



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** April 18, 2018

**TO:** Hearing Officer

**SUBJECT:** Minor Variance #11865

**LOCATION:** 417 N. Madison Avenue

**APPLICANT:** Steve Kuchenski, Onyx Architects Inc.

**ZONING DESIGNATION:** RM-48-HL-36, Multi-Family Residential, 0-48 units/ acre, 36-foot Height Limit Overlay

**GENERAL PLAN DESIGNATION:** High Density Residential

**CASE PLANNER:** Talyn Mirzakhonian

**STAFF RECOMMENDATION:** Adopt the Mitigated Negative Declaration and adopt the Specific Findings in Attachment A to **approve** Minor Variance #11865 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** The project includes demolition of on-site structures and construction of an approximately 42,000 square-foot, 35-unit multi-family residential structure on a property located at 417 N. Madison Avenue between Maple Street and Villa Street. The project requires a Minor Variance to allow the proposed project to encroach into the front yard setback. The project provides 65 parking spaces in a one-level subterranean parking structure.

**ENVIRONMENTAL DETERMINATION:** An Initial Environmental Study was prepared for the project in compliance with the California Environmental Quality Act (CEQA) and was made available for public review and comment from March 28, 2018 through April 18, 2018. The study determined that there will be less than significant impacts on the environment because mitigation measures will be incorporated into the project. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared. The Initial Study identified

potential impacts and corresponding mitigation for one environmental topic, Tribal Cultural Resources. The mitigation reduces the potential impact to a less than significant level.

**BACKGROUND:**

**Site characteristics:** The project site comprises two adjacent rectangular parcels (AINs 5731-021-056 and 5731-021-058) totaling 31,488 square feet (0.72 acres) on the west side of North Madison Avenue, mid-block between East Villa Street to the north and East Maple Street to the south (approximately 300 feet north of the Interstate 210 Freeway). The site is currently developed with one 2,300 square-foot single-family residence situated in the southwestern corner of the project site. The remainder of the project site consists of a paved surface used for parking for the existing on-site structure. The site is relatively level, with approximately three feet of elevation change across the site, with the highest elevations toward the northern portion of the site. Ingress/egress to the site is currently provided via a driveway along North Madison Avenue.

**Adjacent Uses:**

- North – Parking garage and associated eleven-story retirement housing apartment building
- South – Multi-family residential
- East – Nine-story retirement housing apartment building
- West – Multi-family residential

**Adjacent Zoning:**

- North – RM-48-HL-36
- South – RM-48-HL-36
- East – RM-48-HL-36
- West – RM-48-HL-36

**Previous zoning cases on this property:** None

**PROJECT DESCRIPTION:**

The applicant, Steve Kuchenski, representing Onyx Architects Inc., has submitted a Minor Variance application to allow construction of an approximately 42,000 square-foot multi-family residential project. The project requires a Minor Variance to allow the proposed structure to encroach into the front yard setback. The structure would have three stories and would be approximately 35 feet in height. The structure would support 35 residential units, ranging in size from approximately 1,000 square feet to 1,777 square feet per unit. Each unit would have two bedrooms. The units would be arranged around a 5,244 square-foot main garden area, which would be situated generally in the center of the structure and would remain largely open to the sky. A one-level subterranean parking structure would be located below the three-story residential structure and would support 65 parking spaces. Parking areas (including the proposed driveway) would total 27,924 square feet. The driveway (providing both ingress and egress) would be positioned along Madison Avenue at the northeastern corner of the site and would consist of a

ramp to the subterranean parking. The building's frontage would be oriented to the east, along the Madison Avenue frontage.

There are five existing trees along the perimeter of the site: four Camphor trees are located along the site's Madison Avenue frontage, and one Coast Live Oak tree is located along the southern boundary of the site, adjacent to the existing residential structure and partially within the property to the south. The Camphor trees are public street trees. The project would retain the existing healthy Oak tree, but per comments provided by the Department of Public Works, the City would remove three of the four Camphor trees, which are diseased and/or in declining health. The applicant is required to re-plant three trees of an Oak species in the vacant sites left by the removed camphor trees.

