, §15332, Class 32, In-Fill Development Projects, and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15332 specifically exempts from environmental review in-fill development where: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services.

**BACKGROUND:**

**Site characteristics:**

The subject site consists of four parcels totaling 50,848 square feet, with frontage on Madison Avenue to the east and Union Street to the south. The site is currently improved with surface parking lots.

**Adjacent Uses:**

North – Surface Parking Lot  
South – Multi-family Residential and Medical Office  
East – Medical Office  
West – Institutional (Fuller Seminary)

**Adjacent Zoning:**

North – CD-3 (Central District, Walnut Housing)  
South – CD-4 (Central District, Pasadena Playhouse)  
East – CD-3 (Central District, Walnut Housing)  
West – CD-3 (Central District, Walnut Housing)

**Previous zoning cases on this property:**

None

## PROJECT DESCRIPTION:

The applicant, Mill Creek Development, LLC, has submitted an application requesting to construct a new four-story mixed-use building containing a total of four residential units, 6,595 square feet of office and 6,709 square feet of ground-level retail and the construction of a new six-story residential building containing a total of 82 residential units, ten of which would be affordable (very-low income) units, over two subterranean parking levels containing a total of 165 parking spaces. The project includes the demolition of the existing 41,250 square-foot commercial building and surface parking lot. Mixed-use development is permitted by-right in the CD-3 zoning district.

Under the current Central District Specific Plan, the maximum number of residential dwelling units allowed for the project site is 57 units. The density bonus section of the Zoning Code (Section 17.43.040) allows an increase in the number of units permitted on the site, provided a specified percentage of the units are designated as affordable units. Per the Zoning Code, the percentage of density bonus increase afforded to the project is dependent on the number of units that are dedicated as affordable. The applicant is proposing that ten of the units be dedicated to very low-income households. By dedicating ten of the allowed base units (57 units) for very low-income households, the applicant is requesting a 50% density bonus, for a total of 86 total residential units. A Density Bonus up to 35% is allowed by-right, however a Density Bonus up to 50% is permitted with the approval of a Conditional Use Permit in the CD-1, CD-2, CD-3, and CD-4 zoning districts. The subject site is located in the CD-3 district and the applicant has requested a Conditional Use Permit to allow a 50% Density Bonus.

Consistent with California State Law (Section 65915), the Zoning Code permits a project that is utilizing a density bonus increase to request concessions, or deviations, from an applicable development standard, provided the concessions are necessary for the provision of the affordable units. Per Section 17.43.050 of the Zoning Code, this request is processed through the Affordable Housing Concession Permit process. The applicant has requested two concessions:

- i. To allow the proposed site to have a Floor Area Ratio (FAR) that exceeds the code requirement. Pursuant to Section 17.30.40, Figure 3-9 of the City of Pasadena Zoning Code, the required Floor Area Ratio for this property is 1.5 for three of the parcels and 2.0 for one of the parcels. This concession requests a total overall Floor Area Ratio of 2.23; and
- ii. To allow portions of the proposed building within the CD-3 portion of the site to have heights that exceed the code requirement. Pursuant to Section 17.30.40, Figure 3-8 of the City of Pasadena Zoning Code, the height limit for the subject site is 50 feet (65 feet utilizing height averaging). This concession requests the building to have a maximum height of 65 feet.

With the exception of the requested concessions, the project complies with all other applicable development standards, as required by the City's Zoning Code, including but not limited to setbacks, parking, and open space. Final review of the project's compliance with the applicable development standards would occur during the plan check process, prior to the issuance of a Building Permit.

## **ANALYSIS**

### Conditional Use Permit: To allow a density bonus exceeding 35 percent

A Density Bonus up to 50% is permitted with the approval of a Conditional Use Permit in the CD-1, CD-2, CD-3, and CD-4 zoning districts. The subject site is located in the CD-3 district and the applicant has requested a Conditional Use Permit to allow a 50% Density Bonus. The Central District Specific Plan (CD-1, CD-2, CD-3, and CD-4) is the area targeted for the highest amount of Density Bonus activity, and is the only area of the City that permits a Density Bonus above 35%. A Density Bonus up to 35% is permitted by-right based on the provision of 11% of the units to very low income residents. An additional 2.5% Density Bonus may be granted per additional percentage point of very-low income units provided above 11%. The applicant has proposed ten out of the base density of 57 units as very low income, which is over 17% of the units. That results in a maximum 50% Density Bonus.

The proposed Density Bonus is located in one of the areas of the City envisioned for the highest amount of development and density, in the Central District Transit-Oriented area. The Central District Specific Plan identifies the Ford Place/Fuller Seminary precinct (C-1), where the project is located, as being notable for the reuse of a number of historic structures and is especially appropriate for additional housing. The proposed Density Bonus exceeding 35 percent is permitted with a Conditional Use Permit and the mixed use development is a permitted use in the CD-3 zoning district. An Air Quality Analysis, Noise and Vibration Analysis, Traffic Impact Analysis and Historical Resources Assessment were prepared for the project. Each analysis found that environmental impacts would be less than significant. The visual character of the surrounding area includes a range of land uses, building styles, and heights similar to the proposed project. The project is also subject to Design Review and would be reviewed by the Design Commission to ensure the project is aesthetically compatible with the surrounding development.

### *Parking*

The project proposes two levels of subterranean parking to serve the uses. The Central District Transit Oriented Area is subject to the Transit Oriented Development parking requirements, which requires a parking ratio of 1 spaces per unit less than 650 square feet. For units 650 square feet or greater the minimum requirement is 1.5 spaces per unit and the maximum is 1.75 spaces per unit. This results in a residential parking minimum requirement of 126 spaces and a maximum of 145 spaces. The office parking requirement is 3 spaces per 1,000 square feet, with a minimum reduction of 25 percent and a maximum reduction of 35 percent. The retail parking requirement is 3 spaces per 1,000 square feet, with a minimum reduction of 10 percent and a maximum reduction of 20 percent. This results in a minimum parking requirement for the commercial portion of the project of 25 spaces and a maximum requirement of 28 spaces. The total range of required spaces for the project is 151 to 173 spaces. The proposed project includes 165 total parking spaces, which complies with the parking requirements.

