

**ATTACHMENT A**  
**FINDING FOR CONDITIONAL USE PERMIT #5094**

1) Conditional Use Permit – For a project over 25,000 square feet

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code. The proposed project exceeding 25,000 square feet is conditionally permitted in the CD-1 zone. The proposed restaurant and retail uses are all permitted and encouraged in the Central District Specific Plan. No General Plan or Specific Plan Amendment or Zone Change is required to accommodate the proposed project.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district. The proposed project exceeding 25,000 square feet is consistent with the special purposes of Chapter 17.30 of the Zoning Code and the Central District Specific Plan. The primary purpose of Chapter 17.30 is to implement the objectives and policies of the Central District Specific Plan. The project provides the complementary uses of restaurant and retail uses in one location. Furthermore, the project will protect and enhance the character and integrity of the Central District Specific Plan, while increasing surrounding property values. For these reasons, the location of the proposed project exceeding 25,000 square feet not only complies with the purposes of the Zoning Code and Central District Specific Plan, but furthers the policies and goals of the City.*
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan. The design of the proposed project embraces the policies and goals of the Central District Specific Plan and the General Plan. The Specific Plan calls for retail opportunities in the Downtown area and for new development to occur along mobility corridors such as Fair Oaks Avenue. The project incorporates the specific design guidelines found in the Specific Plan relating to site planning (SP Guidelines 1-7) and building design (BD Guidelines 1-9).*
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. The subject property is located in a fully urbanized area and is surrounded by other retail, restaurant and residential uses. The project will benefit the general welfare of the persons living and working in the area. Additionally, the replacement of a surface parking lot with the construction of a high-quality development is anticipated to have a positive impact on neighboring property values. The new building would meet all required Building and Fire Code requirements. As such, no detrimental effect on the health, safety, and welfare of the public is anticipated from the proposed project exceeding 25,000 square feet.*
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. As discussed above, the project will have a public benefit to the City. The proposed project exceeding 25,000 square feet provides for an increase in restaurant and retail opportunities in the neighborhood. Through the plan check process, the new building would be reviewed for compliance with Building and Fire Code requirements to assure that the new building is not detrimental or injurious to surrounding properties. Additional increases in revenue for*

the City can be expected from sales taxes generated by the proposed project exceeding 25,000 square feet.

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.* The subject property is located in Old Pasadena in an area of dense development within the City. The surrounding area is fully developed with retail uses to the west and north, a parking structure with ground floor retail uses to the east, residential uses to the southeast and a mixed-use retail and residential complex to the south. The project size is consistent with the floor area limitations found in the Specific Plan and the project scale is consistent with the character of the surrounding uses and does not impede existing views along Fair Oaks Avenue or Green Street. The proposed project is designed to preserve and enhance the historic character of Old Pasadena, while acknowledging that the project is located in a dense commercial area. Accordingly, the design of the proposed project exceeding 25,000 square feet calls for the use of high quality finishes and articulation of the building. Furthermore, the height, architecture, building materials and colors will be reviewed by the Design Commission.

## 2) Conditional Use Permit – For a Transit-Oriented Development over 15,000 square feet

7. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The subject property is located in the Central District and within the Transit-Oriented Development (TOD) area. The subject property is located along Fair Oaks Avenue, which has several bus lines, and is within walking distance of the Memorial Park and Del Mar Gold Line Light Rail Stations. Furthermore, the proposed project includes a mixture of uses and many amenities that encourage transit use.
8. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject property is located in the Central District and within the Transit-Oriented Development (TOD) area. The subject property is located along Fair Oaks Avenue, which has several bus lines, and is within walking distance of the Memorial Park and Del Mar Gold Line Light Rail Stations. Furthermore, the proposed project has been designed to include a mixture of uses and amenities that encourage transit use.
9. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The proposed project and overall project design have embraced the policies and goals of the Central District Specific Plan and General Plan. The Specific Plan calls for the provision of mixed-use opportunities in the Downtown area and for new development to occur along mobility corridors such as Fair Oaks Avenue. The project incorporates the specific design guidelines found in the Specific Plan relating to site planning (SP Guidelines 1-7) and building design (BD Guidelines 1-9).
10. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The subject property is located in a fully urbanized area and is surrounded by retail, restaurant and residential uses. The replacement of the existing surface parking lot building with a new

high-quality development is anticipated to have a positive impact on neighboring property values. No detrimental effect on the health, safety, and welfare of the public is anticipated from the proposed project.

11. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* As discussed above, the project will be a public benefit to the City. The proposed project provides for an increase in restaurant and retail opportunities in the neighborhood. Additional increases in revenue for the City can be expected from sales taxes generated by the proposed project.
12. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.* The subject property is located in Old Pasadena in an area of dense development within the City. The surrounding area is fully developed with retail uses to the west and north, a parking structure with ground floor retail uses to the east, residential uses to the southeast and a mixed-use retail and residential complex to the south. The project size is consistent with the floor area limitations found in the Specific Plan and the project scale is consistent with the character of the surrounding uses and does not impede existing views along Fair Oaks Avenue or Green Street. The project will also have entrances along the sidewalk and alleyway, creating a vibrant sidewalk. The proposed project is designed to preserve and enhance the historic character of Old Pasadena, while acknowledging that the project is located in a dense commercial area. Accordingly, the design of the proposed project calls for the use of high quality finishes and articulation of the building. Furthermore, the height, architecture, building materials and colors will also be reviewed by the Design Commission.
13. *The project consists of a use, or mix of uses, that encourage transit use and is oriented toward the transit user.* The new project includes a mix of land uses and is oriented and designed to promote pedestrian travel to and from Old Pasadena. These uses include retail and restaurant uses. The site plan includes a pedestrian alleyway/walkway that connects the subject property to Old Pasadena's network of alleyways. In addition, the project is subject to the City's Transportation Demand Management (TDM) and Trip Reduction Ordinance (TRO) requirements. The purpose of the trip reduction requirement is to reduce the demand for automobile commute trips by ensuring that the design of major non-residential development projects can accommodate facilities for alternative modes of transportation. Fair Oaks Avenue is served by several bus lines, and is within walking distance of the Memorial Park and Del Mar Gold Line Light Rail Stations.
14. *The project is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit.* The project has been designed to have its main pedestrian entrances off of Fair Oaks Avenue. Secondary entrances will be located along Mills Place Alley and along the private pedestrian alleyway/walkway. Fair Oaks Avenue is served by several bus lines, and is within walking distance of the Memorial Park and Del Mar Gold Line Light Rail Stations. The project will also include bicycle parking for employees and customers.
15. *The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.* The new project includes a mix of land uses and is oriented and designed to promote pedestrian travel to and from Old

Pasadena. These uses include retail and restaurant uses. The site plan include a pedestrian alleyway/walkway that connects the subject property to Old Pasadena's network of alleyways. Fair Oaks Avenue is served by several bus lines, and is within walking distance of the Memorial Park and Del Mar Gold Line Light Rail Stations.

3) Minor Conditional Use Permit – To provide valet parking

16. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed use of valet parking is permitted in the CD-1 zoning district subject to the issuance of a minor Conditional Use Permit. No Plan Amendment or Zone Change is required to accommodate the proposed valet parking use.
17. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The primary purpose of Chapter 17.30 is to implement the objectives and policies of the Specific Plan. The project provides the complementary uses retail and restaurants in one location. The use of valet parking is consistent with the overarching purposes of the Zoning Code found in §17.10.010. Providing valet parking as a service for customers will further protect and enhance the character and integrity of the City's neighborhoods, while increasing surrounding property values. For these reasons, the location of the use of valet parking not only complies with the purposes of the Zoning Code and applicable special districts, but furthers the policies and goals of the City.
18. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The use of valet parking is in conformance with the goals of the Central District Specific Plan and General Plan. The Specific Plan calls for the provision of retail opportunities in the Downtown area and for new development to occur along mobility corridors such as Fair Oaks Avenue. The project incorporates the specific design guidelines found in the Specific Plan relating to site planning (SP Guidelines 1-7), building design (BD Guidelines 1-9) and urban residences (UR Guidelines 1-5).
19. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project site is located in a fully urbanized area in Old Pasadena and is surrounded by retail, office, parking and residential uses. The valet parking staging area would be located on the first level of underground parking near the elevators. The staging area is not located near the parking structure entrance, so vehicles will not back onto Green Street; and therefore would not create safety issues.
20. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The project site is located in a fully urbanized area in Old Pasadena and is surrounded by retail, office, parking and residential uses. The valet parking staging area would be located on the first level of underground parking near the elevators. The staging area is not located near the parking structure entrance, so vehicles will not back onto Green Street; and therefore would not have a negative impact on the surrounding properties.

21. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The surrounding area is fully developed with retail, restaurant, parking and residential uses. The project site is located within Old Pasadena, which is one of the more intensely developed portions of the City. The project size is consistent with the floor area limitations found in Specific Plan. The project scale is consistent with the character of the surrounding uses and does not impede existing views along Fair Oaks Avenue and Green Street. The proposed project is designed to preserve and enhance the historic feeling of Old Pasadena, while acknowledging that the project includes the construction of a new building. The character and aesthetic value of the project is designed to enhance the surrounding properties, as well as providing an attractive marker to those traveling northbound on Fair Oaks Avenue. Accordingly, the project design calls for the use of high quality finishes and articulation of the building.

4) Minor Conditional Use Permit – To provide tandem parking spaces

22. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed tandem parking is permitted in the CD-1 zoning district subject to the issuance of a minor Conditional Use Permit. The mixed-use project includes 10 double-stacked parking spaces, out of 125 total parking spaces in a three-level subterranean garage. This is below the maximum 75 percent permitted.

23. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The use of tandem parking spaces is consistent with the special purposes of Chapter 17.30 of the Zoning Code, found in Zoning Code §17.30.020 and the Central District Specific Plan. The primary purpose of Chapter 17.30 is to implement the objectives and policies of the Specific Plan. The project provides the complementary uses of retail and restaurant uses. The project is also consistent with the overarching purposes of the Zoning Code found in §17.10.010. The project will protect and enhance the character and integrity of the City's neighborhoods, while increasing surrounding property values. For these reasons, the use of tandem parking spaces complies with the purposes of the Zoning Code and applicable special districts, but furthers the policies and goals of the City.

24. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The use of tandem parking spaces conforms to the goals of the Central District Specific Plan and General Plan. The Specific Plan calls for the provision of retail opportunities in the Downtown area and for new development to occur along mobility corridors such as Fair Oaks Avenue. The project incorporates the specific design guidelines found in the Specific Plan relating to site planning (SP Guidelines 1-7) and building design (BD Guidelines 1-9).

25. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project site is located in a fully urbanized area and surrounded by retail, parking and residential uses. The project will benefit the general welfare of the persons living and working in the area. Additionally, the replacement of a surface parking lot with a high-quality commercial development is anticipated to have a positive impact on neighboring property values. A full

time parking attendant will be will also be required at all times the parking is available for use. The tandem spaces will also comply with the minimum parking stall dimensions and back-up radius to allow the safe movement of vehicles. Therefore, no detrimental effect on the health, safety, and welfare of the public is anticipated from the use of tandem parking spaces.

26. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. As discussed above, the use of tandem parking spaces will not be detrimental to the surrounding properties. The proposed project provides for an increase retail and restaurant opportunities in the neighborhood. A full time parking attendant will be will also be required at all times the parking is available for use. The tandem spaces will also comply with the minimum parking stall dimensions and back-up radius to allow the safe movement of vehicles. Therefore, the use will not have a negative effect on the surrounding neighborhood.*

27. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection. The surrounding area is fully developed with retail, parking and residential uses. The project site is located in Old Pasadena, which is one of the more intensely developed portions of the City. The project size is consistent with the floor area limitations found in the Specific Plan. The number of proposed tandem spaces (ten spaces) is a small percentage of the total number of parking spaces in the parking garage (125 spaces). The spaces will be primarily used for valet parking purposes. A full time parking attendant will be will also be required at all times the parking is available for use. The tandem spaces will also comply with the minimum parking stall dimensions and back-up radius to allow the safe movement of vehicles. Therefore, the use will not have a negative effect on the surrounding neighborhood.*

5) Variance -- To increase the percent of the building that can exceed 40 feet high

28. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The height variance will allow the building to accommodate a greater floor-to-ceiling height on the ground and upper floors. When the height limits for the Central District were established, they assumed the upper floors would be leased for office or residential uses (15 feet for the ground floor per the Zoning Code and 11 feet for the upper floors). However, greater height is needed for potential retail and commercial uses (15 feet for the ground floor per the Zoning Code and a minimum 14 feet for the upper floors). The height limits also assumed that new buildings would have multiple smaller ground floor tenants. By permitting greater floor to ceiling heights, the large ground-floor area could be occupied by one tenant and the upper floors could also be occupied by retail uses. Staff finds the size of the building footprint and its location along a major pedestrian corridor a good location for a single larger tenant. This is a unique situation in Old Pasadena's historic core, since the majority of remaining sites are significantly smaller or are not located along a major pedestrian corridor. Due to the reasons stated above, staff considers the size of the property as an exceptional circumstance not typical of other properties in Old Pasadena's historic core.*

