



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

January 19, 2007

Glen de Veer
1700 Arroyo Blvd.
Pasadena, CA 91103

**RE: Affordable Housing Concession Permit #11586
496 South Arroyo Parkway
Council District #5**

Dear Mr. De Veer:

Your application for a **Affordable Housing Concession Permit** at 496 South Arroyo Parkway was considered by the **Hearing Officer** on **January 17, 2007**.

AFFORDABLE HOUSING CONCESSION PERMIT: Construction of a five story, 38,500-square-foot, mixed-use building with 21 residential condominiums, 4,000 square feet of commercial space on the ground floor, 3,500 square feet of office space on the second floor, and one level of subterranean parking. The applicant is requesting an increase in the allowable Floor Area Ratio from the Zoning Code maximum of 1.5 to 2.2. Per California state law, projects providing a percentage of affordable units in compliance with Density Bonus legislation may request such concessions to deviate from the Zoning Code if it can be shown that the concession is necessary for the provision of the affordable units.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Hearing Officer that the Affordable Housing Concession Permit be **approved** with conditions listed in Attachments B, C and D and in accordance with submitted plans stamped **January 17, 2007**.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Zoning Administrator

Affordable Housing Concession Permit #11586

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can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (January 29, 2007)**. The effective date of this case will be **January 30, 2007**. Prior to such effective date, a member of the City Council or Planning Commission may stay the decision and request that it be called for review to the Board of Zoning Appeals. However, if the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. **You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed before you submit your building permit application.** A copy of this letter must be attached to all plans submitted for building permits.

An Initial Environmental Study recommending a Mitigated Negative Declaration was adopted by the Hearing Officer on January 17, 2007. The area that could be significantly impacted unless mitigated is Cultural Resources. Comments on the Initial Study and Mitigated Negative Declaration were received in writing from November 29, 2006 to December 20, 2006 and orally at the public hearing.

For further information regarding this case please contact **David Sinclair** at **(626) 744-6766**.

Sincerely,



Paul Beard
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C, Attachment D

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Betty Anderson, Code Enforcement-Ellen Clark, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
FINDINGS FOR AFFORDABLE HOUSING CONCESSION PERMIT #11586

Affordable Housing Concession Permit – To exceed the maximum allowable Floor Area Ratio.

1. *The concession or incentive is required in order for the designated units to be affordable in that as demonstrated by the financial analysis performed by Keyser Marston Associates shows that a project developed at the same level (Type II), but in compliance with the density and FAR development standards, would not be financially feasible, but with the additional two density bonus units and increased FAR, the project is financially feasible, making the provision of the three affordable units possible.*

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 mitigated or avoid the specific adverse impact, or adverse impact, without rendering the development unaffordable to low- and moderate-income households. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The Initial Environmental Study for this project did not find any potentially significant impacts to public health, public safety, the physical environment, or historic resources. The high quality of construction (Type II) and finished materials will ensure that the project is safe for the project's residents and tenants, as well as the surrounding commercial and residential uses. Additionally, while the residential properties to the immediate east along South Marengo Avenue are listed on the National Register of Historic Places, and are therefore on the California Register of Historical Resources, the significant grade change up from the project site up to the South Marengo Avenue properties, combined with the 'stepping' of the proposed project up and away from east to west to east results in the proposed project not impacting the South Marengo Avenue properties.*

ATTACHMENT B
CONDITIONS OF APPROVAL FOR AFFORDABLE HOUSING CONCESSION PERMIT
#11586

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

1. The site plan and elevations submitted for building permits shall substantially conform to the plans submitted with this application and dated "Received at Hearing December 20, 2006," except as modified herein.
2. The applicant shall comply with all standards of the Zoning Code applicable to the CD-6 zoning district, with the exception of the maximum allowed Floor Area Ratio of 1.5 by constructing a project with a Floor Area Ratio of no more than 2.2.
3. Because the grant of the Affordable Housing Concession Permit is based on assumptions relating to project cost and construction type, all changes for this project, either during design or construction, shall be submitted to the Zoning Administrator for review and approval. The Zoning Administrator retains the right to require preparation and submittal of a revised project financial analysis reflecting the proposed change(s) and comparing it to the Base Case (i.e. project without the granted concession). The Zoning Administrator also has the right to reject a proposed change if it is determined that a change would change the project costs such that the granted concession was no longer necessary for the provision of affordable housing. The determination by the Zoning Administrator is appealable pursuant to Section 17.72 of the Zoning Code. Because review of proposed changes may require time to assess, the applicant is advised to submit any proposed changes in a timely manner and shall bear the burden of any delay caused by the review process.
4. The plans submitted for building permit shall identify each of the proposed uses and demonstrate compliance with the required number of parking spaces per Section 17.46 of the Zoning Code and as modified by Section 17.50.340 (Transit-Oriented Development).
5. An agreement shall be entered into between the applicant, or the successor in interest, and the Housing Division for the provision of the three affordable residential dwelling units.
6. Prior to the issuance of building permits, the applicant or successor in interest shall submit the proposed design for review and approval by the Design Commission.
7. If the proposed height averaging is not approved by the Design Commission the project shall be brought into compliance with the 50-foot maximum height.
8. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
9. The proposed project, Case Number **PLN2006-00385**, shall comply with all conditions of approval, and is subject to **Condition Monitoring** and a **Final Zoning Inspection**. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy. Required fees for monitoring and inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permit. Contact the Code Compliance Staff at (626) 744-4633 to verify the fees and to schedule an inspection appointment time. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required fees prior to the stipulations in this condition may result in revocation proceedings of this land use entitlement.

