



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** August 7, 2019

**TO:** Hearing Officer

**SUBJECT:** Affordable Housing Concession Permit #11870

**LOCATION:** 254 E. Union Street

**APPLICANT:** DC Union Holdings, LLC

**ZONING DESIGNATION:** CD-2 (Central District Specific Plan, Civic Center/Midtown Subdistrict) zoning district

**GENERAL PLAN DESIGNATION:** Medium Mixed Use (0.0 – 2.25 FAR)

**CASE PLANNER:** Beilin Yu

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Affordable Housing Concession Permit #11870 with the conditions in Attachment B.

---

**PROJECT PROPOSAL:** Affordable Housing Concession Permit: To facilitate the construction of a new 64,441 square-foot, six-story, mixed-use building containing 59 residential units (five very low-income units), 1,939 square feet of ground floor commercial space, and 156 parking spaces within four levels of parking, including one ground level and three subterranean level. The applicant is requesting the following entitlements:

- 1) Affordable Housing Concession Permit to increase the maximum allowable floor area ratio (FAR) from 2.25 to 2.96;
- 2) Affordable Housing Concession Permit to increase the maximum allowed height from 60'-0" to 75'-0";
- 3) Variance to reduce the depth of the commercial uses along Union Street from the minimum required of 50'-0" to 27'-9"; and

- 4) Private Tree Removal Permit to allow the removal of one 22" DBH European Olive (*Olea Europa*) and one 27" DBH European Olive (*Olea Europa*), both located along the front property line.

**ENVIRONMENTAL DETERMINATION:**

An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for Variance #11810 in compliance with the California Environmental Quality Act (CEQA) and adopted by the Hearing Officer on September 2, 2015, along with V #11810. An addendum to the IS/MND has been prepared analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15'-0" in height, and to explain the Lead Agency's (City of Pasadena) decision not to prepare a subsequent or supplemental CEQA documentation in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11). The addendum found that the project revisions will not result in any potentially significant impacts that were not already analyzed.

**BACKGROUND:**

**Site characteristics:**

The site is a 21,780 square-foot, square-shaped lot, located on the south side of Union Street, between Marengo Avenue and Garfield Avenue. The property is bounded by three alleys; Skillen Alley on the east, Brainard Alley on the south, and Stratton Place on the west. Currently the site is developed with a surface parking lot containing 61 parking spaces, a parking attendant booth, and two garages, all of which will be demolished as part of the project.

**Adjacent Uses:**

North – Parking lot and former YWCA building  
South – General Commercial  
East – United States Post Office  
West – General Commercial

**Adjacent Zoning:**

North – CD-2 (Central District Specific Plan, Civic Center / Midtown subdistrict)  
South – CD-2 (Central District Specific Plan, Civic Center / Midtown subdistrict)  
East – CD-2 (Central District Specific Plan, Civic Center / Midtown subdistrict)  
West – CD-2 (Central District Specific Plan, Civic Center / Midtown subdistrict)

**Previous zoning cases on this property:**

V#11810 – To allow the construction of a new five-story, 60-foot high, 49,000 square foot, mixed-use building, with 2,625 square feet of commercial space and 36 units

on four levels above, and 134 parking spaces. The Variance allowed the commercial depth to be reduced from the required 50'-0" to 28'-6". Additionally, a Private Tree Removal Permit allowed the removal of two protected trees, a 22" DBH European Olive (*Olea Europa*) and a 27" DBH European Olive (*Olea Europa*), both located along the front property line. Approved w/ conditions 9/2/2015.

**PROJECT DESCRIPTION:**

The applicant, DC Union Holdings, LLC, has submitted an Affordable Housing Concession Permit application to facilitate the construction of a new six-story, 64,441 square-foot, mixed-use building containing 1,939 square feet of ground floor commercial space, 59 units on the upper five floors, and 156 parking spaces in four-levels of parking, one on the ground level and three subterranean. The proposed building would measure 75'-0", from the lowest existing grade to the highest parapet.

The subject 21,780 square foot property is located on the north side of Union Street, within the CD-2 zoning district. The maximum permitted density is 87 units per acre, or 44 units for the subject lot. In order to develop the site with additional residential units, a density bonus is being requested.

In compliance with State Density Bonus law, the density bonus section of the Zoning Code (Section 17.43.040) permits an increase in the number of units permitted on the site, without discretionary approval, provided a specified percentage are designated as affordable units. In this case, the maximum number of units permitted on the property under the base zoning is 44 dwelling units. Per Table 4-3 of the City's Zoning Code, shown below, designating 11 percent of the allowed base units (i.e., five units) as very low-income would permit a density bonus of 35 percent (i.e., 16 units), for a total of 60 dwelling units. The proposed 59 dwelling units are within the maximum permitted number of units with the provision of the five very low-income units.

Table 4-3 - Increase in Allowable Density for Very Low-Income Units

| Percentage of Very Low-Income Units | Percentage Density Bonus |
|-------------------------------------|--------------------------|
| 5                                   | 20                       |
| 6                                   | 22.5                     |
| 7                                   | 25                       |
| 8                                   | 27.5                     |
| 9                                   | 30                       |
| 10                                  | 32.5                     |
| 11                                  | 35                       |

California State Law also permits a project that is utilizing a density bonus increase to request a concession, or deviation, from an applicable development standard, provided the concession result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units. Per Section 17.43.050 of the Zoning Code, this request is processed through an Affordable Housing Concession Permit. Because the proposed project includes at least ten percent of the units for very low-income households, the project may request up to two concessions. The concessions requested with this application are:

- 1) To allow the proposed building to exceed the maximum allowed floor area ratio. Pursuant to Section 17.30.040 (Figure 3-9) of the City of Pasadena Zoning Code, the maximum allowed floor area ratio is 2.25 for the site. The applicant is requesting to increase the floor area ratio to 2.96; and
- 2) To allow the proposed building to exceed the maximum allowed height. Pursuant to Section 17.30.040 (Figure 3-8) of the City of Pasadena Zoning Code, the maximum building height allowed for the site is 60'-0". The applicant is requesting a maximum building height of 75'-0".

Additionally, a Variance application is being requested to allow the proposed 1,939 square-foot commercial space on the ground floor to have a depth less than the minimum required. Section 17.50.160.E of the City's Zoning Code requires commercial uses of mixed-use buildings to be located along street frontages and to have a minimum depth of 50 feet. The proposed commercial uses along Union Street would have a depth of 27'-9".

Lastly, a Private Tree Removal Permit application is being requested to remove two trees protected under the City's Tree Protection Ordinance. One tree is a 22" DBH European Olive (*Olea Europa*) and the other is a 27" DBH European Olive (*Olea Europa*), both located along the front property line. European Olive trees with a DBH of 15" or greater are protected under the City's Tree Protection Ordinance.

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

## **ANALYSIS:**

### Affordable Housing Concession Permit to Increase Floor Area Ratio (FAR) and 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, The Natelson Dale Group (TNDG) for analysis. TNDG reviewed and prepared a density bonus analysis that analyzed the following development scenarios:

1. Base Zoning Alternative – a development in compliance with all current zoning requirements;
2. Base Zoning Alternative with Inclusionary Housing In-Lieu Fee – a development in compliance with all current zoning requirements including the payment of the inclusionary housing in-lieu fee; and

3. Proposed Project Scenario – a development with a 34% density bonus, plus the concessions to increase the FAR to 2.96 and to increase the height to 75’.

Based on their review, TNDG found the net cost associated with providing five very low-income rental units is estimated at approximately \$3,234,900 million. Comparatively, the value of the proposed density bonus and concession is estimated at \$868,900. Thus, the value of the density bonus and requested concession is estimated to be \$2,366,000 million less than the net cost associated with providing very low-income units.

Thus, based on the results of the financial analysis, TNDG 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 three very-low income residential units.

#### *Project Impacts / Environmental Review*

In addition, the review must verify that there would 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.

On September 2, 2015, V#11810 was approved by the Hearing Officer to allow the construction of a new five-story mixed-use building with 36 residential units and 2,625 square feet of commercial space. An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for Variance#11810, which was adopted by the Hearing Officer on September 2, 2015, along with V#11810. An addendum to the IS/MND has been prepared analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15’-0” in height, and to explain the Lead Agency’s (City of Pasadena) decision not to prepare a subsequent or supplemental CEQA documentation in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11).

#### *Traffic Impact Analysis*

The Pasadena Department of Transportation (DOT) prepared a Transportation Impact Analysis for this project in 2017. The report analyzed the impact the development would have on the City’s transportation system by estimating the incremental changes in vehicle miles traveled (VMT) per capita, vehicle trip (VT) per capita, service population proximity access to transit and bike facilities, and pedestrian accessibility score. This report assesses the accessibility of different modes of travel, including vehicle, pedestrian, bicycle, and transit; and the project’s transportation impacts using the City’s adopted transportation performance measures.

With the construction of the proposed project, the analysis concluded that the incremental VMT per capita change is 6.3, which does not exceed the adopted threshold of significance under the VMT per capita of 22.6. Additionally, the analysis determined that the incremental VT per capita change is 1.9, which indicated that the project’s incremental VT per capita change does not exceed the adopted threshold of significance VT of 2.8.