29. *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.* The height variance will allow the building to accommodate a greater floor-to-ceiling height on the ground and upper floors. When the height limits for the Central District were established, they assumed the upper floors would be leased for office or residential uses (15 feet for the ground floor per the Zoning Code and 11 feet for the upper floors). However, greater height is needed for potential retail uses (15 feet for the ground floor per the Zoning Code and a minimum 14 feet for the upper floors). The height limits also assumed that new buildings would have multiple smaller ground floor tenants. By permitting greater floor to ceiling heights, the large ground-floor area could be occupied by one tenant and the upper floors could also be occupied by retail uses. Staff finds the size of the building footprint and its location along a major pedestrian corridor a good location for a single larger tenant. This is a unique situation in Old Pasadena's historic core, since the majority of remaining sites are significantly smaller or are not located along a major pedestrian corridor. Due to the reasons stated above, staff considers the size of the property as an exceptional circumstance not typical of other properties in Old Pasadena's historic core.

30. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare.* The height variance will allow the building to accommodate a greater floor-to-ceiling height on the ground and upper floors. The building would be required to comply with all Building and Safety Code requirements. In addition, the design of the building would require the review and approval of the height, architecture, building materials and colors.
31. *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 proposed heights would meet the objectives of height averaging in the Central District Specific Plan because no portion of the building exceeds the 50 foot limit and the average height of all buildings on the property is less than 40 feet. Therefore, overall, the mass and bulk of the buildings on the property will be within the intent of the Zoning Code. The Specific Plan also contains several sections that address design, height, and compatibility with the surrounding area. Section 6 discusses the need to preserve Old Pasadena's established character and landmarks. Typically, building heights are limited to three stories and heights of 35 to 50 feet. However, the Specific Plan also states that corner lots may be emphasized and may rise up to four stories. Section 7 of the Specific Plan states that infill construction should be in scale with existing buildings. Finally, Section 9 states that newer buildings should be integrated with its surroundings, emphasizing functional and visual continuity. The proposed building would meet all of these objectives.
32. *Cost to the applicant of strict compliance with the regulation should not be the primary reason for granting the Variance.* The cost to the applicant has not been considered the primary factor at any time throughout the review of this application.

6) Variance -- To provide two loading spaces, where four are required

33. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* A total of four loading spaces are required for the project, with the first loading spaces requiring a dimension of 30 feet by 12 feet. The applicant proposes to construct two loading spaces. In order for the

applicant to construct the third and fourth space, a driveway for loading would have to be constructed along Fair Oaks Avenue or the entire rear portion of the new building facing Mills Place Alley would be dedicated to on-site loading. The Old Pasadena Streetscape and Alley Walkway Plan states that alleyways, such as Mills Place Alley, should balance service functions such as loading for businesses with the need to provide an enhanced pedestrian environment for customers. Providing some loading stalls on Mills Place Alley will allow the businesses to load and unload goods, and still allow the alley to function as a pedestrian area with secondary business entrances and pedestrian areas.

34. *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 total of four loading spaces are required for the project, with the first loading spaces requiring a dimension of 30 feet by 12 feet. The applicant proposes to construct two loading spaces. In order for the applicant to construct the third and fourth space, a driveway for loading would have to be constructed along Fair Oaks Avenue or the entire rear portion of the new building facing Mills Place Alley would be dedicated to on-site loading. The Old Pasadena Streetscape and Alley Walkway Plan states that alleyways, such as Mills Place Alley, should balance service functions such as loading for businesses with the need to provide an enhanced pedestrian environment for customers. Providing some loading stalls on Mills Place Alley will allow the businesses to load and unload goods, and still allow the alley to function as a pedestrian area with secondary business entrances and pedestrian areas.
35. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare.* The project would still have on-site loading spaces. The loading spaces would meet the minimum dimension and turning radius requirements of the Zoning Code. Conditions of approval have been added to ensure the two loading spaces would not negatively impact pedestrians using Mills Place Alley. Furthermore, requiring a third and fourth loading space along Mills Place Alley would increase hazards to pedestrians, since the potential area for truck movements would increase.
36. *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 only way the subject property would be able to accommodate all of the required on-site loading spaces is if a wide driveway was constructed along Fair Oaks Avenue or to dedicate the entire rear portion of the new building along Mills Place Alley for loading purposes. The Central District Specific Plan and City's Transportation Department discourages new driveways for loading purposes along Fair Oaks Avenue, which is considered a major north-south pedestrian-oriented corridor. In addition, the Old Pasadena Streetscape and Alley Walkway Plan states alleyways, such as Mills Place Alley, should balance service functions such as loading for businesses with the need to provide an enhanced pedestrian environment for customers. Providing some loading stalls on Mills Place Alley will allow the businesses to load and unload goods, and still allow the alley to function as a pedestrian area with secondary business entrances and pedestrian areas.