## **ANALYSIS:**

### Development Standards

The subject property is located within the RM-48-HL-36 (Multi-Family Residential, 0-48 units/acre, 36-foot Height Limit Overlay) zoning district and is subject to the development standards in Chapter 17.22 (Residential Zoning Districts) of the City's Zoning Code. Multi-family projects are a permitted use in the RM-48-HL-36 Zoning District and are subject to the RM District Garden requirements (City of Gardens standards) provided in Section 17.22.080 of the Zoning Code. Furthermore, the property is within the Central District Transit-Oriented Development Area; therefore, the project is subject to the requirements of Section 17.50.340 (Transit-Oriented Development) of the City's Zoning Code.

#### *Density:*

Pursuant to Table 2-4 in Section 17.22.060 of the Zoning Code, the maximum allowable residential density on the subject property is 48 dwelling units per acre. For the 31,488 square-foot subject site, a maximum of 35 residential units is permitted. The proposed 35 residential units are in compliance with the maximum density allowed on the site.

#### *Inclusionary Housing:*

Chapter 17.42 of the Zoning Code (Inclusionary Housing Requirements) applies to projects with 10 or more new dwelling units. These standards and procedures are intended to encourage the development and availability of affordable housing by ensuring that the addition of affordable housing units to the City's housing stock is in proportion to the overall increase in new housing units. Because this project proposes more than 10 dwelling units, it is subject to the Inclusionary Housing Requirements. According to the City's Housing and Career Services Department, the applicant has opted to pay in-lieu fees and has submitted an Inclusionary Housing Plan, which has been approved by Housing Department staff; therefore, the Inclusionary Housing requirement has been satisfied.

#### *Height:*

Pursuant to Section 17.28.040 of the Zoning Code, the HL (Height Limit) overlay district is used to establish special height limits to achieve or preserve the desired character of a neighborhood or nonresidential area within the City. In the HL-36 Overlay Zoning District, structure heights are limited to 36 feet. The proposed project height of 35 feet, as measured from lowest elevation of the existing grade at an exterior wall of the structure to the highest point of the structure, complies with the height requirement.

*Parking:*

The subject site is located within the Transient-Oriented Development Area, as it is located within one half mile of the Lake Avenue Metro Gold Line Station. Projects located between a quarter-mile and a half-mile of a light-rail station platform may voluntarily make use of applicable TOD standards, including reduced parking. The residential parking requirement for projects located within the Transit-Oriented Development Area, specifically for residential units measuring greater than 650 square feet, is a minimum of 1.5 spaces and a maximum of 1.75 spaces (Zoning Code Section 17.50.340.3.b). Additionally, one guest parking space is required for every 10 residential units. Based on these provisions, the proposed 35-unit residential project is required to provide a minimum of 56 parking spaces, and may provide up to a maximum of 65 parking spaces. The project, as proposed, includes 65 total parking spaces within a one-level subterranean garage, four of which are dedicated to guest parking. Therefore, the project complies with the parking requirements established for residential developments within a Transit-Oriented Development Area.

*Setbacks:*

Pursuant to Section 17.22.060 of the City's Zoning Code, the required side setbacks for the subject site are five feet for a distance of 40 feet behind the front-setback line, otherwise none required. The project, as proposed, maintains five-foot side setbacks on both the north and south sides; thereby complying with the side setback requirement. A rear setback is not required for the subject site. The project proposes a ten-foot rear setback, in compliance with the Code requirement.

Pursuant to Section 17.22.070.B of the Zoning Code, when 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 20 feet. Based on this provision, the required front setback for the subject site is 60.5 feet. However, the project proposes a front setback of 20 feet; therefore requiring approval of a Minor Variance to proceed as proposed. An analysis of the request for a Minor Variance is provided in the following section of this report.

*City of Gardens:*

Pursuant to Section 17.22.080 of the Zoning Code, each multi-family project is required to have a landscaped open space as its central focus. This space may take the form of a main garden, private garden or landscaped court. It shall be a well-defined, coherent area that is an essential component of the project design, not merely space left over after the building mass is placed. The main garden must maintain a minimum dimension of 20 feet and encompass at least 17 percent of the lot area. For the subject 31,488 square foot lot, a main garden with a minimum area of 5,353 square feet is required (or 17% of the lot size).