The analysis revealed that the project’s service population access to the bike facilities remain at 31.7 percent, which indicates that the project would not cause a significant impact on the existing bicycle network. Additionally, the analysis revealed that the project increases the service population access to transit facilities to 66.7 percent, which indicates that the project does not cause a significant impact.

Lastly, the analysis revealed that the pedestrian accessibility score is 3.88 with the addition of the project, and therefore the project does not cause a significant impact on the pedestrian accessibility score.

In addition, the Department of Transportation assessed the project's vehicular trips changes to adjacent intersections' Levels of Service (LOS) and "Access and Connector-Neighborhood" Street Type segments. Furthermore, DOT evaluated the existing pedestrian and bicycle environmental quality along key corridors near the project, and documented the availability and proximity of transit facilities within a quarter mile from the proposed development.

This study evaluated the effect the project will have on existing neighborhood traffic volumes along the street segment of Garfield Avenue between Union Street and Colorado Boulevard, and intersections within the vicinity of the project (Marengo Avenue at Colorado Boulevard and Marengo Avenue at Walnut Street). A field observational survey was conducted along Union Street between Marengo Avenue and Garfield Avenue to document existing pedestrian and bicycle environmental quality indices (PEQI/BEQI) conditions. Vehicle traffic features (i.e., number of lanes, vehicle speed, etc.) as well as street quality features (i.e., sidewalk widths and impediments, driveway cuts, land use characteristics, etc.) were collected for the north and south sides of the street.

The study concluded that project traffic volumes along street segments or intersections do not exceed the City's thresholds. Pedestrian environmental quality (PEQI) along Union Street between Marengo Avenue and Garfield Avenue determined that existing conditions are "high", while bicycle environmental quality (BEQI) along Union Street between Marengo Avenue and Garfield Avenue was found to be "low".

The study determined that the project does not result in any significant impact on the City's transportation system. Therefore, as it relates to vehicular traffic, 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 grant concessions.

#### Noise and Vibration Analysis

The 2015 IS/MND included a noise analysis for the project site, the purpose of which was to determine potential noise and vibration impacts as they relate to the proposed construction activities (short term impacts) and the operational characteristics (long term impacts) of the use. A noise study was prepared as part of the Addendum to the IS/MND analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15'-0" in height.

The 2015 IS/MND determined that implementation of the approved project would not expose persons to, or generate, noise levels in excess of standards established in the General Plan. Thus, impacts were determined to be less than significant. The Addendum prepared for the revised project determined that the noise generated from the revised project would be less than significant and would not increase from that identified in the 2015 IS/MND.

#### Noise and Vibration Analysis: Short-Term Construction Impacts

The 2015 IS/MND found that sensitive uses surrounding the project site include a church, which is located approximately 250 feet northwest of the project site and multi-family residences

located approximately 0.12 miles northwest of the project site. These sensitive uses may be exposed to elevated noise levels during project construction. However, the project would adhere to the City Noise Ordinance governing hours of construction, noise levels generated by construction and mechanical equipment, and the allowed level of ambient noise (PMC Chapter 9.36). In accordance with these regulations, construction noise would be limited to normal working hours (7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday, in or within 500 feet of a residential area; construction activities are not allowed on Sundays or holidays.). PMC Section 9.36.080 (Construction Equipment), prohibits any person to operate any powered construction equipment if the operation of such equipment emits noise at a level in excess of 85 dBA when measured within a radius of 100 feet from such equipment. Due to geometric spreading, these noise levels would diminish with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. Given the distance of the closest sensitive receptor at approximately 250 feet from the project site, maximum noise levels from construction equipment would be reduced further. Therefore, construction noise levels would not exceed the City's Noise Ordinance threshold of 85 dBA at 100 feet and the impact associated with construction noise would be less than significant.

The revised project proposes an additional level of subterranean parking and an additional level of residential units, which would result in minor changes in construction phasing and soil export quantity (23,000 cubic yards). Construction activities generally are temporary and have a short duration, resulting in periodic increases in the ambient noise environment. As identified in the 2015 IS/MND, the nearest sensitive receptor is located approximately 250 feet from the project site. Because the sensitive receptor distance remains the same and types of construction equipment would not change, it can be reasonably inferred that the level of impact would not increase from that identified in the 2015 IS/MND for noise associated with short-term construction. Further, the revised project would be subject to the same construction-related conditions of approval identified in the 2015 IS/MND.

#### Noise and Vibration Analysis: Long-Term Operational Impacts

The 2015 IS/MND stated operational noise sources associated with the proposed project would include, but would not be limited to, off-site vehicular noise and stationary source noise.

Off-site vehicular noise would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. The most prominent source of mobile traffic noise in the project vicinity is along Colorado Boulevard. The 2015 IS/MND determined that the project related increase in traffic volume along Colorado Boulevard would be nominal, and would not result in a perceptible increase traffic noise levels. A less than significant impact would occur in this regard.

The 2015 IS/MND discussed that stationary noise sources associated with the proposed project would include parking lot activities, slow moving trucks traveling on the site, mechanical equipment, outdoor activity areas, and pedestrian activity. The 2015 IS/MND determined that a less than significant impact would occur in the stationary noise sources associated with the original project with the implementation of conditions of approval, which have been included in the staff report.

Operational noise sources generated by the revised project would be consistent with uses proposed in the 2015 IS/MND (i.e., noise associated with parking areas, delivery trucks, heating/ventilation/air conditioning systems, and outdoor activity areas). Further, the revised project would not be directly adjacent to any sensitive receptors as the nearest sensitive

receptors are located approximately 250 feet to the northwest (First Baptist Church of Pasadena) and 250 feet to the south (residential uses). Thus, impacts associated with noise generated by the revised project would be less than significant and would not increase from that identified in the 2015 IS/MND.

In addition to noise generated on-site, the revised project would increase traffic volumes, which could increase roadway noise. Due to the minimal increase in street traffic volumes caused by the revised project, the traffic noise levels generated by the project would be imperceptible. Impacts would be less than significant in this regard.

#### Noise and Vibration Analysis: Vibration

The 2015 IS/MND determined that construction of the approved project would not result in excessive ground-borne vibration or ground-borne noise levels. A less than significant impact was identified in this regard. The revised project would not generate or expose persons or structures to excessive ground-borne vibration from construction. Construction of the revised project would have the potential to result in varying degrees of temporary ground-borne vibration, depending on the specific construction equipment used and the operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The results from ground-borne vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight structure damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The nearest historical buildings (Equitable Savings and Loan Association and the Loweman Building) are located adjacent (approximately 20 feet) to the west of the project site. The structural damage threshold for "Historic and some old buildings" of 0.12 in/sec PPV is used for this analysis. This threshold represents the vibration limits for structural damage to adjacent uses to the project site from continuous sources of vibration. The nearest historical building could experience ground-borne vibration up to approximately 0.106 in/sec PPV at 20 feet from construction activities. Thus, ground-borne vibration from construction activities is not anticipated to exceed the 0.12 in/sec PPV threshold. The impacts would be less than significant impact in this regard.

#### Air Quality

The 2015 IS/MND included an air quality analysis, the purpose of which 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. The addendum to the IS/MND prepared for the proposed project analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15'-0" in height.

The 2015 IS/MND concluded that the approved project would be consistent with the 2012 Air Quality Management Plan (AQMP). Thus, the approved project would not result in a long-term impact on the region's ability to meet State and Federal air quality standards and a less than significant impact was determined. Since certification of the 2015 IS/MND, the South Coast Air Quality Management District (SCAQMD) has adopted the 2016 AQMP to reduce emissions of



criteria pollutants for which the Basin is in a nonattainment status. The revised project is subject to the SCAQMD's 2016 AQMP. The criteria for determining consistency with the 2016 AQMP is defined by the following indicators:

- Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality or the interim emissions reductions specified in the AQMP.
- Consistency Criterion No. 2: The proposed project will not exceed the assumptions in the AQMP based on the years of project buildout phase.

As analyzed in the Addendum, the revised project would not exceed the population or job growth projections used by the SCAQMD to develop the 2016 AQMP. Thus, the revised project would be consistent with the two criterion and no impact would occur.

The 2015 IS/MND found that construction and operational related emissions would not exceed SCAQMD regional significance thresholds and a less than significant impact was identified. The revised project proposes an additional level of subterranean parking and an additional level of residential units. This project refinement would result in minor changes in construction phasing and soil export quantity (23,000 cubic yards). As shown in the Addendum, construction emissions associated with the revised project would be below SCAQMD's regional significance thresholds. Therefore, the revised project construction emissions would not cause or substantially contribute to an existing or project air quality violation.

The 2015 IS/MND concluded that implementation of the approved project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under applicable Federal or State ambient air quality standards. Further, short- and long-term construction and operational air pollutants would not exceed SCAQMD's regional significance thresholds. The refinements associated with the revised project are not expected to substantially increase short-term and long-term air pollutants. However, cumulatively considerable projects could contribute to an existing air quality exceedance since the Basin is currently in nonattainment for ozone (O3) and particulate matters (PM2.5 and PM10). All cumulative development occurring within the Basin would be subject to compliance with applicable SCAQMD rules and regulations. The revised project would not involve substantial changes which would contribute a cumulatively considerable net increase in the region for any non-attainment pollutant. Similar to the proposed project, impacts would be less than significant.