37. *Cost to the applicant of strict compliance with the regulation should not be the primary reason for granting the Variance.* The cost to the applicant has not been considered the primary factor at any time throughout the review of this application.

7) Minor Variance -- To have the building set back two feet from the Fair Oaks Avenue property line

38. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* The Zoning Code requires buildings to be set back to the property line at the ground floor along Fair Oaks Avenue. The purpose of requiring buildings to be placed at the property line is to create and enhance vibrant pedestrian activity along the sidewalk. The additional setback would allow slightly wider sidewalks in front of the building, which would encourage an active sidewalk. In addition, the building footprint is significantly larger than recent buildings constructed in the Old Pasadena area. Wider sidewalks would allow the inclusion of upper floor projections to break down the building's mass.
39. *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.* The Zoning Code requires the ground floor of buildings to be constructed at the property line along Fair Oaks Avenue. The purpose of requiring buildings to be placed at the property line is to create and enhance vibrant pedestrian activity along the sidewalk. The additional setback would allow slightly wider sidewalks in front of the building, which would encourage an active sidewalk. In addition, the building footprint is significantly larger than recent buildings constructed in the Old Pasadena area. Wider sidewalks would allow the inclusion of upper floor projections to break down the building's mass.
40. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare.* The setback Minor Variance will allow slightly wider sidewalks to help create an active sidewalk and break down the building's mass. The building would be required to comply with all Building and Safety Code requirements. In addition, the design of the building would require the review and approval of the height, architecture, building materials and colors.
41. *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 Central District Specific Plan encourages wider sidewalks to encourage pedestrian activity. Section 5 of the Specific Plan states that ample sidewalks that allow for clear pedestrian passage are critical for pedestrian sidewalk. Key pedestrian routes, such as Fair Oaks Avenue, should maintain a sidewalk width of at least ten feet. The Minor Variance would allow the sidewalks to be up to 12 feet wide along Fair Oaks Avenue.
42. *Cost to the applicant of strict compliance with the regulation should not be the primary reason for granting the Variance.* The cost to the applicant has not been considered the primary factor at any time throughout the review of this application.

7) Minor Variance -- To have the building set back two feet from the Green Street property line

43. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district.* The Zoning Code requires the ground floor of buildings to be constructed at the property line along Green Street. The purpose of requiring buildings to be placed at the property line is to create and enhance vibrant pedestrian activity along the sidewalk. The additional setback would allow slightly wider sidewalks in front of the building, which would encourage an active sidewalk. In addition, the building footprint is significantly larger than recent buildings constructed in the Old Pasadena area. Wider sidewalks would allow the inclusion of upper floor projections to break down the building's mass. Finally, wider sidewalks along Green Street would help preserve the two existing street trees, which are protected under the City's Tree Protection Ordinance, and will remain as part of the project.
44. *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.* The Zoning Code requires buildings to be set back to the property line at the ground floor along Green Street. The purpose of requiring buildings to be placed at the property line is to create and enhance vibrant pedestrian activity along the sidewalk. The additional setback would allow slightly wider sidewalks in front of the building, which would encourage an active sidewalk. In addition, the building footprint is significantly larger than recent buildings constructed in the Old Pasadena area. Wider sidewalks would allow the inclusion of upper floor projections to break down the building's mass. Finally, wider sidewalks along Green Street would help preserve the two existing street trees, which are protected under the City's Tree Protection Ordinance, and will remain as part of the project.
45. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare.* The setback Minor Variance will allow slightly wider sidewalks to help create an active sidewalk and break down the building's mass. The building would be required to comply with all Building and Safety Code requirements. In addition, the design of the building would require the review and approval of the height, architecture, building materials and colors.
46. *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 Central District Specific Plan encourages wider sidewalks to encourage pedestrian activity. Section 5 of the Specific Plan states that ample sidewalks that allow for clear pedestrian passage are critical for pedestrian sidewalk. Key pedestrian routes, such as Green Street, should maintain a sidewalk width of at least ten feet. The Minor Variance would allow the sidewalks to be up to 12 feet wide along Fair Oaks Avenue.
47. *Cost to the applicant of strict compliance with the regulation should not be the primary reason for granting the Variance.* The cost to the applicant has not been considered the primary factor at any time throughout the review of this application.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #5094**