The project proposes an internal courtyard, entirely contained within the site, but visible from the street, to serve as the main garden, per the location requirements of the Zoning Code. However, the proposed main garden is 5,244 square feet in size – 109 square feet short of the minimum size requirement. Furthermore, where the main garden is required to have a rectangular shape with a minimum dimension of 20 feet in either direction, the proposed main garden is not entirely rectangular, and segments of the shape on the west side of the garden do not meet the minimum 20-foot dimension. However, pursuant to Section 17.22.080.A.3 of the Zoning Code, with approval through the Design Review process, an alternative shape for the main garden may be approved as long as the minimum total garden area and dimensions are met. Additionally, pursuant to Section 17.44.090.D of the Zoning Code, when considering an

application for any permit or approval that preserves mature trees, a decision may be made through the design review process or other entitlement process to waive development standards or accept alternative solutions to assist in the preservation of these trees; and modifications to development standards may include a reduction to garden requirements. In the case of this project, the units along the south side of the lot were situated in such a way to preserve the large Oak tree along the southern boundary. This, in turn, pushed the units closer to the center of the property, where the main garden is proposed. Approval of modifications to the size, shape, and minimum dimensions of the main garden shall be obtained through the Design Review Process, pursuant to Sections 17.22.080.A.3 and 17.44.090.D of the Zoning Code.

The proposed main garden complies with additional main garden requirements including, but not limited to, canopy trees, main garden enclosure, main garden visibility, planting and paving standards, and limitations on allowed encroachments.

The project is also required to comply with minimum total garden space requirements, which for the proposed project, is 32% of the lot area, or 10,076 square feet. The project proposes 10,541 square feet of total garden space, inclusive of common and private open spaces. Therefore, the project proposes to include total garden spaces in excess of the minimum Code requirement and in compliance with this requirement.

#### Minor Variance to allow a reduced front setback

As described above, and pursuant to Section 17.22.070.B of the Zoning Code, when 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 20 feet. For the subject site, the minimum required front yard setback is the average of the front setbacks of the parcels associated with the following Assessor's Identification Numbers (AIN): 5731-021-054, 5731-021-055, and 5731-021-056 (subject site). The existing front setback for the structure located on AIN 5731-021-054 is 28.79 feet. The existing front setback for the structure located on AIN 5731-021-055 is 34.33 feet. However, because the existing single-family residential structure on the subject site (which is proposed to be demolished) is located at a much greater distance from the front property line (118.33 feet), the average required front setback is calculated as 60.5 feet.

The requested Minor Variance, to reduce the front setback requirement to 20-feet, would result in increased uniformity of front setbacks among the properties included in the blockface. The required front setback of 60.5 feet would set the proposed structure significantly further back than the existing, neighboring structures, which are located at 34.33 feet and 28.79 feet from their respective front property lines. As such, the reduced front setback would result in a structure that is in character with structures on surrounding sites and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. Furthermore, a reduced front setback would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare, as the project was reviewed by the Fire Department and Building and Safety Division, who posed no concerns regarding the project.

As such, staff finds that there is an exceptional circumstance related to the property, being that the average of the blockface is being skewed solely by the structure on the subject site, which is to be demolished as part of the project. Strict adherence to the front setback requirement would



result in a less compatible placement of the proposed building, in comparison to neighboring structures.

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

The subject site is designated as High Density Residential in the General Plan Land Use Element, characterized by higher density multi-family complexes in neighborhoods with densities of up to 48 dwelling units per acre and two- to three-story buildings. The project is consistent with Goal 21 of the General Plan, Desirable Neighborhoods, which promotes neighborhoods with a variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained. Specifically, the project is consistent with Policy 21.4 of the General Plan, New Residential Development, which seeks to attract new residential development that is well-conceived, constructed, and maintained in a variety of types, densities, locations and costs. The proposed project would replace a dilapidated single-family structure with 35 new multi-family residential units centered around an open courtyard, in an area of the City that is primarily developed with multi-family residential buildings.