### Affordable Housing Concession Permit: To increase the maximum permitted FAR and building height

Three findings are required for approval of an Affordable Housing Concession Permit (Government Code Section 65915). First, it must be found that the concessions result in the identifiable and actual cost reduction to provide for affordable housing costs or for rents. Second, it must also be found that the concession would not have a specific adverse impact on

public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California Register of Historical Resources. Finally, it must also be found that the concession would not be contrary to state or federal law.

### *Financial Analysis*

To assess the project for the first finding, the City forwarded the project's financial information to its financial consultant, Keyser Marston Associates (KMA) for analysis. KMA reviewed and prepared a density bonus analysis that analyzed the following development scenarios:

1. A zoning compliant project that includes 57 market rate units and 11,373 square feet of gross leasable commercial space (Base Case);
2. A scenario in which no concessions are provided (No Concessions);
3. A scenario in which only the FAR Concession is granted; and
4. The Proposed Project, which includes 86 apartment units and 11,373 square feet of gross leasable commercial space.

KMA determined that the cost associated with providing ten very-low income units is estimated at \$5,125,000. The value of the requested density bonus and concessions is \$5,076,000, which is \$39,000 less than the net cost associated with providing ten very-low income units. In their analysis, KMA concludes that the Developer's proposal meets the requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of six very-low income residential units.

### *Project Impacts*

In addition, the review must verify that there will be no adverse impact on public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California Register of Historical Resources.

- **Traffic Impact Analysis**

The Department of Transportation (DOT) determined that a Traffic Impact Analysis was required for this project. The study evaluated the effect the project would have on existing neighborhood traffic volumes along access and neighborhood collector street segments and intersections within the vicinity of the project, and evaluated the existing Pedestrian Environmental Quality Index (PEQI) and Bicycle Environmental Quality Index (BEQI) along key corridors within the vicinity of the project. The analyses determined that the ratio of project-related trip volumes over existing traffic exceed adopted caps along the street segment of Madison Avenue between Walnut Street and Union Street. As a result, the project is required to develop and implement a Complete Streets plan to discourage neighborhood intrusion by project-related traffic. This requirement is included in the conditions of approval for this project (Attachment B).

In addition, because the project proposes more than 50 residential units, DOT also conducted a separate analysis (referred to as the CEQA Evaluation) of the City's five vehicular and multimodal performance measures that assess accessibility of different modes of travel when evaluating a project's impact, as well as the project's transportation impact to its community using adopted transportation performance measures that relate to vehicle miles traveled (VMT), vehicle trips (VT), proximity and quality of the bicycle network, proximity and quality of the transit

network, and pedestrian accessibility. The CEQA Evaluation determined that that the project's incremental VMT per capita change would not exceed the adopted threshold of significance under the VMT per capita of 22.6. Therefore, the project does not cause any significant impacts as it relates to VMT. Additionally, the project's incremental VT per capita would not exceed the adopted threshold of significance under the VT per capita of 2.8. Thus, the project does not cause any significant impacts as it relates to VT. It was also determined that the project increases the service population access to transit and bike facilities. Therefore, the project does not cause a significant impact on the existing bicycle network or access to transit facilities.

As such, as it relates to vehicular traffic and with the incorporation of the recommended conditions of approval, there would be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

- Noise Analysis

A Noise and Vibration Analysis was prepared by Dudek for the project site. The purpose of the report was to determine potential noise and vibration impacts as they relate to the proposed construction activities (short term impacts) and noise impacts as they relate to the operational characteristics (long term impacts) of the use. In its analysis, Dudek concluded that during the construction period, maximum construction noise levels would not exceed the City's Noise Ordinance thresholds of 85 weighted decibels (dBA) at 100 feet. Additionally, Dudek concluded that vibration generated by the project's construction equipment would not be expected to generate levels of vibration that would cause human annoyance or structural damage to surrounding uses and would result in less than significant impacts related to vibration. Therefore, no adverse short-term noise or vibrations impacts associated with construction would occur from the project.

Long term operational impacts of the project would be generated by mechanical equipment (heating, ventilation and air conditioning units), maintenance of the site and vehicles entering and leaving the property. The threshold of significance for operational noise, established in the City's Noise Ordinance, prohibits the making of noise that exceeds the ambient noise levels by 5 dBA. It was determined that the operational characteristics (long term impacts) of the use would not exceed the ambient noise levels by 5 dBA. Per the noise analysis, the proposed development would increase the ambient noise levels a negligible amount above existing conditions. The existing traffic-related ambient noise level ranges from 64 to 72 dBA. Project-related traffic would result in increases no greater than 1 dBA. As such, the nature of the features related with the operational characteristics of the use would not increase the existing ambient noise level by 5 dBA. Therefore, no adverse long-term noise impacts would occur from the project and no mitigation is required.

Therefore, as it relates to noise, there would be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

- Air Quality Analysis

An Air Quality Analysis for the project site was prepared by Dudek. The purpose of the report was to determine if the project would conflict with an applicable air quality plan, violate an air quality standard or threshold, result in a cumulatively net increase of criteria pollutant emissions, expose sensitive receptors to substantial pollutant concentrations, create objectionable odors

affecting a substantial number of people, generate greenhouse gas emissions that may have a significant impact on the environment, or conflict with an applicable plan adopted for the purpose of reducing emissions of greenhouse gases.

In its analysis, Dudek concluded that the project would not conflict with or obstruct implementation of the SCAQMD 2016 Air Quality Management Plan, and air quality impacts from construction and operation of the project would be below SCAQMD air quality thresholds. Project-related construction emissions would not be cumulatively considerable and sensitive receptors near the project site would not be exposed to substantial pollutant concentrations. Therefore, the impacts would be less than significant. Additionally, the project would not produce objectionable odors that constitute a public nuisance.