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

1. The project shall occur substantially as shown on the submitted plans, stamped "Received at Hearing, October 15, 2008", except as modified herein. This approval is for:
  - 1) Conditional Use Permit -- To maintain five existing buildings totaling 20,190 square feet and construct a new three-story building totaling 56,029 square feet with three levels of underground parking. A Conditional Use Permit is required for new non-residential projects exceeding 25,000 square feet of gross floor area in the Central District.
  - 2) Minor Conditional Use Permit -- To allow a new non-residential project within the Transit Oriented Development (TOD) with over 15,000 square feet of gross floor area.
  - 3) Minor Conditional Use Permit -- To provide valet parking.
  - 4) Minor Conditional Use Permit -- To provide tandem parking spaces.
  - 5) Variance -- To increase the percent of the building that can exceed 40 feet high from 30 percent of the roofline to 47 percent of the roofline.
  - 6) Variance -- To provide two loading spaces, where four are required.
  - 7) Minor Variance -- To have the building set back two feet from the Fair Oaks Avenue property line, while the building is required to be placed at the street property line.
  - 8) Minor Variance -- To have the building set back two feet from the Green Street property line, while the building is required to be placed at the street property line.
2. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the application if sufficient cause is given.
3. The applicant shall receive approval and record a Certificate of Exception (Lot Line Adjustment) or Parcel Map to consolidate the three parcels into one parcel with Los Angeles County prior to issuance of Building Permits.
4. The applicant shall comply with the Mitigation Measures outlined in the Mitigation and Monitoring Program in Attachment E.

Design, Landscape and Sign Review

5. The project shall receive Design Review approval for the building architecture, materials, colors, landscaping and height averaging prior to the issuance of a Building Permit. In addition, the applicant shall obtain approval from the Design and Historic Preservation Section through the Design Review process for any modifications to the existing buildings.
6. The applicant shall submit a Master Sign Plan application for all signage on the property. Any new signage or alterations to signs approved through this permit shall comply with Chapter 17.48.010 of the Zoning Code, shall be subject to Design Review and shall require a Building Permit. The Sign Plan should also include any directional signage for the project.

7. Prior to the issuance of a Building Permit, the applicant shall submit a complete landscape/hardscape plan for the property. The plan shall clearly indicate the type, size and species of all proposed landscaping throughout the property. Said plan shall include drought-resistant plan materials and low-volume irrigation where practicable. The plan should also show paving materials, canopies and lighting. The plan shall be consistent with all recommendations of the Design Commission and shall receive final approval from the Zoning Administrator.
8. All lighting shall comply with the requirements of Section 17.40.080 (Outdoor Lighting) of the Zoning Code. A lighting plan, including specifications of the proposed fixtures, shall be submitted to the Zoning Administrator for review and approval prior to the issuance of Building Permits. Areas shown on the lighting plan shall include the ground level and upper level (including roof-top) outdoor areas.
9. All new mechanical equipment shall be screened in accordance with Section 17.40.150 (Screening) of the Zoning Code.