Additionally, the project is consistent with Policy 4.4 of the General Plan, Transit Villages, which aims to accommodate and intensify a mix of local and regional commercial, residential, and public uses close to the Metro Gold Line stations; and to design these areas to accommodate safe and convenient walking, bicycling, and transit use. The proposed project is within one half mile of the Lake Avenue light rail station. Transit Oriented Development area reduced parking standards apply to the project. The project's proximity to the light rail station and the reduced parking standards would encourage residents to use transit or other forms of transportation.

#### **ENVIRONMENTAL REVIEW:**

In accordance with the requirements of the California Environmental Quality Act, an Initial Environmental Study (Initial Study) was prepared in order to identify and analyze the project's potential impacts on the environment. Some of the topic areas that were analyzed included Aesthetics, Air Quality, Tribal Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Noise, and Transportation/Traffic. The Study was made available for public review and comment from March 28, 2018 through April 18, 2018. The Initial Study identified potential impacts and corresponding mitigation for one environmental topic, Tribal Cultural Resources. The mitigation reduces the potential impacts to a less than significant level. The potential impacts and their mitigation measure are described further below. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C) have therefore been prepared for the project.

##### *Tribal Cultural Resources: Impacts Mitigated to a Less Than Significant Level*

The proposed project is subject to compliance with Assembly Bill 52 (AB 52), which requires consideration of impacts to tribal cultural resources as part of the CEQA process and requires the City to notify any groups (who have requested notification) of the proposed project who are traditionally or culturally affiliated with the geographic area of the project. One tribe (the Gabrieleno Band of Mission Indians – Kizh Nation) requested formal notification of all projects within the City. Accordingly, the City notified the Gabrieleno Band of Mission Indians – Kizh Nation of the proposed project under AB 52 on September 6, 2017, to provide an opportunity to consult on tribal cultural resources and other matters of concern. A notification letter was directed to Andrew Salas, Chairman of the Gabrieleno Band of Mission Indians – Kizh Nation. Andrew Salas stated that the project site lies in the ancestral tribal territory of the Gabrieleno Band of Mission

Indians – Kizh Nation. However, he did not identify any specific tribal cultural resources within the project area.

Based on records searches, no listed or eligible tribal cultural resources appear to be present on the project site. However, it is possible that intact and previously undiscovered prehistoric archaeological deposits are present at subsurface levels and could be uncovered during ground-disturbing activities. In the event that such deposits are previously unknown tribal cultural resources, significant effects may occur to that resource, if the resource is disturbed, destroyed, or otherwise improperly treated. As such, mitigation measure MM-TCR-1 is provided in the event that resources are uncovered during construction. Mitigation measure MM-TCR-1 requires a qualified Native American monitor meeting the satisfaction of the Gabrieleño Band of Mission Indians – Kizh Nation to be present during grading and excavation activities at the project site. Mitigation measure MM-TCR-1 further requires the proper handling and treatment of any significant resources, should they be discovered on site. Upon incorporation of MM-TCR-1, impacts to tribal cultural resources would be less than significant.

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

The project has been reviewed by the Building and Safety Division, Fire Department, Department of Transportation, Department of Public Works, and Design and Historic Preservation Section, Housing and Career Services Department, and Power Division. The Power Division, Building and Safety Division, and Fire Department did not have any comments at this time and would review the plans through the building permit plan check process; and Design and Historic Preservation would review the project upon Concept and Final Design Review. The Department of Public Works, Department of Transportation, the Department of Housing and Career Services provided comments and recommended conditions of approval, which have been incorporated to this report under Attachment B, “Recommended Conditions of Approval.”

#### **CONCLUSION:**

Staff concludes that the findings necessary for approving the Minor Variance can be made (Attachment A). Staff’s conclusion is based on an exceptional condition created by the unique blockface resulting from the existing setback of the existing structure on the subject site, for which demolition is proposed. The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the front setback requirement and the variations from main garden requirements discussed herein. Conditions of approval would ensure that the project is compatible with the surrounding area and that the required approvals for modification of main garden requirements are obtained through the Design Review process. Therefore, staff recommends approval of the Minor Variance, subject to the findings in Attachment A, the recommended conditions of approval in Attachment B, and the Mitigation Monitoring and Reporting Program in Attachment C.