According to the 2015 IS/MND, sensitive receptors in the vicinity of the project site include a church and residential uses. The 2015 IS/MND determined that project emissions would not exceed the applicable localized significance threshold (LST) screening criteria for construction or operation and impacts would be less than significant. The Addendum indicates that project-related construction and operational source emissions would remain below the applicable LST screening criteria. As such, construction and operational LST impacts would be less than significant.

It was determined in the 2015 IS/MND that construction activities associated with the approved project could generate detectable odors from heavy-duty equipment exhaust. Construction-related odors would be short-term in nature and cease upon project completion. Any impacts to existing adjacent land uses would be short-term and would not affect a substantial number of people. Thus, the 2015 IS/MND determined that the approved project would not create objectionable odors and would result in a less than significant impact. The revised project

proposes to increase the number of condominium units, reduce the non-residential square footage, add an additional level of subterranean parking, and add an additional above-ground level of residential units. This project refinement would not establish any new odor-generating activities. Therefore, the revised project would result in a less than significant impact regarding objectionable odors.

### Greenhouse Gas Emissions Analysis

The 2015 IS/MND concluded that the approved project would generate greenhouse gas (GHG) emissions from direct and indirect sources. However, the 2015 IS/MND found that project related GHG emissions would be 955.10 MTCO<sub>2</sub>eq/yr, which are below the 3,000 MTCO<sub>2</sub>eq/yr threshold. The proposed project's energy, transportation, and water efficiency design features would further reduce project-related GHG emissions. Therefore, the approved project would result in a less than significant impact with regard to GHG emissions.

Since certification of the 2015 IS/MND, the Pasadena Climate Action Plan (CAP) was adopted (March 5, 2018). The CAP aims to establish a long-term strategy to reduce GHG emissions and address climate change at the local level. The purpose of the CAP is to analyze GHG emissions at a programmatic-level, outline a strategy to reduce and mitigate municipal and community-wide GHG emissions, and demonstrate Pasadena's commitment to achieving the State-wide emissions reduction targets. Projects that meet the requirements of the CAP Consistency Checklist, including completion of one of the three options listed below, will be deemed consistent with the CAP and will be found to have a less than significant contribution to cumulative GHG emissions. The following three options prove consistency with the CAP:

- Option A: Apply Sustainable Development Actions - Incorporate mandatory and selective sustainable development actions that will become conditions of the entitlement.
- Option B: Assess Project's GHG Efficiency - Quantify the project's GHG emission levels and demonstrate that the project is below Pasadena's service person efficiency threshold.
- Option C: Achieve Net Zero GHG Emissions - Quantify the project's GHG emission levels and demonstrate that the project would not result in a new increase in GHG emissions.

The revised project has demonstrated consistency with Option A as the revised project would incorporate mandatory and selective sustainable development actions that would become conditions of the project's requested entitlements.

### Historic Resources

GPA Consulting (GPA) prepared the 254 E Union Street Pasadena, California Historical Resources Report (Historical Resources Report), dated June 2015, to provide an overview of the historical resources on the project site and surrounding area and identify whether or not the approved project would result in significant impacts to the historical resources.

The 2015 IS/MND determined that a total of 14 historical resources are located within the study area including one historical resource (a locally-designated sign) present at the project site, 11 other historical resources within the study area, and the two National Register historic districts in the immediate vicinity of the project site, the Pasadena Civic Center Historic District and the Civic Center Financial Historic District.

The locally-designated sign is a canopy-mounted sign, which originally read "Parking for Citizens Bank & Building". This sign is mounted on the northern edge of a flat canopy attached to a parking attendant's booth and two garages, and was likely installed at the same time as the structure was built in 1951. In 2009, the sign was removed without permits and subsequently required by the City to be reinstalled. In 2011, the City approved the rehabilitation of the sign, which incorporated the original lettering for the words "Parking" and "Building", replication of the word "for", and fabrication of new letters for the number "225" and the word "Colorado". Currently, the sign reads "Parking for 225 Colorado Building". This canopy-mounted sign is included in the City's Historic Sign Inventory and is a locally designated historic resource in the Historic Sign category. The sign has a Status Code of 5S1 and is considered a historical resource.

The 2015 IS/MND determined that the approved project would not negatively impact the physical integrity of the historic sign on the project site, nor any of the historical resources in the project vicinity, as Mitigation Measure CUL-1 would ensure surface cleaning of the sign would not significantly impact the historic qualities of the sign. All the identified historical resources in the study area would remain listed or eligible for listing under the relevant designation programs. The ability of these historical resources to convey their significance would not be materially impaired by the approved project. Furthermore, the approved project would not negatively impact the two National Register historic districts in the immediate vicinity of the project site.

GPA prepared the 250 E Union Street Project Historical Resource Technical Report (Updated Historical Resources Report), dated July 2018, to identify any new historical resources listed or identified in surveys after completion of the Historical Resources Report prepared for the approved project in July 2015 and to identify potential impacts to historic resources associated with the revised project.

The revised project would have the potential to directly impact one historical resource, the historic sign located on-site. This historical resource is proposed to be relocated from its current position above the existing driveway along Union Street to the new building's west elevation, above the parking entrance. The revised project would also have the potential to indirectly impact 13 other historical resources in the study area that are on parcels across an alley, street, or intersection from the project site. The 13 historical resources include portions of the Pasadena Civic Center District and the Civic Center Financial District, including 10 contributing buildings, plus one individually eligible landscape (301 East Colorado Boulevard, Mutual Savings & Loan Association Plaza and Gardens).

The report concludes that the revised project would not negatively impact the physical integrity of the historic sign on the project site, nor any of the historical resources in the project area, as mitigation from the 2015 IS/MND (Mitigation Measure CUL-1) would ensure surface cleaning of the sign would not result in significant impacts. All the identified historical resources in the study area would remain listed or eligible for listing under the relevant designation programs. The ability of these historical resources to convey their significance would not be materially impaired by the revised project. Furthermore, the revised project would not negatively impact the two National Register historic districts in the immediate vicinity of the project site. As the revised project is consistent with the Secretary of the Interior's Standards, it would have a less than significant impact on historical resources with the implementation of mitigation.

## *State and Federal Laws*

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

Based on these analyses, staff believes that the three required findings to approve the requested Affordable Housing Concession Permit can be made.

### Variance to allow the commercial uses to have a reduced depth

Section 17.50.160.E.1 of the City's Zoning Code requires mixed-use projects to locate commercial uses along street frontages, and these commercial spaces to have a minimum depth of 50 feet. The commercial uses proposed as part of the mixed-use building would have a depth of 27'-4".

Pursuant to Table 6-4 of Zoning Code Section 17.61.080 (Variances), adjustments to dimensional standards are subject to a Variance application. The Hearing Officer may approve a Variance to adjust the commercial depth required of mixed-use projects only after making five findings pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

The property is bounded by three alleys, one along each side property line, and one along the rear property line. This is an exceptional or extraordinary circumstance or condition, that is applicable to the subject site, and which does not typically apply to sites in the same zoning district. This condition limits the ability to create a vehicular access point on Union Street because, as determined by the Department of Transportation, adding another point of ingress and egress between the two alleys creates a hazardous roadway condition for pedestrians as well as vehicles traveling on Union Street. As such, vehicular access to the proposed project is proposed from Stratton Alley, along the western façade of the proposed structure. Because this alley also serves as vehicle access for other commercial buildings located adjacent to the west, the entrance to the parking garage for the project necessitates being located as close to Union Street as possible to mitigate conflicts with the parking and traffic generated by the other commercial buildings. This condition in turn reduced the depth of the commercial space along Union Street.

The requested Variance, to reduce the depth of the commercial spaces along Union Street, would not be noticeable from the surrounding vicinity, as the commercial uses would operate similarly to a commercial use with a 50'-0" depth. As such, the reduced commercial depth 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 such, Staff finds that there is an exceptional circumstance related to the property, as it is unusual for a property to be bounded by alleys on three sides. This circumstance resulted in the access to the parking to be taken from Stratton Alley which is already being utilized by an existing adjacent use.

**TREE PROTECTION ORDINANCE:**

In order to accommodate the proposed mixed-use structure, the applicant is proposing to remove three trees existing on the subject site. The existing three trees on the subject property are listed in the following table, and Tree #2 and Tree #3 are protected trees under the City's Tree Protection Ordinance.

| Tree # | Genus Species                  | Common Name       | DBH | Height | Canopy | Min Protection Size |
|--------|--------------------------------|-------------------|-----|--------|--------|---------------------|
| 1      | <i>Ficus microcarpa nitida</i> | Indian Laurel Fig | 22" | 30'    | 28'    | 30"                 |
| 2      | <i>Olea europaea</i>           | European Olive    | 27" | 25'    | 26'    | 15"                 |
| 3      | <i>Olea europaea</i>           | European Olive    | 27" | 18'    | 15'    | 15"                 |

The City's Tree Protection Ordinance includes a list of species and a minimum corresponding size in order for a tree to be protected under the City's Ordinance. Additionally, the City's Tree Protection Ordinance defines multi-trunk trees as any tree with multiple trunks attributed to a single tree. Each trunk is measured at a height of 4½ feet above natural grade, and the combined areas of the trunks are used to determine the tree's size

Indian Laurel Fig Trees with a DBH equal to or greater than 30" are protected. Therefore, the existing 22" DBH Indian Laurel Fig tree does not meet the minimum size requirement and is not protected under the City's Tree Protection Ordinance. European Olive trees with a DBH of 15" or greater are protected. Therefore the two existing European Olive trees are protected and a Private Tree Removal Permit is required to be approved for each of the protected trees.

