Jomsky, Mark

From: Tornek, Terry
Sent: Sunday, April 07, 2019 1:08 PM
To: Jomsky, Mark
Cc: Mermell, Steve; Reyes, David; Madison, Steve
Subject: 253 S Los Robles

Mark –

Please agendize for City Council consideration, a call for review of the Board of Zoning appeals decision regarding the Concession Permit , case PLN2017-00233 at 253 S. Los Robles.

Thank you.

Terry Tornek
Mayor

04/29/2019
Item 11

~~04/15/2019~~
~~Item 21~~

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

April 5, 2019

Burke Farrar
Odyssey Development Services
141 South Lake Avenue Suite 105
Pasadena, California 91101-2673

Subject: Affordable Housing Concession Permit #11869 **PLN2017-00233**
253 S. Los Robles Avenue
Council District #6

Dear Mr. Farrar:

Your application for an **Affordable Housing Concession Permit** at **253 S. Los Robles Avenue** was considered by the **Board of Zoning Appeals** on **April 3, 2019.**

Affordable Housing Concession Permit: A request for two affordable housing concessions to facilitate construction of a new 94,165 square-foot, six-story, 92-unit, multi-family residential building (including eight "very low income" units), with 131 parking spaces in a three-level subterranean parking garage. The project includes demolition of an existing, 43,544 square-foot office building on site. The applicant is requesting the following two Affordable Housing Concessions:

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 2.65; 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 feet (75 feet when height averaging is applied). The applicant is requesting a maximum building height of 80 feet.**

At the conclusion of the public hearing, the Board of Zoning Appeals decided to adopt the environmental determination that the proposed project is exempt from environmental review. A motion was made to uphold the Hearing Officer's decision and approve **Affordable Housing Concession Permit #11869** with modified findings and subject to the conditions of approval in Attachment B that resulted in a 3-1 vote by the four members present. As a result, action was taken to approve Affordable Housing Concession Permit #11869 along with the findings in Attachment A and the conditions in Attachment B and in accordance with submitted plans stamped **'Approved'**.

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 three years of the effective date of the approval. This approval is eligible for two one-year extensions. Each one year extension is required

to be reviewed and approved by the Hearing Officer at a noticed public hearing. In order for a project to be eligible for a time extension, the applicant is required to submit the required fee and time extension application to the Permit Center prior to the expiration date of the land use entitlement. 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 to completion 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 Board of Zoning Appeals has the right to appeal this decision. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal or a request for a call for review of this decision shall be within ten days, the last day to file an appeal or a request for a call for review is **Monday, April 15, 2019.** Appeal applications must cite a reason for objecting to a decision and should be filed with the City Clerk. Without any call for review or appeal, the effective date will be **Tuesday, April 16, 2019.** The regular Appeal fee is $2,033.22. The Appeal fee for non-profit community-based organizations is $1,016.61.

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. A copy of this decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the plans submitted for building permits.

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

Sincerely,

Talyn Mirzakhanian
Zoning Administrator

Enclosures: Attachment A, Attachment B, Attachment C (site map)

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

ATTACHMENT A
FINDINGS FOR AFFORDABLE HOUSING CONCESSION PERMIT #11869

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

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

   Keyser Marston Associates (KMA) prepared a financial evaluation of the development proposal, reviewing and analyzing two development scenarios, the Base Case scenario and the Proposed Project scenario. KMA determined that the net cost to provide eight very-low income units is estimated at $4,469,000. Comparatively, the proposed density bonus and the FAR and height concessions generate a net cost of $5,578,000. Thus, the effective cost to provide eight very-low income units is approximately $1,109,000. In their analysis, KMA concludes that the Developer's proposal meets the requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of eight very-low income residential units. Therefore, the concessions do result in identifiable and actual cost reductions to provide for affordable housing costs, and the proposal meets this finding.