Per Dudek's analysis, the project would have no impacts for Project-related air quality. As such, as it relates to air quality, there would be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

- Historic Resources

The proposed project was reviewed by the City's Design and Historic Preservation Section of the Planning Division. There are no known or identified historic resources on the subject site. There are no historic structures onsite, however, there are historic structures or eligible structures on adjacent properties, such as the Barcelona Apartments and the Blaisdell Building to the south. The Historical Resources Assessment determined that the project would not have an impact on any structure eligible for the National, State or Local register. Therefore, as it relates to historic resources, there would be no adverse impact on a property listed on the California Register of Historic Places and the proposal complies with the requirements needed to make the findings to be granted a concession.

Private Tree Removal: To allow the removal of one Pecan (*Carya illinoensis*) tree.

The applicant is also proposing removal of one Pecan (*Carya illinoensis*) tree that is considered a protected tree. The Pecan tree (tree #1 on the tree survey in the project plan set) has a diameter at breast height (DBH) of 22.5 inches. The applicant has submitted an application seeking permission to remove the tree.

Per Section 8.52.075 of the Pasadena Municipal Code, one of the following six possible findings must be made in order to approve the removal of a tree that qualifies for protection under the Tree Protection Ordinance:

- 1) There is a public benefit as defined in Section 8.52.024(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree; or
- 2) The present condition of the tree is such that it is not reasonably likely to survive; or
- 3) There is an objective feature of the tree that makes the tree not suitable for the protections of this chapter; or
- 4) There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or
- 5) To not permit injury to or removal of a tree would constitute a taking of the underlying real property; or

- 6) The project, as defined in Section 17.12.020, includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix adopted by resolution of the city council and included in the associated administrative guidelines.

The applicant has proposed that finding #4 applies to the proposed tree removal. The tree is proposed for removal due to the location of the proposed two-level subterranean parking area along the western portion of the site. The applicant states that two parking stalls on each of the two levels of subterranean parking would be lost with retention of the tree which constitutes an undue hardship.

Private Tree Removal: To allow the removal of one Camphor (*Cinnamomum camphora*) tree.

The applicant is also proposing removal of one Camphor (*Cinnamomum camphora*) tree that is considered a protected tree. The Camphor tree (tree #4 on the tree survey in the project plan set) is a multi-trunk tree with diameters at breast height (DBH) for each trunk of 15.5 and 21.5 inches. The applicant has submitted an application seeking permission to remove the tree.

The applicant has proposed that finding #4 applies to this proposed tree removal as well. The tree is proposed for removal due to the location of the proposed two-level subterranean parking area along the western portion of the site. The arborist evaluation determined that the tree is in good health but exhibits poor structure with a history of breakage. The tree is located at the property line with one of the trunks growing into the project site at an approximately 45-degree angle. In addition to the reduction of subterranean parking, the retention of the tree would impact the proposed above ground improvements at the northwest corner of the project site, which constitutes an undue hardship.

Private Tree Removal: To allow the removal of three Eugenia (*Syzygium paniculatum*) trees.

The applicant is also proposing removal of three Eugenia (*Syzygium paniculatum*) trees that are considered protected trees. The Eugenia trees (trees #8, 11 and 12 on the tree survey in the project plan set) are located along the northern property line and are clustered, along with four other unprotected Eugenia trees, in the same area. Tree #8 is a multi-trunk tree with diameters at breast height (DBH) for each trunk of 8 and 10 inches. Tree #11 is a multi-trunk tree with diameters at breast height (DBH) for each trunk of 8.5 and 10 inches. Tree #12 is a multi-trunk tree with diameters at breast height (DBH) for each trunk of 7.5, 8 and 9 inches. The applicant has submitted an application seeking permission to remove the three trees.

The applicant has proposed that finding #3 applies to each of these three proposed tree removals. The arborist evaluation determined that each of the trees are shrubs that have overgrown to become tree size. The arborist also concluded that the trees exhibit heavy Eugenia psyllid insect infestation. Further, the arborist identified that the trees drop fruit that can stain cars located below the trees on the adjacent property. The applicant has provided the reasons described above as objective features of the three trees that make the trees unsuitable for protection.

**GENERAL PLAN CONSISTENCY:**

The proposed project is consistent with policies of the General Plan related to sustainable growth, housing affordability, and Central District vitality. By proposing new infill development on an underutilized commercial property in the Central District, the project is consistent with Policy



1.2 (Targeted Growth), the goal of which is to target growth and new construction in infill areas and away from Pasadena's residential neighborhoods and open spaces. By proposing a mixed-use project inclusive of 6,159 square-feet of commercial space and 55 residential units, the project is consistent with: Policy 2.5 (Mixed Uses), which encourages development projects that mix housing with commercial uses, enabling residents to live closer to employment and businesses; Policy 4.1 (Sustainable Urban Form), which supports patterns of land uses and densities that encourage sustainable development; and Policies 28.1, 29.1, and 30.1, all of which encourage mixed-use development, an essential component to the creation and success of neighborhood villages and transit villages.

By proposing a mix of market rate and very low-income residential units, the project is consistent with: Policy 2.1 (Housing Choices), and Policy 21.1 (Adequate and Affordable Housing), which encourage providing opportunities for a full range of housing affordability levels; as well as Policy 21.2 (Equitable Distribution of Affordable Housing), which encourages the equitable distribution of affordable housing throughout the City, consistent with the goals of the Housing Element. The proposed Density Bonus exceeding 35 percent is consistent with Housing Element Goal HE-2, to provide an adequate supply and diversity of quality rental and ownership housing opportunities suited to residents of varying lifestyle needs and income levels and policy HE-2.6 (Housing Incentives) to facilitate the development of affordable housing through regulatory concessions, financial assistance, density bonuses, the inclusionary housing program, and other City and outside agency programs.

By proposing development in the Central District and within a half a mile of the Lake Avenue Metro Gold Line station, the project is consistent with: Policy 31.1 (Focus Growth), which encourages development in the Central District and in proximity to Metro Gold Line stations to support economic vitality; and Policy 31.3 (Del Mar, Memorial Park, and Lake Transit Villages), which encourages concentration of higher intensity, mixed-use development near these Metro Gold Line stations, expanding the customer base for local retail uses and supporting Metro Gold Line ridership.