Pursuant to Section 8.52.070 of the City's Municipal Code (City Trees and Tree Protection), one of the following findings need to be made in order to approve a private tree removal request:

- 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) Tree 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 includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix below:

| Diameter at Breast Height of Removed Tree | Number and Size of Replacement Trees                        |
|---|---|
| 8-12 inches                               | 4 – 15 gallons, or<br>2 – 24 inch box                       |
| 13 – 18 inches                            | 8 – 15 gallon, or<br>4 – 24 inch box, or<br>2 – 36 inch box |
| 19-36 inches                              | 8 – 24 inch box, or<br>4 – 36 inch box                      |
| 37+ inches                                | 12 – 24 inch box, or<br>8 – 36 inch box.                    |

Tree #2, a 22" DBH *Olea europaea*, is located within a planter on the northwest corner of the site, adjacent to Union Street and Stratton Alley. According to William R. McKinley, a consulting arborist (license # WE-4578A), the tree is in a parking lot with a restricted root area. The tree has experienced multiple pruning events, and has been heavily pruned and headed back resulting in decay in limbs and stems. The tree is in below average health and condition.

Additionally, as part of the proposed project, Department of Public Works is requiring the widening of the 8'-0" wide sidewalk along Union Street to 15'-0", and the widening of the 15'-0" wide Stratton Alley to 24'-0". The widening of the sidewalk and alley would encroach into the planter area and compromise the root of the tree. Therefore, pursuant to Finding #2, the private tree removal request may be approved for the 22" DBH *Olea europaeae* because the damage to the root of Tree #2 resulting from the widening of the sidewalk and alley would cause the tree to not survive.

Tree #3, a 27" DBH *Olea europaea*, is located within a raised planter at the northeast corner of the site, adjacent to Union Street and Skillen Way. The tree is growing in a parking lot with the roots in a restricted area. Similar to Tree #2, according to the consulting arborist, Tree #3 has also experience multiple pruning events with severe pruning and heading back of stems and limbs. These pruning have resulted in decay in stems and limbs as well as epicormics growths. Tree #3 has a weak structure.

As discussed above, as part of the proposed project, Department of Public Works is requiring the widening of the 8'-0" wide sidewalk along Union Street to 15'-0". Additionally, Department of Public Works is requiring the widening of the 15'-0" wide Skillen Way to 20'-0". The widening of the sidewalk and alley would encroach into the planter area and compromise the root of the tree. Therefore, pursuant to Finding #2, the private tree removal request may be approved for the 27" DBH *Olea europaea* because the damage to the root of Tree #3 resulting from the widening of the sidewalk and alley would cause the tree to not survive.

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

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

The proposed project is also consistent with Policy 21.1, Adequate and Affordable Housing, as this project would provide a variety of housing types, styles, densities, and affordability levels that are accessible to and meet preferences for different neighborhood types, physical abilities and income levels, pursuant to the Housing Element.

The proposed project is consistent with Policy 21.2, Equitable Distribution of Affordable Housing, in that the project would provide for the equitable distribution of affordable housing throughout the City, as defined by Housing Element goals and policies, capitalizing on opportunities for new development allowed by the residential densities permitted in the Central District.

Lastly, the project is also consistent with Policy 1.2, Targeted Growth, in that the project would result in new construction in an infill area and away from Pasadena's residential neighborhoods

and open spaces by redeveloping underutilized commercial and industrial properties within the Central District.

### **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 Variance #11810 project's potential impacts on the environment. Some of the topic areas that were analyzed include Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Noise, and Transportation/Traffic. The Study was made available for public review and comment from August 13, 2015 through September 2, 2015. Of the topic areas that were analyzed, the only potentially significant impacts were found to be in the areas of Cultural Resources, but that these impacts will be reduced to a less than significant level because mitigation measures will be incorporated into the project. These potential impacts and their mitigation measures are described further below. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C) were prepared for the project and adopted by the Hearing Officer on September 2, 2015, along with V #11810.

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

In the event, albeit unlikely, that archeological or paleontological resources could be found during site excavation four mitigation measures have been created to address the potentially significant impact to previously undiscovered resources. These mitigation measures, CUL-1 through CUL-3, require special handling of the existing historic sign, work cessation if an archeological or paleontological resource is uncovered, as well as the appropriate contacts if remains are discovered.

An addendum to the IS/MND has been prepared analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15'-0" in height, and to explain the Lead Agency's (City of Pasadena) decision not to prepare a subsequent or supplemental CEQA documentation in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11). The addendum found that the project revisions will not result in any potentially significant impacts that were not already analyzed.

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

The Design and Historic Preservation Section, Building and Safety Division, Public Works Department, Fire Department, Department of Transportation, Housing Department, Water Division, and Power Division have reviewed the project. All Departments/Divisions, except Power Division have provided conditions, which are included in Attachment B.

### **CONCLUSION:**

It is staff's assessment, based on the analysis, that the findings necessary for approving the Affordable Housing Concession Permit to grant the concession to increase the maximum permitted floor area ratio from 2.25 to 2.96; the concession to increase the height from 60' to 75'; the Variance to reduce the depth of the commercial space; and the Private Tree Removal Permit to remove two protected *Olea europaea*, can be made in the affirmative (Attachment A).

As conditioned, it is not expected that the development resulting from the requested concessions would result in any adverse negative impacts to the neighboring uses. It was demonstrated that the concessions result in the identifiable and actual cost reduction 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 was found that exceptional or extraordinary circumstances exist on the subject site. The property is bounded by three alleys along both side property lines and rear property line, limiting the location to place the access to the parking levels, which in turn restricted the depth of the commercial space along Union Street. Conditions of approval would ensure that the project is compatible with the surrounding area.

The roots of the two protected *Olea europaea* trees would be compromised with the widening of the sidewalk and alleyways, as required by the Public Works Department. The widening of the sidewalk and alleyways are public benefits which outweighs the protection of these trees.

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

Attachment B: Recommended Conditions

Attachment C: Introduction Section of Addendum to IS/MND (Full document available in file with the City)

Attachment D: Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program for V#11810



**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR AFFORDABLE HOUSING CONCESSION PERMIT #11870**

Affordable Housing Concession Permit: To increase the FAR from 2.25 to 2.96

1. *The concession or incentive results in identifiable and actual cost reductions to provide for affordable housing costs.*

The Natelson Dale Group (TNDG) performed a financial analysis which reviewed and compared and analyzed three scenarios: Base Zoning Alternative, a development in compliance with all current zoning requirements; Base Zoning Alternative with Inclusionary Housing In-Lieu Fee, a development in compliance with all current zoning requirements including the payment of the inclusionary housing in-lieu fee; and the Proposed Project Scenario, which is a development with a 34% density bonus, plus the concessions to increase the FAR to 2.96 and the height to 75'. Based on their review, TNDG found the net cost associated with providing five very low-income rental units is estimated at approximately \$3,234,900 million. Comparatively, the value of the proposed density bonus and concession is estimated at \$868,900. Thus, the value of the density bonus and requested concession is estimated to be \$ 2,366,000 million less than the net cost associated with providing very low-income units. Thus, based on the results of the financial 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 three very-low income residential units.

2. *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.*

Traffic

The Department of Transportation (DOT) prepared a Transportation Impact Analysis for this project. The report analyzed the impact the development will have on the City's transportation system by estimating the incremental changes in vehicle miles traveled (VMT) per capita, vehicle trip (VT) per capita, service population proximity access to transit and bike facilities, and pedestrian accessibility score. This report assesses the accessibility of different modes of travel, including vehicle, pedestrian, bicycle, and transit; and the project's transportation impacts using the City's adopted transportation performance measures.

The analysis concluded that:

- i) the incremental Vehicle Miles Traveled per capita change is 6.3, which does not exceed the adopted threshold of significance under the Vehicle Miles Traveled per capita of 22.6;
- ii) the incremental Vehicle Trips per capita change is 1.9, which does not exceed the adopted threshold of significance under the Vehicles Trips of 2.8;

- iii) the project's service population access to the bike facilities remain at 31.7%, which indicates that the project does not cause a significant impact on the existing bicycle network;
- iv) the project increases the service population access to transit facilities to 66.7%, which indicates that the project does not cause a significant impact; and
- v) the pedestrian accessibility score is 3.88 with the addition of the project, and therefore the project does not cause a significant impact on the pedestrian accessibility score.

In addition, the Department of Transportation evaluated the effect the project will have on existing neighborhood traffic volumes along the street segment of Garfield Avenue between Union Street and Colorado Boulevard and intersections within the vicinity of the project (Marengo Avenue at Colorado Boulevard and Marengo Avenue at Walnut Street). A field observational survey was conducted along Union Street between Marengo Avenue and Garfield Avenue to document existing pedestrian and bicycle environmental quality (PEQI/BEQI) conditions. Vehicle traffic features (i.e., number of lanes, vehicle speed, etc.) as well as street quality features (i.e., sidewalk widths and impediments, driveway cuts, land use characteristics, etc.) were collected for the north and south sides of the street.