ATTACHMENT C

MEMORANDUM - CITY OF PASADENA Department Of Public Works

DATE: November 27, 2006

TO: Denver Miller, Zoning Administrator
Planning and Development Department

FROM: City Engineer
Department of Public Works

RE: Affordable Housing Concession Permit No. 11586
496 South Arroyo Parkway

The Department of Public Works has reviewed the application for Affordable Housing Concession Permit No. 11586 for the construction of a five-story, 38,500 square foot mixed-use building with 21 residential condominiums, 4,000 square feet of commercial space on the ground floor, 3,500 square feet of office space on the second floor, and one level of subterranean parking. The approval of this Affordable Housing Concession Permit should be based upon satisfying all of the following conditions:

1. The applicant shall obtain a license agreement from the City for the installation of any private improvements within the public right-of-way, including, but not limited to, soldier beams, tie-backs, utility conduits and decorative sidewalk. 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 Council prior to the construction of the private improvement. The license agreement will allow the applicant to install and maintain the private improvements within the public right-of-way with conditions.

A license agreement for shoring requires that all steel rods in every tie-back unit be relieved of all tension and stresses, and any portion of soldier beams and any portion of the tie-backs located less than ten (10) feet below grade be removed from the public right-of-way.

2. Arroyo Parkway will be improved as part of the City's SR 710 Mitigation Arroyo Parkway Enhancement Project. The construction work on the City's project is tentatively scheduled to begin in June 2007. Construction of drive approaches and utility connections for the proposed development shall be coordinated with the City's project. No excavation in Arroyo Parkway will be permitted after completion of the City's project. Contact Andy Muth, Principal Engineer, at (626) 744-4332 for the construction schedule and other pertinent details of the City's project.
3. The applicant shall pay \$37,300 for improvements within the public right-of-way that will be constructed as part of the City's Arroyo Parkway Enhancement Project. These improvements include removal and reconstruction of concrete curb & gutter, sidewalk and one driveway; two street trees (Date Palms, 25' Height) including custom tree

grates & frames and uplighting system complete with appurtenances; street lighting electrical conduit system to support the uplights and future pedestrian (infill) lights; and one custom trash receptacle. All public right-of-way improvements (except for utility connections) along the frontage of the parcel shall be the responsibility of the applicant; however, the City will construct the improvements as part of the Arroyo Parkway project upon payment from the applicant.

4. Excavation in the street for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.
5. The applicant shall remove and salvage the existing W80 sign and paint red curb south of the driveway in conformance with the City approved Arroyo Parkway Enhancement Plan.
6. Sewage from subject property drains to 3,026 feet of sewer pipes in Arroyo Parkway from California Boulevard to Glenarm Street that may not conform to current design capacity standards. The applicant shall pay the city \$1,264 to perform an analysis of the impact of the project on the sewer system, and if warranted shall either upgrade the sewer segments, or, make a fair share of the cost of upgrades. If payment to the City is made, the City may use the funds to upsize the above mentioned reaches, or, may use these funds to correct other sewer deficiencies.
7. There are sewer capacity deficiencies downstream of the development on Arroyo Parkway. The applicant shall pay an in lieu sewer facility fee of \$26,555 to the City for the project's fair share of the deficiencies, or correct the aforementioned deficiencies. Correction of the deficiencies include the design, review, construction and inspection costs for the work.
8. The proposed development shall be connected to the public sewer by a method approved by the Department of Public Works. The sewer connection shall be six-inch diameter vitrified clay or cast iron pipe with a minimum slope of two percent.
9. 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 Development Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
10. If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. This drain shall discharge to the street at an approved angle in a cast iron curb drain or an approved curb outlet.
11. If the existing street lighting system along the project frontages is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including conduits, conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works.
12. If water is pumped from the subterranean parking garage before discharging into the public right-of-way, the applicant shall install a drainage structure in private property to dissipate energy from the pumped water.