For the reasons provided herein, the proposed project is consistent with the goals and policies of the City's General Plan.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the CEQA Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects. Section 15332 specifically exempts from environmental review in-fill development where: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; 5) the site can be adequately served by all required utilities and public services; and 6) there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

The project was evaluated as the same project under CEQA with the proposed project at 54 North Oakland Avenue, as they are projects proposed on sites in the same area at the same time by the same developer/applicant. In this case, the project meets the minimum requirements

to qualify as an in-fill project under CEQA. The project was evaluated as the same project under CEQA with the proposed project at 54 North Oakland Avenue, as they are projects proposed on sites in the same area at the same time by the same developer/applicant. The project is consistent with the General Plan designation and policies as discussed above; the mixed-use project is a use that is permitted by right within the CD-3 zoning district; and the project complies with the applicable development standards. The project site is approximately 50,848 square feet (less than five acres) and surrounded by other commercial and residential uses. The project site has been previously developed, graded, and improved with surface parking; therefore, it does not contain habitat for endangered, rare or threatened species. A CEQA-focused traffic impact analysis, noise analysis, and an air quality/greenhouse gas emissions analysis were prepared for the project, which determined that there would be no project-related impacts. The project site is located in an urban area where utilities and public services can be adequately served. Furthermore, there are no unusual circumstances that distinguish this project from others in the exempt class.

#### **COMMENTS FROM OTHER DEPARTMENTS:**

The Building and Safety Division, Housing Department, Design and Historic Preservation Section, Public Works Department, Transportation Department, Power Division and Water Services Division, and the Fire Department have reviewed the project. The Fire Department and Housing Department had no comments at this time and will review the plans through the building permit plan check process to ensure compliance with applicable Code requirements. The Building and Safety Division, Design and Historic Preservation Section, Public Works Department, Transportation Department, and Water Services Division have provided conditions, which are included in Attachment B.

#### **CONCLUSION:**

It is staff's assessment, based on the analysis above, that the findings necessary for approving the Conditional Use Permit, Affordable Housing Concession Permit, and Tree Removal Permits can be made in the affirmative (Attachment A). The findings can be made to approve a Density Bonus exceeding 35 percent. As conditioned, it is not expected that the development resulting from the requested concessions would result in any adverse impacts to neighboring uses. It was demonstrated that the concessions result in identifiable and actual cost reductions to provide for affordable housing costs. It was also shown that the project would not have a specific adverse impact on health or safety, or on the physical environment, and would not have an adverse impact on a property listed on the California Register of Historic Places. It has also been demonstrated that the findings to remove the five protected trees proposed for removal can be made. 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 CONDITIONAL USE PERMIT #6452**

Conditional Use Permit – To allow a density bonus exceeding 35 percent

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.*

The Density Bonus exceeding 35 percent is permitted with a Conditional Use Permit and complies with all applicable provisions of the Zoning Code.

2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.*

The subject site is located in the CD-3 (Central District Specific Plan) District, which is one of the districts identified as being eligible for a Density Bonus exceeding 35 percent. The proposed Density Bonus is located in one of the areas of the City envisioned for the highest amount of development and density, in the Central District Transit-Oriented area. As a result, the location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.

3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

The proposed Density Bonus exceeding 35 percent is consistent with Housing Element Goal HE-2, to provide an adequate supply and diversity of quality rental and ownership housing opportunities suited to residents of varying lifestyle needs and income levels and policy HE-2.6 (Housing Incentives) to facilitate the development of affordable housing through regulatory concessions, financial assistance, density bonuses, the inclusionary housing program, and other City and outside agency programs. Further, the proposed mix of market rate and very low-income residential units are consistent with: Policy 2.1 (Housing Choices), and Policy 21.1 (Adequate and Affordable Housing), which encourage providing opportunities for a full range of housing affordability levels; as well as Policy 21.2 (Equitable Distribution of Affordable Housing), which encourages the equitable distribution of affordable housing throughout the City, consistent with the goals of the Housing Element. The Central District Specific Plan identifies the Ford Place/Fuller Seminary precinct (C-1), where the project is located, as being notable for the reuse of a number of historic structures and is especially appropriate for additional housing. As a result, the proposed Density Bonus exceeding 35 percent is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the Central District Specific Plan.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

The proposed Density Bonus exceeding 35 percent will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements and conditions of approval, the project will not be detrimental to the health, safety, or general welfare or local residences and commercial establishments in the neighborhood. An Air Quality Analysis, Noise and Vibration Analysis, Traffic Impact Analysis

and Historical Resources Assessment were prepared for the project. Each analysis found that environmental impacts would be less than significant.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.*

The proposed Density Bonus exceeding 35 percent is located in one of the areas of the City envisioned for the highest amount of development and density, in the Central District Transit-Oriented area. The proposed Density Bonus exceeding 35 percent is permitted with a Conditional Use Permit and the mixed use development is a permitted use in the CD-4 zoning district. An Air Quality Analysis, Noise and Vibration Analysis, Traffic Impact Analysis and Historical Resources Assessment were prepared for the project. Each analysis found that environmental impacts would be less than significant.

6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.*

The proposed Density Bonus exceeding 35 percent is located in the urban core of Pasadena. The visual character of the surrounding area includes a range of land uses, building styles, and heights similar to the proposed project. Additionally, the project is subject to Design Review and will be reviewed by the Design Commission to ensure the project is aesthetically compatible with the surrounding development.

Affordable Housing Concession Permit: To increase the maximum permitted FAR and building height

7. *The concession or incentive does result in identifiable and actual cost reductions to provide for affordable housing costs.*

Keyser Marston Associates (KMA) prepared a financial evaluation of the development proposal, reviewing and analyzing two development scenarios, the Base Case scenario and the Proposed Project scenario. KMA determined that the cost associated with providing six very-low income units is estimated at \$5,115,000. The value of the requested density bonus and concessions is \$5,076,000, which is \$39,000 less than the net cost associated with providing six very-low income units. In their analysis, KMA concludes that the Developer's proposal meets the requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of six very-low income residential units. Therefore, the concessions do result in identifiable and actual cost reductions to provide for affordable housing costs, and the proposal meets this finding.