The analyses concluded that project traffic volumes along street segments or intersections do not exceed the City's thresholds. Pedestrian environmental quality (PEQI) along Union Street between Marengo Avenue and Garfield Avenue determined that existing conditions are "high", while bicycle environmental quality (BEQI) along Union Street between Marengo Avenue and Garfield Avenue was found to be "low".

The analysis determined that the project does not result in any significant impact on the City's transportation system. As such, as it relates to vehicular traffic, 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.

### Noise and Vibration

The 2015 IS/MND included a noise analysis for the project site, the purpose of which was to determine potential noise and vibration impacts as they relate to the proposed construction activities (short term impacts) and the operational characteristics (long term impacts) of the use. A noise study was prepared as part of the addendum to the IS/MND analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15'-0" in height.

The noise analysis concluded that:

- i) Construction of the project would not exceed the City's construction noise standards. Thus, the Project would not result in a substantial temporary or periodic increase in noise, and impacts would be less than significant;
- ii) Operation of the project would not exceed the City's traffic or operational stationary source noise standards. Thus, the project would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project above levels existing without the project, and impacts would be less than significant; and
- iii) The project will not result in the generation of excessive ground-borne vibration or groundborne noise levels, and will not generate or expose persons or structures to excessive groundborne vibration from construction. Thus, the project will result in a less-than-significant impact from ground-borne vibration and ground-borne noise.

The nearest historical buildings (Equitable Savings and Loan Association and the Loweman Building) are located adjacent (approximately 20 feet) to the west of the project site. The structural damage threshold for "Historic and some old buildings" of 0.12 in/sec PPV is used for this analysis. This threshold represents the vibration limits for structural damage to adjacent uses to the project site from continuous sources of vibration. The nearest historical building could experience groundborne vibration up to approximately 0.106 in/sec PPV at 20 feet from construction activities. Thus, groundborne vibration from construction activities is not anticipated to exceed the 0.12 in/sec PPV threshold. The impacts will be less than significant impact in this regard.

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.

### Air Quality

The 2015 IS/MND included an air quality analysis, the purpose of which 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. The addendum to the IS/MND prepared for the proposed project analyzing the additional 23 residential units, the additional 15,441 square feet, and the additional 15'-0" in height.

The analysis found that:

- i) the project will not exceed the population or job growth projections used by the SCAQMD to develop the 2016 AQMP, thus, the project will be consistent with the two criterion for determining consistency with the 2016 AQMP and no impact will occur;
- ii) construction emissions associated with the project will be below SCAQMD's regional significance thresholds, therefore, the project construction emissions will not cause or substantially contribute to an existing or project air quality violation;
- iii) the project is not expected to substantially increase short-term and long-term air pollutants, however, cumulatively considerable projects could contribute to an existing air quality exceedance since the Basin is currently in nonattainment for ozone (O<sub>3</sub>) and particulate matters (PM<sub>2.5</sub> and PM<sub>10</sub>). All cumulative development occurring within the Basin will be subject to compliance with applicable SCAQMD rules and regulations. The project will not contribute a cumulatively considerable net increase in the region for any non-attainment pollutant, therefore impacts will be less than significant;
- iv) project construction and operations will not result in significant levels of odors; and
- v) sensitive receptors in the vicinity of the project site include a church and residential uses. Project emissions will not exceed the applicable localized significance threshold (LST) screening criteria for construction or operation and impacts will be less than significant.

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, 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.

### Greenhouse Gas Emissions

The project will be consistency with Option A of the City's adopted climate Action plan, as the project will incorporate mandatory and selective sustainable development actions that would become conditions of the project's requested entitlements.

### Historic Resources

A total of 14 historical resources are located within the study area, including one historical resource (a locally-designated sign) present at the project site, 11 other historical resources within the study area, and the two National Register historic districts in the immediate vicinity of the project site, the Pasadena Civic Center Historic District and the Civic Center Financial Historic District.

The project will have the potential to directly impact one historical resources, the historic sign located on-site. This historical resource is proposed to be relocated from its current position above the existing driveway along Union Street to the new building's west elevation, above the parking entrance. The revised project will also have the potential to indirectly impact 13 other historical resources in the study area that are on parcels across an alley, street, or intersection from the project site. The 13 historical resources include portions of the Pasadena Civic Center District and the Civic Center Financial District, including 10 contributing buildings, plus one individually eligible landscape (301 East Colorado Boulevard, Mutual Savings & Loan Association Plaza and Gardens).

The project will not negatively impact the physical integrity of the historic sign on the project site, nor any of the historical resources in the project area, as mitigation from the 2015 IS/MND (Mitigation Measure CUL-1) will ensure surface cleaning of the sign will not result in significant impacts. All the identified historical resources in the study area will remain listed or eligible for listing under the relevant designation programs. The ability of these historical resources to convey their significance will not be materially impaired by the revised project. Furthermore, the revised project will not negatively impact the two National Register historic districts in the immediate vicinity of the project site. As the revised project is consistent with the Secretary of the Interior's Standards, it will have a less than significant impact on historical resources with the implementation of mitigation.

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.

### 3. *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 will not be contrary to any federal laws.

Variance to allow the commercial uses to have a reduced depth

4. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply to sites in the same zone district.*

The property is surrounded by alleys along both side property lines as well as the rear property line, and limits the ability to create a vehicular access point on Union Street. As a result, the access to the parking for the project is provided via Stratton Alley, along the western property line of the subject site. Stratton Alley also serves as vehicular access to the commercial buildings located to the west, necessitating the entrance to parking to as close to Union Street as possible, therefore in turn reducing the width of the commercial space along Union Street.

5. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.*

A commercial space with the required 50'-0" depth along Union Street would prohibit access to the site and render the project infeasible.

6. *Granting the application 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.*

A commercial use with a reduced depth along Union Street will not be detrimental or injurious to the properties and improvements in the vicinity. From Union Street, the commercial uses will have the same appearance and operational characteristics as a commercial use with a 50'-0" depth or greater.

7. *Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.*

The site is designated Medium Mixed-Use in the General Plan Land Use Element. The mixed-use project is consistent with Policy 1.2 (Targeted Growth). Policy 1.2 emphasizes growth and new construction in infill areas away from Pasadena's residential neighborhoods and open spaces through the redevelopment of underutilized commercial and industrial properties, especially within the Central District, Transit Villages, Neighborhood Villages, and along selected corridors. The proposed project will replace an existing surface parking lot with residential dwellings and commercial office, consistent with the policy. The project is also consistent with Policies 11.3 (New and Complimentary Business) and 31.2 (Sub-District Identity). Policy 11.3 focuses on the attraction of new establishments that are complementary with Pasadena's Central District, neighborhood and transit villages, and commercial corridors. Policy 31.2 encourages new uses and infill development that fits with the vision of each sub-area. Retaining the ground floor commercial office while providing high-density residential would both complement existing civic center and fit with the purpose of the Civic Center/Midtown subdistrict, which is intended to strengthen its role as the symbolic and governmental center of the City, supporting civic, cultural, and public service institutions, while augmenting the character of the area with a complementary mixture of uses. Further, the adjustment to the commercial depth does not constitute a grant of special privilege. The applicant is still required to provide a nonresidential use along the primary

frontage as part of a mixed-use project, to the extent feasible, given the exceptional circumstances outlined.

8. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting 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.

#### Private Tree Removal to remove two European Olive Trees

##### Tree #2

9. *The present condition of the tree is such that it is not reasonably likely to survive.*

Tree #2, a 22" DBH *Olea europaea*, is located within a planter on the northwest corner of the site, adjacent to Union Street and Stratton Alley. According to William R. McKinley, a consulting arborist (license # WE-4578A), the tree is in a parking lot with a restricted root area. The tree has experienced multiple pruning events, and has been heavily pruned and headed back resulting in decay in limbs and stems. The tree is in below average health and condition. Additionally, as part of the proposed project, Department of Public Works is requiring the widening of the 8'-0" wide sidewalk along Union Street to 15'-0", and the widening of the 15'-0" wide Stratton Alley to 24'-0". The widening of the sidewalk and alley will encroach into the planter area and compromise the root of the tree. The damage to the root of Tree #2 resulting from the widening of the sidewalk and alley will cause the tree to not survive.

##### Tree #3

10. *The present condition of the tree is such that it is not reasonably likely to survive.*

Tree #3, a 27" DBH *Olea europaea*, is located within a raised planter at the northeast corner of the site, adjacent to Union Street and Skillen Way. The tree is growing in a parking lot with the roots in a restricted area. Similar to Tree #2, according to the consulting arborist, Tree #3 has also experience multiple pruning events with severe pruning and heading back of stems and limbs. These pruning have resulted in decay in stems and limbs as well as epicormics growths. Tree #3 has a weak structure. As part of the proposed project, Department of Public Works is requiring the widening of the 8'-0" wide sidewalk along Union Street to 15'-0" and the widening of the 15'-0" wide Skillen Way to 20'-0". The widening of the sidewalk and alley will encroach into the planter area and compromise the root of the tree. The widening of the sidewalk and alley will result in a public benefit that outweighs the protection of Tree #3. Additionally, the damage to the root of Tree #3 resulting from the widening of the sidewalk and alley will cause the tree to not survive.