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

   The Department of Transportation (DOT) determined that a Traffic Impact Analysis was required for this project. The study evaluated the effect the project would have on existing neighborhood traffic volumes along access and neighborhood collector street segments and intersections within the vicinity of the project, and evaluated the existing Pedestrian Environmental Quality Index (PEQI) and Bicycle Environmental Quality Index (BEQI) along key corridors within the vicinity of the project. In addition, because the project proposes more than 50 residential units, DOT also conducted a separate analysis (referred to as the CEQA Evaluation) of the City's five vehicular and multimodal performance measures that assess accessibility of different modes of travel when evaluating a project's impact, as well as the project's transportation impact to its community using adopted transportation performance measures that relate to vehicle miles traveled (VMT), vehicle trips (VT), proximity and quality of the bicycle network, proximity and quality of the transit network, and pedestrian accessibility.

   The analyses determined that the project is not expected to exceed adopted street segment and intersection caps; and that the project does not cause a significant impact. Furthermore, the pedestrian environment received an indicator score of "average." No conditions of approval are required when the score is "average" or higher. The bicycle environment received an indicator score of "low". For this reason, the Department of Transportation has included Conditions of Approval intended to improve the bicycle environment. The analyses determined that that the project's incremental VMT per capita change does not exceed the

adopted threshold of significance under the VMT per capita of 22.6. Therefore, the project does not cause any significant impacts as it relates to VMT. Additionally, the project's incremental VT per capita does not exceed the adopted threshold of significance under the VT per capita of 2.8. Thus, the project does not cause any significant impacts as it relates to VT. It was also determined that the project increases the service population access to transit and maintains the service population access to bike facilities. Therefore, the project does not cause a significant impact on the existing bicycle network or access to transit facilities. As such, as it relates to vehicular traffic, there will be no adverse impact on public health, public safety, or the physical environment.

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

Air Quality and Greenhouse Gas Emissions Analyses were also prepared for the project site. The analyses 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 any applicable plan (City's Climate Action Plan) adopted for the purpose of reducing emissions of greenhouse gases. As such, as it relates to air quality and greenhouse gas emissions, there will be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

The technical analyses included an evaluation of cumulative impacts resulting from the proposed project and the approved neighboring projects at 399 East Del Mar Boulevard and 245 South Los Robles Avenue. Per the analyses, cumulative impacts resulting from the three projects do not rise to the level of significance. Therefore, no adverse cumulative impact is anticipated.

The proposed project was reviewed by the City's Design and Historic Preservation Section of the Planning Division. There are no known or identified historic resources on the subject site. Therefore, as it relates to historic resources, there would be no adverse impact on a property listed on the California Register of Historic Places and the proposal complies with the requirements needed to make the findings to be granted a concession.

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 would not be contrary to any federal laws.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR AFFORDABLE HOUSING CONCESSION PERMIT #11869

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

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, April 3, 2019," except as modified herein.

2. Because the grant of the Affordable Housing Concession Permit is based on assumptions relating to project cost and construction type, all changes to this project, either during design or construction, shall be submitted to the Zoning Administrator for review and approval. The Zoning Administrator retains the right to require preparation and submittal of a revised project financial analysis reflecting the proposed change(s) and comparing it to the Base Case (i.e., project without the granted concession) as well as payment for such analyses. The Zoning Administrator also has the right to reject a proposed change if it is determined that such a change would modify the project costs such that the granted concession was no longer necessary for the provision of affordable housing. The determination by the Zoning Administrator is appealable pursuant to Section 17.72 of the Zoning Code. Because review of proposed changes may require time to assess, the applicant is advised to submit any proposed changes in a timely manner and shall bear the burden of any delay caused by the review process.

3. The applicant shall comply with all standards of the Zoning Code applicable to the CD-2 zoning district, with the exception of the following approved concessions:

   i. 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 2.65; and

   ii. 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 feet (75 feet when height averaging is applied). The applicant is requesting a maximum building height of 80 feet.

4. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040 C of the Zoning Code.

5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.

6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.

7. The proposed project, Activity Number **PLN2017-00233**, 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 Talyn Mirzakhanian, Current Planning Section, at 626-744-7101 to schedule an inspection appointment time.

Planning Division

8. The applicant, or the successor in interest, shall enter an agreement with the Housing Division for the provision of eight designated very low income units.

9. 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.