8. *The concession or incentive would not have a specific adverse impact on public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or adverse impact, without rendering the development unaffordable to low- and moderate-income households. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

The Department of Transportation (DOT) determined that a Traffic Impact Analysis was required for this project. The study evaluated the effect the project would have on existing neighborhood traffic volumes along access and neighborhood collector street segments and intersections within the vicinity of the project, and evaluated the existing Pedestrian Environmental Quality Index (PEQI) and Bicycle Environmental Quality Index (BEQI) along key corridors within the vicinity of the project. The analyses determined that the ratio of project-related trip volumes over existing traffic exceed adopted caps along the street segment of Madison Avenue between Walnut Street and Union Street. As a result, the project is required to develop and implement a Complete Streets plan to discourage neighborhood intrusion by project-related traffic. This requirement is included in the conditions of approval for this project (Attachment B).

In addition, because the project proposes more than 50 residential units, DOT also conducted a separate analysis (referred to as the CEQA Evaluation) of the City's five vehicular and multimodal performance measures that assess accessibility of different modes of travel when evaluating a project's impact, as well as the project's transportation impact to its community using adopted transportation performance measures that relate to vehicle miles traveled (VMT), vehicle trips (VT), proximity and quality of the bicycle network, proximity and quality of the transit network, and pedestrian accessibility. The CEQA Evaluation determined that that the project's incremental VMT per capita change would not exceed the adopted threshold of significance under the VMT per capita of 22.6. Therefore, the project does not cause any significant impacts as it relates to VMT. Additionally, the project's incremental VT per capita would not exceed the adopted threshold of significance under the VT per capita of 2.8. Thus, the project does not cause any significant impacts as it relates to VT. It was also determined that the project increases the service population access to transit and bike facilities. Therefore, the project does not cause a significant impact on the existing bicycle network or access to transit facilities.

As such, as it relates to vehicular traffic and with the incorporation of the recommended conditions of approval, there would be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

A Noise Analysis for the project site was prepared to study project-related noise impacts, as they relate to the proposed construction activities (short term impacts) and the operational characteristics (long term impacts) of the use. The study determined that no adverse short term or long-term noise impacts will occur from the project and that said noise will not exceed the City's Noise Ordinance thresholds. As such, as it relates to noise, there will be no adverse impact on public health, public safety, or the physical environment, and the proposal complies with the requirements needed to make the findings to be granted a concession.

An Air Quality and Greenhouse Gas Emissions Analysis was prepared for the project site. The analysis determined that the project will not conflict with an applicable air quality plan, violate an air quality standard or threshold, result in a cumulatively net increase of criteria pollutant emissions, expose sensitive receptors to substantial pollutant concentrations, create objectionable odors affecting a substantial number of people, generate greenhouse gas emissions that may have a significant impact on the environment, or conflict with an applicable plan adopted for the purpose of reducing emissions of greenhouse gases. As such, as it relates to air quality and greenhouse gas emissions, there will be no adverse

impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

There are no historic structures onsite, however, there are historic structures on adjacent properties. The Historical Resources Assessment determined that the project would not have an impact on any structure eligible for the National, State or Local register. Therefore, as it relates to historic resources, there would be no adverse impact on a property listed on the California Register of Historic Places

For the reasons provided herein, there will be no adverse impact on public health, public safety, or the physical environment as a result of the project, and the project would not have an adverse impact on a property that is listed in the California Register of Historical Resources. Therefore, the proposed project meets this finding.

9. *The concession or incentive would not be contrary to state or federal law.*

The requested concession will be granted consistent with the procedures and requirements established by California Government Code Sections 65915 (Density Bonuses and Other Incentives) and would not be contrary to any federal laws.

Tree Removal Permit – To allow removal of a Pecan (*Carya illinoensis*) tree (#1)

10. *There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted.*

The tree is proposed for removal due to the location of the proposed two-level subterranean parking area along the western portion of the site. Two parking stalls on each of the two levels of subterranean parking would be lost with retention of the tree. As a result, there would be a substantial hardship to the property owner in the enjoyment and use of real property if the removal is not permitted.

Tree Removal Permit – To allow removal of a Camphor (*Cinnamomum camphora*) tree (#4)

11. *There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted.*

The tree is proposed for removal due to the location of the proposed two-level subterranean parking area along the western portion of the site. The arborist evaluation determined that the tree is in good health but exhibits poor structure with a history of breakage. The tree is located at the property line with one of the trunks growing into the project site at an approximately 45-degree angle. In addition to the reduction of subterranean parking, the retention of the tree would impact the proposed above ground improvements at the northwest corner of the project site. As a result, there would be a substantial hardship to the property owner in the enjoyment and use of real property if the removal is not permitted.

Tree Removal Permit – To allow removal of a Eugenia (*Syzygium paniculatum*) tree (#8)

12. *There is an objective feature of the tree that makes the tree not suitable for the protections of this chapter.*

The arborist evaluation determined that the tree is a shrub that has overgrown to become tree size. The arborist also concluded that the tree exhibits heavy Eugenia psyllid insect infestation. Further, the arborist identified that the tree drops fruit that can stain cars located below the trees on the adjacent property. As a result, there are objective features of the tree that makes it unsuitable for protection.

Tree Removal Permit – To allow removal of a Eugenia (Syzgium paniculatum) tree (#11)

13. *There is an objective feature of the tree that makes the tree not suitable for the protections of this chapter.*

The arborist evaluation determined that the tree is a shrub that has overgrown to become tree size. The arborist also concluded that the tree exhibits heavy Eugenia psyllid insect infestation. Further, the arborist identified that the tree drops fruit that can stain cars located below the trees on the adjacent property. As a result, there are objective features of the tree that makes it unsuitable for protection.