#### **ATTACHMENTS:**

- Attachment A: Recommended Findings
- Attachment B: Recommended Conditions of Approval
- Attachment C: Mitigation Monitoring and Reporting Program

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR VARIANCE #11865**

Minor Variance – To Reduce the Minimum Required Front Yard Setback

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 exceptional condition is the unique blockface that is created by the existing structure on the subject site. Because the existing single-family residential structure on the subject site (which is proposed to be demolished) is located at a much greater distance from the front property line (118.33 feet), the average required front setback is calculated as 60.5 feet. Granting of the Minor Variance (to reduce the front setback requirement to 20 feet) will result in increased conformity of front setbacks among the properties included in the blockface. The required front setback of 60.5 feet will set the proposed structure significantly further back than the existing, neighboring structures, which are located at 34.33 feet and 28.79 feet from their respective front property lines. As such, the reduced front setback will contribute to increased uniformity between the site and surrounding sites. Because of the unique blockface, 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, which warrants the approval of the minor 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.* To require the larger 60.5 foot front setback will result in a significant reduction of developable area, when considering the additional limitations imposed by the main garden and total garden requirements. The project, as proposed complies with all density and height requirements, and is seeking approval to enjoy a front setback similar to that of the surrounding properties. Furthermore, adherence to a 60.5-foot front setback will create a disparity between the location of the proposed structure and the location of the existing, neighboring structures. Approval of a minor variance will allow the proposed multi-family structure a reasonable enjoyment of property, while maintaining uniformity with the front setbacks of the surrounding structures.
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 proposed use of the site is a multi-family residential development, which is a permitted use in the zoning district and compatible with surrounding residential uses. Furthermore, a reduced front setback will not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare, as the project was reviewed by the Fire Department and Building and Safety Division, who posed no concerns regarding the project. The project is also required to comply with all applicable Fire Department and Building and Safety Division standards through the City's plan check process.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will 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 High Density Residential in the General Plan Land Use Element, characterized by higher density multi-family complexes in neighborhoods with densities of up to 48 dwelling units per acre and two- to three-story buildings. The project is consistent with Goal 21 of the General Plan, Desirable Neighborhoods, which promotes neighborhoods with a variety of housing types that are desirable places to live, contribute to the quality of life, and are well



maintained. Specifically, the project is consistent with Policy 21.4 of the General Plan, New Residential Development, which seeks to attract new residential development that is well-conceived, constructed, and maintained in a variety of types, densities, locations and costs. The proposed project will replace a dilapidated single-family structure with 35 new multi-family residential units centered around an open courtyard, in an area of the City that is primarily developed with multi-family residential buildings. Furthermore, the reduced front setback will contribute to increased uniformity between the site and surrounding sites and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* 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. Therefore, the proposed project meets this finding.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11865**

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 "Approved at Hearing, April 18, 2018."
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 35-unit multi-family residential structure with a one level subterranean parking garage– the front setback of which shall be twenty feet.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **PLN2017-00033** is subject to the Inspection Program by the City as well as the Mitigation Monitoring and Reporting program. 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 Talyn Mirzakhian, Current Planning Section, at (626) 744-7101 to schedule an inspection appointment time.

Planning Division

7. Design Review is required for this project. Following completion of the Minor Variance process, the applicant shall submit an application for Concept Design Review, and shall subsequently obtain Final Design Review approval.
8. Approval of modifications to the size, shape, and minimum dimensions of the main garden shall be obtained through the Design Review Process, pursuant to Sections 17.22.080.A.3 and 17.44.090.D of the Zoning Code.
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.
10. The applicant or successor in interest shall adhere to the mitigation measure identified in Attachment C of the staff report (Mitigation Monitoring and Reporting Program).