#### Parking, Loading and Refuse

10. The applicant shall submit an executed and recorded parking lease agreement to the satisfaction of the Zoning Administrator. Said agreement shall comply with Chapter 17.46 (Off-Street Parking Regulations) of the Zoning Code in regards to off-street parking prior to the issuance of Building Permits. Parking credits may only apply to existing buildings which are to remain. All other parking shall be provided by the lease agreement.
11. The underground parking structure and parking spaces shall comply with Section 17.46 (Parking) of the Zoning Code, including ramp grade, vertical clearance, aisle width, parking stall dimensions, double striping and parking stall back-up. A maximum of ten parking stalls may be tandem.
12. The parking structure entrance should be designed to ensure pedestrian and vehicular safety. Enhancements may include, but are not limited to, openings to protect view corridors, mirrors, signing and striping. Such enhancements shall be reviewed and approved by the Zoning Administrator and Department of Transportation.
13. If a gate is installed at the parking structure entrance, it shall be set back a minimum 20 feet from the property line.
14. Signs shall be installed to clearly identify the valet parking drop-off and pick-up area.
15. A full-time parking attendant shall be on duty all times the underground parking structure is available for use.
16. All bicycle parking spaces shall meet the requirements of Section 17.46.320 (Bicycle Parking Standards) of the Zoning Code. For the proposed project, a minimum of 11 bicycle spaces shall be reserved. The location of the bicycle parking shall be clearly stated on the Building Plans, and should include employee spaces located in a secure place near employee entrance(s) and customer spaces conveniently located near building entrances. Final location of the bicycle parking spaces and types of bicycle racks shall be reviewed by the Public Works and Transportation Departments.

17. Loading shall be conducted at the two on-site loading spaces along Mills Place Alley. The proposed hours of loading shall be reviewed and approved by the Zoning Administrator and Department of Transportation. Loading spaces shall be clearly marked and signed. Bollards or similar barriers should be placed to block access to the loading spaces when loading is not permitted. In addition, bollards or other barriers shall be placed at the east edge of both loading spaces to prevent vehicles from encroaching onto the remaining portions of the private pedestrian alleys. No loading shall be permitted along Fair Oaks Avenue or Green Street.
18. The size and location of the refuse storage is to be determined by the Director of Public Works and Transportation and the type of use per Section 17.64.240 (Refuse Storage Areas).

#### Building Plans, Grading and Construction

19. The applicant shall provide a dedicated path of travel from the building exits to the public street to the satisfaction of the Building Official prior to issuance of building permits.
20. All on-site walkways shall comply with Chapters 31 and 32 of the 2007 California Building Code. Exiting from any rooftop decks shall comply with Chapter 10 of the 2007 California Building Code.
21. Any encroachments into the public right-of-way shall receive approval from the Department of Public Works and shall comply with Chapter 32 of the 2007 California Building Code.
22. A grading plan shall be submitted to, and approved by, the Zoning Administrator prior to the issuance of any permits.
23. A soils report may be required for submittal to the Building Division for approval prior to the issuance of any grading or Building Permits.
24. On-site construction equipment and haul-truck vehicles shall operate a maximum of 12 hours per day.

#### Other Conditions

25. The project is subject to the City's Public Art requirements as outlined in letter dated to applicant on July 7, 2008. Contact the Cultural Affairs Division at (626) 744-7547 for additional information.
26. The applicant shall submit a water conservation plan, to limit the project's water consumption to 90 percent of its originally anticipated consumption. This should be approved by the City's Water and Power Department and Building Division prior to the issuance of a Building Permit.
27. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
28. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.

29. The proposed project, **PLN2008-00249**, is subject to the City's Condition Monitoring Program and is also subject to Final Zoning inspection. Condition Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. The Condition/Mitigation Monitoring inspection will occur during the term of the project. The Final Zoning Inspection will occur at the completion of the project. Required monitoring fees for inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee. 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 monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

ATTACHMENT C

MEMORANDUM - CITY OF PASADENA  
DEPARTMENT OF PUBLIC WORKS

**DATE:** October 9, 2008

**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** City Engineer  
Department of Public Works

**RE:** Conditional Use Permit No. 5094  
27-71 South Fair Oaks Avenue

The Department of Public Works has reviewed Conditional Use Permit No. 5094 for the construction of a three-story mixed-use building consisting of restaurant, retail and office uses and three levels of underground parking at 27-71 South Fair Oaks Avenue and 26-40 Mills Place Alley. The subject site includes five existing buildings, all of which will remain. The approval of this Conditional Use Permit should be based upon satisfying all of the following conditions:

1. No part of the proposed development may be located in the public right-of-way outside of the new property lines, including upper stories, subterranean garages, electrical rooms or storage rooms. No building features shall encroach into the public right-of-way, including but not limited to: solariums, bay windows, building extensions, 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.
2. 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.

3. From the second floor upward, in order to protect the canopy of the existing street trees on Green Street, a 14-foot setback from the eastern tree and a 12-foot setback from the

western tree shall be provided. The applicant shall pay a fee of \$10,350 to cover the cost of the western tree and its removal.