Tree Removal Permit – To allow removal of a Eugenia (Syzgium paniculatum) tree (#12)

14. *There is an objective feature of the tree that makes the tree not suitable for the protections of this chapter.*

The arborist evaluation determined that the tree is a shrub that has overgrown to become tree size. The arborist also concluded that the tree exhibits heavy Eugenia psyllid insect infestation. Further, the arborist identified that the tree drops fruit that can stain cars located below the trees on the adjacent property. As a result, there are objective features of the tree that makes it unsuitable for protection.

**ATTACHMENT B  
RECOMMENDED CONDITIONS OF APPROVAL FOR  
CONDITIONAL USE PERMIT #6452**

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

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Received at Hearing, February 21, 2018," except as modified herein.
2. Pursuant to Chapter 17.78 of the Zoning Code, the Zoning Administrator can call for a review of the approved conditions at a duly noticed public hearing before the Hearing Officer if it can be reasonably shown that there are grounds for revocation or modification of this Conditional Use Permit. These conditions may be modified or new conditions may be added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
3. Because the grant of the Affordable Housing Concession Permit is based on assumptions relating to project cost and construction type, all changes to this project, either during design or construction, shall be submitted to the Zoning Administrator for review and approval. The Zoning Administrator retains the right to require preparation and submittal of a revised project financial analysis reflecting the proposed change(s) and comparing it to the Base Case (i.e., project without the granted concession) as well as payment for such analyses. The Zoning Administrator also has the right to reject a proposed change if it is determined that such a change would modify the project costs such that the granted concession was no longer necessary for the provision of affordable housing. The determination by the Zoning Administrator is appealable pursuant to Section 17.72 of the Zoning Code. Because review of proposed changes may require time to assess, the applicant is advised to submit any proposed changes in a timely manner and shall bear the burden of any delay caused by the review process.
4. 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
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
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 **PLN2016-00268**, 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 David Sanchez, Current Planning Section, at 626-744-6707 to schedule an inspection appointment time.



### Planning Division

8. The applicant or the successor in interest, shall enter an agreement with the Housing Division for the provision of ten designated very low-income units.
9. A final landscape and irrigation plan, in compliance with Chapter 17.44 (Landscaping) of the Zoning Code, identifying all remaining and proposed vegetation and trees shall be submitted along with plans for building permit. The plan shall include a mix of plant size and materials. Plant materials shall emphasize drought-tolerant and/or native species.

### Design and Historic Preservation

10. This project requires Design Review by the Design Commission.

### Building & Safety Division

11. Governing Codes: Current Edition of 2016 California Building Code, 2016 California Plumbing Code, 2016 California Mechanical Code, 2016 California Electrical Code, 2016 California Energy Code, California Green Building Standard 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.
12. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Description of use, Occupancy, whether separates or un-separated, number of stories, type of construction, sprinklers, floor area, height, and allowable floor area.
13. Means of Egress (Exiting):
  - a. Show an exit plan that labels and clearly shows compliance with all required egress features such as, but not limited to common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc.
  - b. 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.
  - c. 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.
  - d. Exits shall discharge directly to the exterior of the building and shall not reenter the building.
14. Accessibility:
  - a. Provide compliance with accessibility per CBC Chapter 11A and 11B.
  - b. Provide an analysis for the minimum required units and parking spaces. Label the accessible units/parking spaces.
15. Green Code:
  - a. Photocopy to plans and complete the 2016 California Green Building Standards Code with City of Pasadena Amendments Forms. These forms can be found at <https://ww5.cityofpasadena.net/planning/building-and-safety/informational-handouts/>
  - b. For new buildings 10,000 square feet and over, building commissioning shall be included in the design and construction processes of the building project.

- c. For new projects with 10 or more parking spaces, provide the minimum EV Charging Spaces capable of supporting future Electric Vehicle Supply Equipment.
16. Low Impact Development (LID): Low Impact Development (LID) is required for this project. Refer to the City of Pasadena link for further information on the requirements and submittal process: <https://ww5.cityofpasadena.net/planning/building-and-safety/low-impact-development/>
  17. Required Plans and Permits:
    - a. In addition to architectural and structural plan, provide Plumbing, Mechanical, Electrical plans and compliance with Green Code, include commissioning.
    - b. Separate permits are required for the following: mechanical, electrical, plumbing, fire sprinkler, demolition, others.

#### Department of Transportation

18. In accordance with City Ordinance No. 7076, the project shall pay the Traffic Reduction and Transportation Improvement Fee (TR-TIF) for the project at the time of building permit issuance. The TR-TIF is subject to change based on the current General Fee Schedule. Total payment would be based on the final scope at the time of project approval. The payment shall be made at Window #8 in the Permit Center located at 175 N Garfield Ave, Pasadena CA 91109.
19. The project is expected to exceed the ADT Cap of ten percent along Madison Avenue between Walnut Street and Union Street. Therefore, the applicant is required to develop and implement a targeted Complete Streets plan with input from the affected residents, Council Districts and DOT to encourage use of non-vehicular modes by the project's patrons, and implement measure to discourage use of residential streets to-and-from the project site.
20. To improve the safety of pedestrians crossing the driveway, the ramp design shall provide a flat area of 17 to 20 feet with 2% or less slope beyond the property line to improve pedestrian and vehicular sight distance.
21. Any proposed gate shall be at minimum 20' beyond the property line. The applicant may install a secondary gate at the property line that shall stay open from dusk to dawn. Requiring adequate queuing space inside the property is warranted to avoid unnecessary backup of vehicles on a public street.
22. A circulation plan for the parking structure must be reviewed and approved by the Department of Transportation. The plan shall be drawn to a 1"=20' or 1"=40' scale. The plan shall include the turning radius of the ramp and proposed striping/configuration of parking spaces to ensure that vehicles can safely enter and exit the parking area.
23. Any project loading/unloading spaces shall be on-site. DOT will not install a loading zone for project use along the project frontage.
24. No permanent, on-street, overnight parking permits will be issued to future residents of this project. Future tenants shall be advised by the property management of the unavailability of permanent, on-street, overnight parking permits.