13. If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk, or by a method approved by the Department of Public Works.
14. Pruning of street trees is required to facilitate the construction of the project, and it shall be done by the City's Parks and Natural Resources Division crew. The applicant shall be responsible for the cost of pruning the street trees and submit to the Department of Public Works a \$500 deposit, subject to refund or additional billing, for the City crew to prune the street trees.
15. The applicant shall install and permanently maintain an irrigation system for the trees on Arroyo Parkway. Tree locations will be finalized in the field by the Department of Public Works. Plans for the irrigation system shall be prepared by a landscape architect registered in the State of California and submitted to the Department for review and approval.
16. Plans must be submitted to the Department of Public Works for approval showing any structures, irrigation, footings grading or plantings that impact City street trees. The plans must conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters and actual canopies as well as any trees to be planted with their canopy at mature size.
17. 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.
18. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <http://www.cityofpasadena.net/publicworks/Engineering/default.asp>. A flat fee, based on the General Fee Schedule, is required for plan review. This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval.

19. 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 will apply to the proposed project:

- o New 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 can be obtained at the Permit Center's webpage at: <http://www.cityofpasadena.net/permitcenter/FEES/fees.asp>. The applicant shall make a payment based on the Residential Impact Fee Structure that was amended as of December 3, 2005. Payment of the fee to the City shall be made at the Permit Center at 175 North Garfield Avenue.
- o Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$5,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- o 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.
- o 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://www.cityofpasadena.net/permitcenter/plansubreq/cndord.asp>.
- o 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://www.cityofpasadena.net/permitcenter/plansubreq/cndord.asp> 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 can be obtained from the Recycling Coordinator.
 - b. Monthly reports must be submitted throughout the duration of the project.

c. 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. 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.

If you have questions regarding the above conditions and requirements of the ordinances, please contact Sean Singletary, of this office, at (626) 744-4273.



DANIEL A. RIX
City Engineer

DAR:ss



DEPARTMENT OF TRANSPORTATION

November 28, 2006

Patrick Chraghchian
600 West Broadway, Suite 285
Glendale, CA 91204

RE: **Approval of Traffic Study**
CASE: **496 S. Arroyo Parkway, Pasadena**

Dear Mr. Chraghchian:

The Traffic Study for the proposed project located at 496 South Arroyo Parkway has been prepared by Raju Associates, Inc. in accordance with the City's guidelines. The study found that the project will generate approximately 304 daily trips, resulting in a 0.8 percent increase in traffic along Arroyo Parkway. In order to minimize the effects of the increase in traffic, the Department of Transportation is recommending the following conditions as part of approval for this project:

1. The project shall participate in the Citywide Traffic Performance Monitoring Network project. This project is included in the City's Capital Improvement Program and is intended to address the community's particular concerns on traffic attributed by new developments in the amount of \$10,000. Funding must be received prior to the issuance of the first permit by the City.
2. The project shall contribute \$10,000 toward the upgrade of two transit stops in the immediate vicinity of the proposed project.
3. The City is in the process of implementing a Transportation Impact Fee. Should this project become subject to the fee, the condition above (condition number 2) will not be applicable as transit improvements will be funded via the fee.
4. A circulation plan for the parking areas must be reviewed and approved by the Department of Transportation. The plan shall include the proposed striping/configuration of parking spaces to ensure that vehicles can safely enter and exit the parking area.
5. The location(s) of bicycle parking shall be shown on the plans and approved by the Department of Transportation prior to the issuance of a building permit.

Patrick Chraghchian
November 28, 2006
496 S. Arroyo Parkway
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6. If the driveway will be controlled via a gate, the location of such gate shall be setback a minimum of 20 feet from the property line. The specific location shall be included on the site plan and reviewed and approved by the Department of Transportation prior to the issuance of a building permit.
7. Any changes to the location of the driveway and/or driveway gate shall be reviewed and approved by the Department of Transportation prior to the issuance of a building permit.
8. To minimize future on-street parking impacts, the City will not issue overnight parking permits to the future residents of this project. It is the developer's responsibility to disclose this restriction to future residents.

This study is based on the project scope contained in the Traffic Study. Should a significant change be made to the project scope during the approval process, the applicant may be requested to prepare an updated circulation study.

If you have any questions, please do not hesitate to contact Alberto Felix at (626) 744-7662 or via e-mail: afelix@cityofpasadena.net.

Sincerely,



ERIC C. SHEN, P.E.
Transportation Planning &
Development Manager

Attachment: Traffic Study

CC: Joyce Y. Amerson, Director of Transportation
Cathi Cole, Transit Manager
John Poindexter, Planning Manager, Planning Department
David Sinclair, Planning Department