**ATTACHMENT B  
RECOMMENDED CONDITIONS FOR  
AFFORDABLE HOUSING CONCESSION PERMIT #11870**

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

General

1. The site plan, roof plan, and elevations submitted for building permits shall substantially conform to plans submitted with this application stamped "Approved at Hearing, August 7, 2019 except as modified herein.
2. This approval allows for the construction of a new 64,441 square-foot, six-story, mixed-use building containing 59 residential units (five very low-income units), 1,939 square feet of commercial space, and 156 parking spaces within four levels of parking, including one ground level and three subterranean level.
3. 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.
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 **PLN2017-00247**, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Beilin Yu, Current Planning Section, at 626-744-6726 to schedule an inspection appointment time.

Planning Division

7. The maximum permitted floor area ratio on the subject site shall not exceed 2.96 or a maximum gross floor area of 64,441 square feet.
8. The proposed building shall not exceed a maximum height of 75'-0", as measured from the adjacent lowest existing grade to the top of the highest parapet.
9. A minimum of five units within the development project shall be dedicated for very low-income household families.
10. Parking for the project shall comply with Sections 17.43.090 (Alternative Parking Standards) and Chapter 17.46 (Parking and Loading) of the City's Zoning Code.
11. There shall be a minimum of 14 bicycle parking spaces, ten of the bicycle parking spaces shall be Class 1, and four shall be Class 2.

12. Balconies shall be located no closer than six feet from an interior side or rear property line, and may project four feet into a front or corner side setback. Balconies designed to project over the public right-of-way shall have prior approval from the Department of Public Works.
13. A minimum of 8,850 square feet of community space shall be provided as part of the project.
14. The project shall incorporate sustainable development actions intended to ensure that the project contributes its fair share to the City's cumulative Greenhouse Gas reduction goals in order to demonstrate consistency with the City's adopted Climate Action Plan.
15. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELO) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELO and the landscaping has been installed per such approved MWELO-compliant plans to the satisfaction of the department.
16. City permits for overnight parking on City streets shall not be issued for the residents and visitors of this project. The residential lease agreement shall include a clause advising the residents of the unavailability of on-street overnight parking permits. The applicant or its successor in interest shall maintain the signature of the residents confirming the receipt and understanding of this information.
17. The residential lease agreement shall also include a clause notifying the residents that they are living in an urban area and that the noise level may be higher than in a typical residential area. The applicant or its successor in interest shall maintain the signature of the residents confirming the receipt and understanding of this information.
18. The loading and unloading of furniture and household good for the residential units on the street shall be limited to the hours of 9:00 a.m. to 2:00 p.m. and 7:00 p.m. and 10:00 p.m. on the weekdays, and 9:00 a.m. to 10:00 p.m. on the weekends.
19. The project is subject to Design Review with the Design Commission.
20. Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
21. A sign, legible at a distance of 50 feet shall be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Pasadena Planning Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.
22. The Project Applicant shall provide, to the satisfaction of the City of Pasadena Planning Division, a qualified "Noise Disturbance Coordinator". The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24



hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Pasadena Planning Division. All signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

23. Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.
24. Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
25. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
26. During construction, equipment staging areas shall be located such that the greatest distance is between the staging area noise sources and noise-sensitive receptors.
27. Per Pasadena Municipal Code Chapter 9.36, construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday, in or within 500 feet of a residential area; construction activities are not allowed on Sundays or holidays. In addition, construction equipment operation emitting noise at a level in excess of 85 dBA within a radius of 100 feet from such equipment shall be prohibited.
28. Prior to issuance of any Grading or Building Permit, the Project Applicant shall submit a construction related traffic plan for approval to the City's Department of Public Works, to ensure that truck routes for transportation of materials and equipment are established with consideration for sensitive uses in the neighborhood.
29. Prior to issuance of any Grading or Building Permit, the Project Applicant shall submit a traffic and parking plan for the construction phase for approval to the Traffic Engineer in the Pasadena Transportation Department and to the Zoning Administrator.
30. Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate that the interior noise levels in habitable rooms would not exceed interior noise standards set forth in Pasadena Municipal Code Section 9.36.060.
31. Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate that the noise level from heating, ventilation, and air conditioning (HVAC) units, and similar mechanical equipment would be less than 45 A-weighted decibels (dBA) when measured at the property line.

#### Building and Safety Division

32. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on

the date in which the project is submitted to the City for review. The current edition is the 2016 series starting January 1, 2017 through December 31, 2019.

33. Grading: If greater than 50 cubic yards (excluding excavation for building foundation), grading/drainage plans shall be prepared by a registered engineer. Grading shall conform to the provisions of Chapter 14.05 of the City's Municipal Code.
34. Soils Report: Soils report is required for the project.
35. Low Impact Development (LID) Plan: This project requires the preparation of a LID/SWPPP Plan to demonstrate stormwater management post-construction. LID Plan shall be prepared by a registered engineer.
36. Building Code Analysis: Document on the plans the Allowable Height & Area, Occupancy Group(s), Type of Construction, and occupant load.
37. Fire Protection: Provide wall & opening protection for exterior walls & openings near property lines.
38. Means of Egress (Exiting): Provide Occupant Load Calculations, and provide an "Exit Plan". Identify exit separation and travel distance.
39. California Disabled Access Requirements: Project to be accessible to the disabled in accordance with Chapter 11A of the CBC.
40. Permit(s): Separate permits are required for demolition, grading, fire sprinkler, mechanical, electrical, and plumbing.

#### Fire Department

THESE REQUIREMENTS ARE BASED ON THE 2016 TITLE 24 AND ARE SUBJECT TO CHANGE BASED ON WHEN THE BUILDING AND FIRE PLANS ARE SUBMITTED FOR REVIEW AND PERMITS.

41. Minimum Fire Flow/Fire Hydrants: All structures shall have the minimum fire flow (GPM) required by Appendix-B and the quantity and spacing of fire hydrants as required by Appendix-C of Title 24, Part 9, California Fire Code.
42. Automatic Fire Sprinkler System: The structure shall be provided with a fully automatic fire sprinkler. Shop drawings are to be submitted by contractor for review and approval prior to construction. PMC, CFC Chapter 9.
43. Fire Department Fire Sprinkler Connections: Shall be comprised of:
  - FDC shall be located a minimum of 25-feet from the building and within 100-feet of a public fire hydrant.
  - (3) 2-1/2" clappered internal swivel outlet X 2-1/2" clappered internal swivel outlet X 6" FDC
  - Shall be clearly labeled to indicate FDC for Fire Sprinklers.
  - A clear dimension of 3-feet shall be maintained around the perimeter of each fire department appliance.

- Approved protective vehicle bollards are to be installed when fire appliances are subjected to physical damage.
  - All fire appliances except for fire hydrants shall be cleaned, primed, and painted fire engine red enamel or Krylon.
44. Standpipe System: Class I Standpipe System shall be provided for the building as required by CFC Chapter 9, Section 905.
45. Automatic Fire Alarm/Detection System: The commercial structure shall be provided with a fully automatic fire alarm notification system throughout all areas of the building. Shop drawings are to be submitted by the contractor for review and approval prior to construction. All smoke detectors shall be intelligent analog and photoelectric. PMC, CFC Chapter 9.
46. Dwelling Unit Automatic Smoke Alarms: Provide approved hardwired smoke alarms, with battery backup, in each sleeping room, areas serving the sleeping rooms and at the top of stairways. All smoke alarms are to be photoelectric or a smoke alarm that is listed a photoelectric/ionization. All smoke alarms are to be interconnected for alarm sounders. All sounders are to produce a coded temporal pattern. All smoke alarms are to be UL 217 and California State Fire Marshal Listed. All smoke alarms are to be manufactured by the same company and compatible with each other. Smoke alarms are not permitted to be installed within 3-feet of any supply or return air register or opening into a bath or shower area.
47. Aerial Fire Apparatus Access Roads: Building exceeding 30 feet in height above the lowest level of Fire Department Vehicle Access shall comply with requirements of CFC Section D105.1 through D105.3. Building shall have approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
48. Accessible means of egress elevator: A building with five stories above grade shall comply with the requirements of Accessible means of egress per CBC Section 1007.
49. Knox Box: All access gates across roadways or entrances to facilities shall fail unlocked/open in the event of any loss of power. All access gates and main entrance doors shall have a Knox Box or Knox Control Key Switch installed. Obtain Knox Box Applications from the Pasadena Fire Department Permit Desk.
50. Emergency Responder Radio Coverage: Building shall have approved radio coverage for emergency responders within the building based upon the existing coverage level of the public safety communication system per California Fire Code Section 510.

#### Public Works Department

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

four (3-4) months prior to the issuance of any building or demolition permits. An approved license agreement will allow the applicant to install and maintain the private improvements within the public right-of-way with conditions.