25. The location(s) of bicycle parking shall be shown on the plans and approved by the Department of Transportation prior to the issuance of the first permit for construction (demolition, grading, or building).
26. In accordance with City Ordinance No. 7157, the project is subject to the City's Transportation Demand Management (TDM)/ Trip Reduction Ordinance (TRO) requirements. The purpose of the trip reduction requirement is to reduce the demand for automobile commute trips by ensuring that the design of major nonresidential developments projects accommodates facilities for alternative modes of transportation. **A TDM plan shall be completed to address the project's programs to promote alternative modes of transportation prior to the issuance of the first permit for construction and shall meet the following requirements:**
- a. Carpool and Vanpool Parking. A minimum of 10% of the employee parking spaces shall be reserved for and designated as preferential parking for carpool and vanpool vehicles. Such parking area shall be in a location more convenient to the place of employment than parking spaces for single occupant vehicles, and shall be located as close as practical to the employees' entrances.
  - b. Bicycle Parking. Bicycle parking shall be provided on-site in compliance with Section 17.46.320 (Bicycle Parking Standards). In addition, the bicycle parking shall be located near the employee entrance and shall be conveniently accessible from the external circulation system.
  - c. Transportation Demand Management Program Plan. A Transportation Demand Management Program ("TDM") Plan shall be submitted which complies with Chapter 10.64 of the Municipal Code (Transportation Management Program).

The owner/ developer shall place a deposit with the Department of Transportation **prior to the issuance of the first permit for construction.** This deposit is subject to a partial refund or additional billing in the event that the deposit amount is not sufficient to cover the cost of the review. The developer shall pay an annual Transportation Demand Management (TDM) status report review fee in compliance with the requirements of the Trip Reduction Ordinance.

To minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for TRO/ TDM Plan requirements so that trip reduction considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. Please contact Talin Shahbazian, Associate Planner at (626) 744-7464 to arrange a pre-design meeting to finalize the TDM Plan requirements for the project.

*\* Based on the Current General Fee Schedule. Fees are subject to change.*

#### Public Works Department

27. 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 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.

28. In order to provide sufficient sight distance for pedestrians along Madison Avenue frontage, the proposed driveway ramp to the subterranean garage, from the property line to the first 20 feet east, shall be sloped at 2% or less, unless otherwise reviewed and approved by the Department of Transportation.
29. In order to provide pedestrian safety, any vehicular-entry gate shall have a minimum of 20-foot setback from the property line. Any on-site fence or gate may only swing outward provided it will not enter the public right-of-way at any point in its swing radius.
30. The proposed off-site loading spaces on Madison Avenue frontage shall conform to the requirements of the Zoning Ordinance, and a plan showing all pertinent dimensions for these areas shall be submitted to the Department of Public Works and the Department of Transportation for review and approval prior to the issuance of any permit.
31. Union Street along the frontage of the subject property has a substandard parkway width of 8 feet. In order to provide for a standard 10 feet wide parkway, the applicant shall dedicate to the City a 2-foot strip of land along the subject frontage for street purposes, for both north and south sides, and construct a 10-ft wide sidewalk. Construction of new curb and gutter along the Union Street frontage is required.

The applicant shall be responsible for all the costs required to complete the dedications. The dedication documents and processing fee/deposit 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.

32. If the proposed drive approach on Madison Avenue is in conflict with the existing street light. It is the responsibility of the applicant to relocate the affected street light, including new LED lights, conduit(s), conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works. The applicant shall also coordinate the relocation of any affected public utility facility with the appropriate agency/department.
33. The existing street lighting fronting the subject site is substandard. In order to improve pedestrian and traffic safety, the applicant shall replace/renovate existing street lighting, on or near the frontage of the subject property, with LED light(s) as follow:
  - a. Two (2) street lights along Union Street
  - b. Three (3) street lights along Madison Avenue

The street light replacement/renovation shall be per the City requirements and current standards.

34. Any existing street tree(s) proposed to be removed are subject to the approval of the Urban Forestry Advisory Committee (UFAC).
35. 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.

36. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan, 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 sundry deposit may be required for staff time to review the preliminary plans.
37. 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 4' 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 inspected and approved by Public Works prior to the commencement of any construction.

38. 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.
39. 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.
40. Prior to issuance of any permit, a sundry deposit in the amount of the applicant's total liabilities based on the aforementioned approved 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.
41. The applicant shall plant the officially designated street tree per the City's approved Master Street Tree Plan, to fill all vacancies, along the boundary of the subject property. The Department of Public Works will confirm eligible planting sites, and will provide the applicant the location, quantity and tree species to be planted as a result of the applicant's project.
42. Trees planted by the applicant must meet the City's tree stock standards, be inspected by the City, and be planted according to the details provided by the Parks and Natural Resources (PNR) Division. Planting shall include the installation of the following per tree: no less than two tree stakes; one arbor guard; and the use of slow-release fertilizer tablets. The applicant shall contact PNR (626-744-3880) for tree planting approval, a minimum of two (2) months, prior to the issuance of a Certificate of Occupancy.
43. Trees planted by the applicant must be irrigated by either an existing or a new irrigation system constructed by the applicant. Plans for the irrigation system shall be prepared by a landscape architect registered in the State of California and submitted to PNR for review and approval. Irrigation facilities (main line, valve, pull box, timer, etc.) must be constructed within private property with the exception of the laterals and bubblers. The lateral shall be a minimum of 18" deep, and no above-ground structures are allowed.
44. Prior to issuance of the Certificate of Occupancy, the applicant shall submit a Tree Guarantee Deposit equal to the cost of all new trees planted to guarantee that newly planted trees are maintained by the applicant for a minimum of three calendar years. Tree maintenance during this period shall include the following: watering no less than once a week; weed removal; reconstruction of tree wells as needed; re-staking as needed;

adjustment to grade of any trees that settle; and any other operations needed to assure normal tree growth. The applicant shall replace any newly planted trees which, for any reason, die or whose health is compromised, within the applicant's three-year establishment period. The three-year tree establishment period shall commence on the day that the Certificate of Occupancy is issued. PNR shall inspect all trees planted by the applicant at the end of the three-year establishment period, and if the trees are found to be in good health, the applicant's deposit will be released. If the trees are found to be in poor health, the establishment period may be extended by PNR and the applicant's deposit shall be held accordingly. Said deposit may be included as part of the construction guarantee if applicable, and is subject to partial refund or additional billing.