Department of Housing and Career Services

11. The proposed 35-unit rental housing development is subject to the City's Inclusionary Housing Requirements ("IHR").

Department of Transportation

12. 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.
13. The project is expected to exceed the ADT Cap along Madison Avenue between Villa Street and Maple Street. Therefore, to reduce project vehicular trips, the project shall:
  1. Provide transit permit subsidies to its residents/tenants up to three years from the issuance of certificate of occupancy, and
  2. Provide one on-site carshare by dedicating one free parking space for the carshare vehicle up to two years for the issuance of certificate of occupancy. The applicant should guarantee the financial support for the carshare for the recommended two years.
14. 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 and the Department of Transportation for review and approval. This plan shall show the impact of the various construction stages on the public right-of-way including street occupations, closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site.
15. Construction-related traffic (delivery trucks or haul trucks) shall be restricted to the hours between 9:00 AM to 3:00 PM to limit peak hour traffic conflict along the local street network.
16. DOT recommends a 26-foot wide driveway with a 20-foot flat area beyond the property line. This flat area allows exiting vehicles to be properly aligned for the driver to see pedestrians and bicyclists crossing the driveway prior to exiting the property. The driveway apron width shall match the ramp width.
17. Views adjoining both sides of the driveway at the property line shall not be obstructed with landscaping, block wall, or non-porous fencing greater than 2.5 feet in height from property line to 15 feet beyond the property line.
18. Devices such as concave mirrors, warning lights, etc. on private property shall be installed to alert both pedestrians and outgoing vehicles of potential conflict. Texture of the ramp pavement surface shall be a rough broom finish.
19. A circulation plan for the parking garage must be reviewed and approved by the Department of Transportation prior to the issuance of the first permit for construction (i.e. demolition, foundation, grading, or building). The plan shall be drawn to a 1"=20' or 1"=40' scale.
20. Existing on-street parking conditions fronting this project shall be maintained during and after construction except by permit.
21. The project shall maintain a 5-foot min clear walk zone free of any obstructions along the project's frontage on Madison Avenue.

22. To minimize on-street parking impacts, the City will not issue overnight parking permits to the future residents of this project. The applicant shall disclose this information to future tenants of the unavailability of on-street overnight parking permits.

### Public Works Department

23. 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, and decorative sidewalk. 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 that all steel rods in every tie-back unit be relieved of all tension and stresses, and any portion of soldier beams and any portion of the tie-backs located less than ten (10) feet below grade be 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.

24. In order to provide sufficient sight distance for pedestrians along Madison Avenue frontage, the proposed driveway ramp to the subterranean garage, should be a minimum 20-foot wide along the entire length of the ramp to accommodate 2-way traffic on the ramp. The driveway apron width shall match the ramp width. To improve the safety of pedestrians crossing the driveway, the design plans shall indicate a slope of 2 percent or less from the property line to 20-foot into the property to improve vehicular sight distance, or include the installation of an exit arm.
25. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, without cutting the asphalt pavement along the subject frontage prior to the issuance of a Certificate of Occupancy. Sawcutting shall be done per the requirements of Public Works inspector. Existing street trees shall be protected using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514).
26. The proposed drive approach shall be constructed in accordance with Standard Drawing No. S-403. The existing gutter shall be cut per the requirements of Public Works inspector and the paving shall not be disturbed. 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.
27. The existing street lighting system on Madison Avenue consists of utilitarian lights (mounted on wood power poles) and, therefore, does not meet present design standards. In order to improve pedestrian and traffic safety, the applicant shall install a maximum of two (2) new street lights on or near the Madison Avenue frontage of the property, including conduits,

conductors, electrical service (if necessary), pull boxes, and miscellaneous appurtenant work. The type and hardware shall conform to current policies approved by the City Council, and the locations shall be as approved by the Department of Public Works.

The applicant is responsible for the design, preparation of plans and specifications, and the construction of all required street lights. 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 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. In addition, there is possibly considerable lead-time for the materials required for street light construction. In order to avoid delays in the development schedule, the applicant shall coordinate with this office at 626-744-4195 regarding this street light condition at least five (5) months in advance of the anticipated issuance of Certificates of Occupancy.

As an alternative, the applicant may elect to have City to design, prepare plans and specifications, and perform the construction/modification of the required street lights work, and pay the City an in-lieu fee for this Condition of Approval. This one-time in-lieu flat fee is non-refundable. The total flat fee for all conditioned streetlights construction will be determined by City Staff if the applicant elects to pay the in-lieu fee. Upon payment, the construction of the required street lights will be included as part of the future City's Capital Improvement Projects.