4. The parkway on the west side along the Fair Oaks Avenue frontage of the subject property varies from ten feet to eight feet. In order to provide for a continuous ten-foot wide parkway, the applicant shall dedicate to the City a variable strip of land, zero to two-foot wide, along the Fair Oaks Avenue frontage of the subject property for street purposes.
5. The northwest corner of Fair Oaks Avenue and Green Street has a 90-degree corner. In order to accommodate an Americans with Disabilities Act (ADA) compliant curb ramp and provide for a 20-foot radius curb return, the applicant shall dedicate to the City for street purposes the land necessary to provide for a 25-foot radius property line corner rounding at the northwest corner of the Fair Oaks Avenue and Green Street.
6. Mills Place is 25-foot wide with a one foot offset to the west along this frontage such that the east right-of-way line does not align with the east right-of-way line of the alley farther north. The applicant shall dedicate a one-foot strip along the Mills Place frontage of the subject property for street purposes so that the east right-of-way line of the alley lines up properly.
7. The dedications will require the approval of the City Council. The applicant shall be responsible for all the costs required to complete the dedication.
8. Mills Alley has been paved with special concrete. If excavations are required in Mills Alley, the concrete must be replaced in kind in full panels.
9. The applicant shall construct a standard curb ramp at the northwest corner of Fair Oaks Avenue and Green Street per Standard Drawing No. S-414.
10. Granite curbs along Fair Oaks Avenue and Green Street shall be protected, carefully removed and reset as directed by the Department of Public Works.
11. The pavement in Green Street contains asbestos. Any excavation in Green Street shall comply with hazardous materials (Hazmat) removal conditions and requirements of the Department of Public Works. A certified environmental contractor will be required for any pavement removal in the street.
12. Excavation in Green Street and Fair Oaks Avenue for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.
13. New drive approaches shall have a minimum of 12 feet in width for one-way entry/exit, or a minimum of 24 feet for a two-way entry/exit, and a maximum of 26 feet width and in accordance with Standard Drawing No. S-403. Drive approaches shall have a minimum seven feet clear distance from the trunk of existing street trees.
14. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant shall pay 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.



15. 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. The proposed trash enclosure that abuts Mills Alley shall have a drain connection to the sewer to collect trash container leakage.
16. Any connection, including for SUSMP approval, to the existing storm drain system in Fair Oaks Avenue and Green Street requires the approval of the Department of Public Works.
17. No drainage from the proposed development may drain to alleys. 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.
18. 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.
19. Storm water runoff from the development may be routed in cast iron drain pipes to connect directly to the catch basin in Fair Oaks Avenue. No storm water runoff from the development will be allowed to flow into Mills Place. Non-storm water runoff from the development may be directed into the sewer system by a method approved by the Department of Public Works.
20. The applicant shall install additional lighting in Mills Place for security and operations, and for pedestrian activity area illumination. Light fixtures shall be as specified in the Old Pasadena Streetscape and Alley Walkway Plan and wall mounted on private property. Fire Department and service clearance requirements must be maintained at all times.
21. The applicant shall restore and re-paint all existing metal street light and traffic signal poles, along the Fair Oaks Avenue and Green Street frontages of the subject property in a manner acceptable to the Department of Public Works. In addition, the painting specification shall be per the Old Pasadena Streetscapes and Alley Walkways Plan. The cost of the street light and traffic signal pole restoration and painting is the applicant's responsibility.
22. 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.
23. 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.
24. The applicant shall irrigate all the street trees along the frontage of the subject property for the duration of the construction of the project.

25. In order to protect the existing street trees on Green Street, the scaffolding details and any sidewalk occupation required for the construction of the proposed buildings must meet the approval of the Department prior to installation of the scaffolding, building construction, and pruning of the street trees. Contact Darya Barar, Parks and Natural Resources Division, at (626) 744-3846 for details.
26. 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.
27. The applicant is responsible for design, preparation of plans and specifications, and construction of all required public improvements. Plans for all improvements in the public right-of-way shall be prepared by an engineer, registered in the State of California. Upon submission of improvement plans to the Department 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 and will be based upon the estimated cost for the Department to do the work.
28. 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 \$30,000 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.
29. 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.

30. 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.

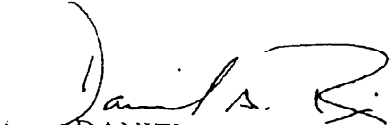
In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:

- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)  
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$20,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- 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://www.cityofpasadena.net/permitcenter/plansubreq/cndord.asp>.
- 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