45. Each building of 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.
46. The applicant shall demolish existing and construct all new public improvements along the subject development frontages of Madison Avenue and Union Street, including 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.
47. Madison Avenue and Union Street restoration, fronting the subject development, shall be a full width (from gutter to gutter) cold milling and resurfacing of 1.5 inches depth asphalt concrete roadway, or to the satisfaction of the City Engineer. Restoration of asphalt concrete pavement shall be per Standard Plan S-416 and to the satisfaction of the City Engineer. Traffic channelization shall be restored per the Department of Transportation requirements and approval.
48. 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.
49. 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.

50. 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.
51. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$20,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and 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, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees. A processing fee will be charged against the deposit.
52. 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: [http://www.ci.pasadena.ca.us/PublicWorks/Engineering\\_Division/](http://www.ci.pasadena.ca.us/PublicWorks/Engineering_Division/) . A deposit, based on the 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 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 staging, material storage, or trailer 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.

53. 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/>.

54. In addition to the above conditions, the requirements of the following ordinances may 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 sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$20,000 pertaining to occupancy or construction on the property 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 approval of the Urban Forestry Advisory Committee.

d) Stormwater Management and Discharge Control Ordinance – Chapter 8.70 of the PMC

This project is subject to the requirements of the City's Storm Water and Urban Runoff Control Regulation Ordinance which implements the requirements of the Regional Water Quality Control Board's Standard Urban Storm Water Mitigation Plan (SUSMP). Prior to the issuance of any demolition, grading or construction permits for this project, the developer shall submit a detailed plan indicating the method of SUSMP compliance. Information on the SUSMP requirements can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/planning/permit-center/apply-for-permit/>.

The resolution of the City Council of the City of Pasadena approving the amended stormwater and urban runoff pollution control regulations and repealing resolution No. 8151, can be found at the following link: [http://ww2.cityofpasadena.net/councilagendas/2015%20Agendas/Aug\\_17\\_15/AR%2019%20RESOLUTION%20APPROVING%20AMENDED%20STORMWATER%20&%20URBAN%20RUNOFF%20POLLUTION.pdf](http://ww2.cityofpasadena.net/councilagendas/2015%20Agendas/Aug_17_15/AR%2019%20RESOLUTION%20APPROVING%20AMENDED%20STORMWATER%20&%20URBAN%20RUNOFF%20POLLUTION.pdf)

e) Residential Impact Fee Ordinance - Chapter 4.17 of the PMC

The ordinance was established to provide funds to mitigate the impact of new residential development on City parks and park and recreational facilities. A copy of the Residential Impact Fee Information Packet is available at the city webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/information-and-reports/>.

The Residential Impact Fee is based on the current Taxes, Fees and Charges Schedule (<https://ww5.cityofpasadena.net/finance/fees-tax-schedules/>) and will be calculated and collected at the time of Building Permit Issuance.

The building plans shall include, preferably on the title sheet, a summary of all living units to capture the number of different units; number of bedrooms in each unit; and types of units (Regular, Workforce housing, Skilled nursing unit, Student housing, Residential care facility for the elderly, Affordable Housing). The definitions on the different types of units are available in the abovementioned Residential Impact Fee Information Packet as well as in the Pasadena Municipal Code.

The estimated Residential Impact Fee based on the current tax schedule and the submitted information and plans for this project is subject to Housing Department evaluation. The exact amount will be calculated at the time of Building Permit issuance.

f) 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: <https://ww5.cityofpasadena.net/public-works/street-maintenance-waste-management/recycling-resources/construction-and-demolition-debris-recyclers/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- a. 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.
- b. 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.

Water Division

55. Water Mains: Pasadena Water and Power (PWP), Water Division can serve water to this project. There are three water mains surrounding this property. There is an 8-inch cast iron water main in Union Street that was installed under Work Order 4655 in 1952. This water main is located approximately 14 feet south of the north property line of Union Street. There is an 8-inch ductile iron water main in Union Street that was installed under Work Order 6381 in 1985. This water main is located approximately 20 feet north of the south property line of Union Street. There is an 8-inch cast iron water main in Madison Avenue that was

installed under Work Order 3080 in 1935. This water main is located approximately 36 feet east of the west property line of Madison Avenue.

56. Moratorium: Verify with Public Works Department regarding any street construction moratorium affecting this project.
57. Water Pressure: The approximate water pressure in the area is 80-90 psi.
58. Water Service: PWP records do not reflect any services serving 535 E Union 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. Additionally, the owner/developer must pay for the replacement of the water main(s) serving the property if it is determined that it must be replaced.
59. Water Division Requirements:
  - a. 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.
  - b. The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
  - c. All services not in use must be abandoned at the distribution main at the applicable rate.
  - d. For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
  - e. 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.
60. Cross Connection Requirements for Domestic Services:
  - a. 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.
  - b. There shall be no taps between the meter and the backflow assembly.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.

- h. An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.

61. Cross Connection Requirements for Fire Service:

- a. The fire service requires a detector meter and back-flow prevention assembly.
- b. The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
- c. All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
- d. 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.
- e. 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.
- f. If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
- g. Choose from one of the below listed options and incorporate into the fire sprinkler plans.
  - i) Option 1:
    - (1) Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.
    - (2) 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.
    - (3) 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.
  - ii) Option 2:
    - (1) 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.
    - (2) The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
    - (3) 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.

62. 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.

63. Fire Flow and Fire Hydrants:

- a. 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.
- b. There are two fire hydrants in close proximity to the project site. Fire hydrant 517-27 is located on the north curb of Union Street at the three-way intersection of Union Street and Oakland Avenue. Fire hydrant 517-28 is located on the northeast corner of Union

Street and Madison Avenue. There is no current fire flow test information for either of these two fire hydrants. If you would like to request for a fire flow test, please contact Marco Sustaita at (626) 744-4498.