28. The applicant shall place a \$700 deposit for City staff to prune one (1) City Camphor tree that is not designated for removal and to remain. The sundry is subject to refund or additional billing.
29. The City is to remove three (3) existing City Camphor trees that are declining on the Madison Avenue frontage of the subject property. The applicant shall replant a maximum of three (3) Oak-species street trees in locations determined by the Parks and Natural Resources Division. The updated Tree Protection Conditions shall be in-place for the one (1) City Camphor tree that is to remain.

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.

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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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 replacement cost for a 36" box tree determined by the current General Fee Schedule; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.

35. Prior to issuance of any permit, a bond in the amount of the applicant's total liabilities based on the aforementioned approved report shall be submitted to the City. The bond is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.
36. The proposed development shall connect to the public sewer with one or more new six-inch diameter house sewer laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer "means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer." The section of house sewer within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.
37. Excavations in the streets for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations. Restoration of asphalt concrete pavement shall be per Standard Plan S-416 and to the satisfaction of the City Engineer.
38. All of the on-site drainages, such as roof drain, area drain and subterranean garage discharge, shall be gravity-flowed out to the public right of way. If a sump pump is used, the drain shall be directed into an energy dissipater box prior to gravity-flowed out to the street. All drains shall discharge at an acceptable angle in a cast iron curb drain or an approved curb outlet. The construction of the drain shall be completed prior to the issuance of Certificate of Occupancy.
39. The applicant shall submit to the Department of Public Works a grading and drainage plan and hydrology study for review and approval prior to the issuance of a building permit. The grading and drainage plan and the hydrology study shall be prepared by a licensed civil engineer registered in the State of California. The hydrology study shall include calculations for the quantities of storm water runoff for the pre-development and post development conditions and how drainage will be handled. On-site drainage shall be connected to an off-site drainage system whenever possible.
40. Past experience has indicated that projects such as this tend to damage the existing public and private 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 existing public and private 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 and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.

41. 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.

42. 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: [http://cityofpasadena.net/PublicWorks/Engineering\\_Division/](http://cityofpasadena.net/PublicWorks/Engineering_Division/)

43. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
44. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- 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.
- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)  
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC  
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree.
- 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 [http://cityofpasadena.net/PermitCenter/Plans\\_Submittal\\_Checklists/](http://cityofpasadena.net/PermitCenter/Plans_Submittal_Checklists/)  
  
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)
- 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: [http://www.ci.pasadena.ca.us/PublicWorks/Engineering\\_Division/](http://www.ci.pasadena.ca.us/PublicWorks/Engineering_Division/)  
The Residential Impact Fee is based on the current Taxes, Fees and Charges Schedule ([http://www.ci.pasadena.ca.us/Finance/Fees\\_and\\_Tax\\_Schedules/](http://www.ci.pasadena.ca.us/Finance/Fees_and_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 in the application for this project is: \$ 720,416.90. This amount is a rough estimate and for informational purposes only. The exact amount will be calculated at the time of Building Permit issuance.

- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC  
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at <http://cityofpasadena.net/PublicWorks/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:
  - 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.



**ATTACHMENT C  
MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Mitigation Measure</b>	<b>Mitigation Monitoring Timing</b>	<b>Responsible Monitoring Entity</b>	<b>Mitigation Measure Complete?</b>	<b>Effectiveness</b>
Impact 1 – Tribal Cultural Resources				
<p><b>MM-TCR-1. Retain a Native American Monitor</b>            During grading and excavation, a monitor meeting the satisfaction of the Gabrieleño Band of Mission Indians—Kizh Nation shall be present. Consistent with Mitigation Measure 4-1 in the Pasadena General Plan EIR, if Native American artifacts are found, all ground disturbing activities in the immediate vicinity of the find shall be halted until the find is evaluated by a Registered Professional Archaeologist. If testing determines that significance criteria are met, then the Project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; and provide a comprehensive final report, including site record to the City and the South Central Coastal Information Center at California State University, Fullerton. No further grading shall occur in the area of the discovery until the Planning Department approves the report. Subsequently, the find shall be turned over to the tribe of the resource’s origin. In addition, any cultural resources found shall be treated in accordance with regulatory requirements. Grading and excavation may continue around the isolated area of the find so long as the activities do not impede or jeopardize the protection and preservation of any cultural resources as determined by the Registered Professional Archaeologist.</p>	<p>During grading and excavation</p>	<p>Planning Division</p>		