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

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

52. The proposed doors, along Union Street and Stratton Alley frontages, shall not encroach into the public right-of-way when fully opened. No building features shall encroach into the public right-of-way, including but not limited to: grade drainage scuppers, fire hose connections, shut-off valves, meters, building facades, moldings, wall footings and basements. All building doorways shall be set back so that it will not enter the public right-of-way at any point in its swing radius.
53. Pursuant to the adopted Street Design Guide by the City Council on March 20, 2017, the applicant shall, at minimum, provide 15-foot sidewalk widths along the project's Union Street frontage by way of dedications and/or sidewalk easements.
54. Skillen Alley along the frontage of the subject property has a substandard right-of-way width of 15 feet. In order to provide for a standard 20-foot wide alley, the applicant shall dedicate to the City a 5-foot strip of land along the subject frontage for alley purposes. Pavement shall be reconstructed with concrete for a minimum of 6 feet, and the alley approach at Union Street shall be widened to 20 feet.
55. Brainard Alley along the frontage of the subject property has a substandard right-of-way width of 15 feet. In order to provide for a standard 20-foot wide alley, the applicant shall dedicate to the City a 5-foot strip of land along the subject frontage for alley purposes. Brainard Alley shall be reconstructed for the full width of 20 feet with asphalt concrete along the entire subject frontage.
56. Stratton Place is 15-foot wide and to be used as a main vehicular access to this site. In order to provide for a standard 24-foot wide alley, the applicant shall dedicate to the City a 9-foot strip of land along the subject frontage for alley purposes. Pavement shall be

reconstructed with asphalt concrete for the full width of 24 feet, and the alley approach at Union Street shall be widened to 24 feet.

57. The applicant shall dedicate to the City the land to construct 10-foot corner cut-offs at the corners of Stratton Place and Brainard Alley and Skillen Alley and Brainard Alley. In lieu of a 10-foot corner cut-off, a 15-foot property line radius is acceptable.
58. The applicant shall be responsible for all the costs required to complete the above dedications/easements. The applicant shall submit the application, plan and processing fee/deposit, associated with processing the dedications/easements, at least three to four (3-4) months prior to the issuance of any building or demolition permits. The easement/dedication documents shall be executed and recorded prior to the issuance of a Certificate of Occupancy.
59. The development shall provide sufficient sight distance clearance between the outbound vehicles onto Union Street and the pedestrians, to the satisfaction and approval of both Department of Public Works and Department of Transportation.
60. The applicant shall construct public improvements along the Union Street frontage of the subject property in accordance with Central District Specific Plan. The improvements include installing street furnishings, such as street lights, trash receptacles and tree grates, planting street trees, landscaping, and other necessary related work. For additional information on the specific plan requirements, please visit the City's website at [http://www.ci.pasadena.ca.us/Planning/CommunityPlanning/Specific\\_Plans/](http://www.ci.pasadena.ca.us/Planning/CommunityPlanning/Specific_Plans/)
61. 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.
62. The site shall be designed such that all drainage flows to Union Street and no water flows to any of the alleys. Please contact the Department of Public Works for mitigation methods, if necessary.
63. If drainage patterns are altered, the applicant shall provide an approved method of controlling storm water runoff. Approval shall be made by the Planning and Community Development Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
64. The applicant shall construct all new public improvements within the subject development frontage on Union Street, including PCC sidewalk per Standard Plan S-421; PCC curb and gutter per Standard Plan S-406. All public improvements shall be completed prior to the issuance of Certificate of Occupancy.

65. Union Street, Stratton Place, Brainard Alley, and Skillen Alley restorations, fronting the subject development, shall be a full width 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. Union Street shall be restored with rubberized asphalt concrete in kind to the satisfaction of the City Engineer.
66. The applicant shall remove and salvage the existing City street lights at the corner of Stratton Place/Brainard Alley and Brainard Alley/Skillen Alley. The salvaged street lights shall be delivered for storage at the City yards.
67. The applicant shall install a maximum of one (1) and replace a maximum of two (2) street lights on or near the frontage of the property on Union Street. The type and hardware shall conform to current policies approved by the City Council, and the locations shall be as approved by the Public Works Department. In addition, the type, hardware, and locations of the new street lights shall be per the Pasadena Central District Specific plans and specifications. The cost of the street light is the applicant's responsibility.
68. 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 of 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 Project.

69. Additional lighting in alley walkway should be provided for security and operations, and for pedestrian activity area illumination. Light fixtures should be wall mounted wherever possible on private property. The new lighting in alley walkway shall be similar to the predominant existing alley walkway and, where appropriate, the fixture type should correspond to the individual building facades.
70. 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. The amount of deposit will be based on the current City's General Fee Schedule. Note that building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window

6. The applicant shall submit public improvements plans and the plan check deposit at least two (2) months prior to the issuance of any building or demolition permits.
71. The applicant shall plant and maintain a maximum of three (3) officially designated street trees (*Magnolia grandiflora*, *Southern magnolia*) per the City approved master street tree plan on the subject frontage and install and permanently maintain an irrigation system for the trees. Trees shall be planted in a 4 feet by 4 feet tree wells. The locations will be finalized in the field by the Department of Public Works. Plans for the irrigation system shall be submitted to the Department for review and approval.
72. 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.
73. 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.
74. 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.
75. 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 and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.

76. 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://cityofpasadena.net/PublicWorks/Engineering\\_Division/](http://cityofpasadena.net/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 and the private street including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction staging, material storage, or trailer in the public right-of-way.

In addition, prior to the start of construction or the issuance of any permits, the applicant shall conduct a field meeting with an inspector from 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.

77. 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.

In addition to the above conditions, the requirements of the following ordinances may apply to the proposed project:

- 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, dated May 15, 2017, for this project is: \$777,354.60. This amount is a rough estimate and for informational purposes only. The exact amount will be calculated at the time of Building Permit issuance.

- 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 approval of the Urban Forestry Advisory Committee.
- 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/>

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)

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

#### Department of Transportation

78. 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.
79. 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.
80. The project shall install bike racks in front of the project along public right-of-way. Please contact Richard Dilluvio at (626) 744-7254 for more information.
81. Any proposed roll-up gate at the property line shall remain open from dawn to dusk to avoid unnecessary backup of vehicles as they enter the property. Secondary gate arms, if proposed, shall be installed a minimum of 15-feet from the property line to regulate unauthorized parking access. Specific gate locations shall be included on the site plan, and reviewed and approved by the Department of Transportation prior to the issuance of the first permit for construction.
82. Pursuant to the adopted Street Design Guide by the City Council on March 20, 2017, the applicant shall provide a 15-foot wide sidewalk with 5' min clear walk zone along Union Street by additional right-of-way dedication or sidewalk easement along the project's frontage.
83. 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.
84. The project is subject to the City's Transportation Demand Management (TDM)/ Trip Reduction Ordinance (TRO) requirements. 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 **\$2,000 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 of **\$455.13\*** 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 Juliana Iturrizaga, Associate Engineer at (626) 744-7228 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.

85. A circulation plan for the development 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.
86. The applicant shall be aware that the proposed 2-way Cycle Track project will run on the south side of the Union Street from Arroyo Parkway to Hill Street.
87. The project proposes parking access off the alley. The applicant shall close the existing driveway along the project frontage on Union Street. The vehicular access from Union Street shall be permitted.
88. The project's loading/unloading spaces shall be on-site. DOT will not install a loading zone for project use on public right-of-way.
89. The City will not issue overnight parking permits to the future residents of this project. Future tenants shall be advised of the unavailability of on-street overnight parking permits by the property owner.

## Housing Department

90. The Very Low income units are required to be provided at an affordable rent or sale price, whichever is the case, as calculated per State affordable housing cost standards. The term of the City's recorded affordable housing deed restrictions on these units will be in perpetuity if operated as rentals, or 45 years if sold as condominiums.
91. The applicant is required to submit an Inclusionary Housing Plan to the Housing Department for approval.

## Water and Power Department – Water Division

92. Water Mains: Pasadena Water and Power (PWP), Water Division can serve water to this project if a new water main is installed on Union Street between Marengo Avenue and Garfield Avenue paid for by the owner/developer. The current water main serving 250 E Union Street is an 8-inch cast iron main that was installed under Work Order 202 in 1914. It is located approximately 16 feet north of the south property line of Union Street. Due to its age, the current main is not able to provide the required flow to the proposed project at 250 E Union Street.
93. Moratorium: Verify with Public Works Department regarding any street construction moratorium affecting this project.
94. Water Pressure: The approximate water pressure in the area is 90 psi.
95. Water Division Requirements:
- Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
  - The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
  - All services not in use must be abandoned at the distribution main at the applicable rate.
  - For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
  - Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.
96. Cross Connection Requirements for Domestic Services:
- All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
  - There shall be no taps between the meter and the backflow assembly.
  - The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves

property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.

- The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
- The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
- The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
- All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
- An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.

97. Cross Connection Requirements for Fire Service:

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

Option 1:

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

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

Option 2:

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

- The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.

- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.

98. 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.

99. Fire Flow and Fire Hydrants:

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

There is one fire hydrant in close proximity to the project. Fire hydrant number 517-11 is located on the south curb of Union Street, at the southwest corner of Garfield Avenue and Union Street.

**ATTACHMENT C**  
**INTRODUCTION SECTION OF ADDENDUM TO IS/MND**



## 1.0 INTRODUCTION

This environmental document is an Addendum to the *Union Street Condominiums Project Initial Study/Mitigated Negative Declaration* (IS/MND), adopted September 2, 2015 by the City of Pasadena. Since adoption of the IS/MND, changes to the project have been proposed. The proposed changes are addressed in this Addendum, which has been prepared pursuant to the California Environmental Quality Act (CEQA).

### 1.1 SUMMARY OF ORIGINAL PROJECT DESCRIPTION

The original Union Street Condominiums Project (herein referenced as the "approved project") is located on a 0.50-acre site at 254 East Union Street in the City of Pasadena (City).<sup>1</sup> The approved project proposed a mixed-use development with 36 market-rate condominium units and 2,625 square feet of commercial space. The approved project included a single structure of five stories reaching a maximum height of 60 feet situated over two levels of subterranean parking with 134 spaces, including dedicated spaces to serve the proposed commercial uses and the existing office uses located at 225 East Colorado Boulevard, as well as one dedicated loading space and bicycle racks for six bicycles. Vehicular access to the project site would be provided from one access driveway along Skillen Alley at the northeast portion of the project site. The ground parking level would reuse the existing historic parking entry signage.

Several common space areas were proposed within the structure for use by the residents, including a podium level outdoor open space area and a roof deck area (a barbeque and bar area, a dog run, seating areas, a water feature, a shade structure, and a fire pit).

Project entitlements included the following:

- Variance to allow the commercial uses on the ground floor to have a reduced depth along East Union Street, as the approved project proposed a maximum depth of approximately 28 feet and 6 inches, which is less than the minimum required depth of 50 feet.
- Private Tree Removal Permit for removal of the European Olive Trees located in the northwest and northeast corners of the project site.

The *Union Street Condominiums Project Initial Study/Mitigated Negative Declaration* (2015 IS/MND) was prepared to address the environmental effects associated with construction and operation of the approved project. The 2015 IS/MND was released August 13, 2015 and made available for public review and comment through September 2, 2015. The Hearing Officer conducted a public hearing on September 2, 2015 and approved the project.

### 1.2 PURPOSE OF THE ADDENDUM TO THE IS/MND

In accordance with CEQA, when a Lead Agency considers an amendment to a previously approved project, the Lead Agency is required to consider if the previously certified/adopted CEQA document provides adequate basis for rendering a decision on the proposed action. In summary, when making such a decision, the Lead Agency must consider any changes to the

---

<sup>1</sup> The Applicant has requested a change of address from the existing 254 East Union Street to 250 East Union Street.





project or its circumstances that have occurred and any new information that has become available since the project's CEQA document was adopted/certified.

In accordance with State CEQA Guidelines Section 15162(b), prior to approving further discretionary action and depending on the situation, the Lead Agency must either: (1) prepare a Subsequent EIR; (2) prepare a Supplemental EIR; (3) prepare a Subsequent Negative Declaration; (4) prepare an Addendum to the EIR or Negative Declaration; or (5) prepare no further documentation. More specifically, State CEQA Guidelines Section 15162 states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 of the State CEQA Guidelines explains when an Addendum to an EIR or Negative Declaration is appropriate. Per this section, where some changes or additions are necessary to the previously adopted Negative Declaration, but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR (as described above) have occurred, then the lead agency is directed to prepare an Addendum to the adopted Negative Declaration (State CEQA Guidelines, Section 15164). Further, the Addendum should include a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162," and that "explanation



must be supported by substantial evidence" (State CEQA Guidelines, Section 15164 [e]). The addendum need not be circulated for public review but may simply be attached to the adopted Negative Declaration (State CEQA Guidelines, Section 15164 [c]).

### **1.3 ADDENDUM FINDING**

On the basis of substantial evidence in the light of the whole record, the proposed revisions to the approved project do not meet the criteria in Section 15162 requiring a Subsequent EIR or Negative Declaration. There are no substantial changes to the project, no substantial changes in the circumstances under which the project is being undertaken, and no new information of substantial importance that was not known to the Lead Agency at the time the MND was adopted that trigger any of the conditions identified in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162, which would require subsequent or supplemental CEQA documentation. The proposed changes do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects discussed in the previous IS/MND. The proposed project does not require any additional mitigation measures. The previously identified mitigation measures remain valid and adequate to reduce potential impacts to less than significant levels. Therefore, an addendum to the previously adopted Mitigated Negative Declaration is warranted.

**ATTACHMENT D  
MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATION MONITORING AND REPORTING  
PROGRAM FOR V#11810**

## MITIGATION MONITORING AND REPORTING PROGRAM

### Variance # 11810 254 East Union Street

This Mitigation Monitoring and Reporting Program (MMRP) for Variance # 11810, located at 254 East Union Street, has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 *et seq.*), the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097) and the City of Pasadena CEQA Guidelines. A master copy of this MMRP shall be kept in the office of the Zoning Administrator and shall be available for viewing upon request. A copy also will be available at the office of the Condition/Mitigation Monitoring Coordinator.

The project proposes a mixed-use development with 36 market-rate condominium units and 2,625 square feet of commercial space on the 0.50-acre site. The project would include a single structure of five stories reaching a maximum height of 60 feet situated over two levels of subterranean parking. The project proposes a total of 135 parking spaces comprised of 63 dedicated spaces for residents and guests and 71 dedicated spaces to serve the proposed commercial uses and the existing office uses located at 225 East Colorado Boulevard. The project would also provide one dedicated loading space. A gate would separate the dedicated residential spaces from the commercial and office spaces. The commercial/office parking would be monitored to ensure sufficient parking is available to serve the office building at all times. In addition, the proposed project would provide bicycle racks for six bicycles.

The project requests approval of a Variance, which is intended to allow the commercial uses on the ground floor to have a reduced depth along East Union Street. The project proposes a maximum depth of approximately 27 feet and 4 inches, which is less than the minimum required depth of 50 feet.

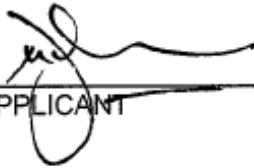
The proposed removal of two European Olive Trees would require approval of Private Tree Removal permits, which would be processed in conjunction with the Variance request.

This MMRP includes mitigation measures in the Mitigation Monitoring and Reporting Matrix on the following pages that correspond to the final Mitigated Negative Declaration (MND) for the project. The matrix lists each mitigation measure or series of mitigation measures by environmental topic. For each mitigation measure, the frequency of monitoring and the responsible monitoring entity is identified. Mitigation measures may be shown in submittals and may be checked only once, or they may require monitoring periodically during and/or after construction. Once a mitigation measure is complete, the responsible monitoring entity shall date and initial the corresponding cell, and indicate how effective the mitigation measure was.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) forfeiture of security bonds or other guarantees; (6) revocation of permits or other entitlements.

**Monitoring Program Cost:**

I HEREBY AGREE TO PAY THE CITY MONITORING FEES, AND IMPLEMENT THESE MITIGATION MEASURES, AT A MINIMUM, IN THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE PROJECT.

  
\_\_\_\_\_  
APPLICANT

08/17/2015  
\_\_\_\_\_  
DATE

**Mitigation Monitoring and Reporting Program Matrix  
Variance # 11810, 254 East Union Street**

| Mitigation Measure   | Mitigation Monitoring Timing                        | Responsible Monitoring Entity | Mitigation Measure Complete? | Effectiveness |
|--|---|-------------------------------|------------------------------|---------------|
| <b>Impact 1 – Cultural Resources</b>   |   |                               |                              |               |
| <p>CUL-1<br/>Surface cleaning, if required when the sign is removed from the existing building for storage during construction and/or prior to re-installation on the proposed new building, shall be undertaken using the gentlest means possible as not to cause damage to the historic materials. Prohibited methods include sandblasting, bead-blasting, or any other abrasive method, high-pressure water washes, or harsh chemical cleaners with the potential to strip or alter the existing finish and colors. Acceptable methods would include dry brushing loose dirt and debris, low-pressure water wash, mild chemical cleansers (basic household soaps), and pressurized air to dry the materials completely after any kind of water-based cleaning. Prior to any cleaning, the project Applicant shall consult with the City of Pasadena to identify techniques that are considered appropriate.</p> | <p>Prior to and During any Cleaning of the Sign</p> | <p>Planning Division</p>      |                              |               |
| <p>CUL-2<br/>If archaeological resources are encountered during project construction, all construction activities in the vicinity of the find shall halt until an archeologist certified by the Society of Professional Archeologists examines the site, identifies the archaeological significance of the find, and recommends a</p>  | <p>During Construction</p>                          | <p>Planning Division</p>      |                              |               |

| Mitigation Measure  | Mitigation Monitoring Timing | Responsible Monitoring Entity | Mitigation Measure Complete? | Effectiveness |
|---|------------------------------|-------------------------------|------------------------------|---------------|
| <p>course of action. Construction shall not resume until the site archaeologist states in writing that the proposed construction activities would not significantly damage archaeological resources.</p>  |                              |                               |                              |               |
| <p>CUL-3<br/>If paleontological resources are encountered during project construction, all construction activities in the vicinity of the find shall halt until a paleontologist meeting the satisfaction of the Natural History Museum of Los Angeles County identifies the paleontological significance of the find, and recommends a course of action. Construction shall not resume until the site paleontologist states in writing that the proposed construction activities would not significantly damage paleontological resources.</p> | <p>During Construction</p>   | <p>Planning Division</p>      |                              |               |