10. The applicant, or the successor in interest, shall obtain a Private Tree Removal Permit for the removal of Tree No. 6, a protected Canary Island Pine, through the Design Review process.

11. The Design Commission in its review, shall pay particular attention to modulation of the roofline and building volumes, consistent with the architectural style of the building.

Design and Historic Preservation

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

Building & Safety Division

13. Project shall comply with applicable building code requirements.

Department of Transportation

14. In accordance with City Ordinance No. 7076, the project shall pay the Traffic Reduction and Transportation Improvement Fee (TR-TIF) for the project at the time of building permit issuance. The TR-TIF is subject to change based on the current General Fee Schedule. Total payment would be based on the final scope at the time of project approval. The payment shall be made at Window #8 in the Permit Center located at 175 N Garfield Ave, Pasadena CA 91109.

15. To improve the safety of pedestrians crossing the driveway, the design plans shall indicate a slope of 2% or less from the property line to 20' beyond the property line to improve vehicular sight distance, or include the installation of an exit arm.

16. To improve the quality and safety of bicycling around the project, the developer shall pay for the purchase and installation, of bicycle racks in the vicinity of the project at the time of building permit issuance: Initial Deposit: $1,000*

**The estimated cost is subject to partial refund or additional billing. Payment should be made at DOT offices located at 221 East Walnut Street, Suite 210 Pasadena, CA 91101.*

17. Any project loading/unloading spaces shall be on-site. DOT will not install a loading zone for project use along the project frontage.

18. The sidewalk along Los Robles Avenue adjacent to the project site shall comply with the City's Street Design Guidelines. A minimum sidewalk width of 12' is required.

19. A circulation plan for the parking structure must be reviewed and approved by the Department of Transportation. The plan shall be drawn to a 1"=20' or 1"=40' scale. The plan shall include the turning radius of the ramp and proposed striping/configuration of parking spaces to ensure that vehicles can safely enter and exit the parking area.

20. No overnight parking permits will be issued to future residents of this project. Future tenants shall be advised by the property management of the unavailability of on-street overnight parking permits.

21. The location(s) of bicycle parking shall be shown on the plans and approved by the Department of Transportation prior to the issuance of the first permit for construction (demolition, grading, or building).

Public Works Department

22. 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.

23. In order to provide sufficient sight distance for pedestrians along Los Robles Avenue frontage, the proposed driveway ramp to the subterranean garage, from the property line to the first 20 feet west, shall be sloped at 2% or less, unless otherwise reviewed and approved by the Department of Transportation.

24. The proposed drive approach shall be constructed in accordance with Standard Drawing No. S-403. The existing gutter shall be cut per the requirements of Public Works inspector. All drive approaches shall be at least seven (7) feet clear of existing trees.

25. Each building of the proposed development shall connect to the public sewer with one or more new six-inch diameter house sewer laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer "means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer." The section of house sewer within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.

26. Los Robles Avenue restoration, fronting the subject development, shall be a full width (from gutter to gutter) cold milling and resurfacing of 1.5 inches depth rubberized asphalt concrete roadway, or to the satisfaction of the City Engineer. Restoration of rubberized asphalt concrete pavement shall be per Standard Plan S-416 and to the satisfaction of the City Engineer.

27. The applicant shall demolish existing and construct all new public improvements along the subject development frontage of Los Robles Avenue, including concrete sidewalk per Standard Plan S-421; concrete curb and gutter per Standard Plan S-406. All public improvements shall be completed prior to the issuance of Certificate of Occupancy.

28. On-site drainage, such as roof drain, area drain and subterranean garage discharge, shall be contained on-site per LA County Regional Water Quality Control Board's current permit.

29. The applicant shall plant a maximum of four (4) Quercus Virginiana, Southern Live Oaks on Los Robles Avenue frontage the officially designated street tree per the City's approved Master Street Tree Plan. The Department of Public Works will confirm eligible planting sites.

30. 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.

31. 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.

32. 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.

33. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.

    The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.

    The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.

34. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan, prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A sundry deposit may be required for staff time to review the preliminary plans.

35. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 4' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be inspected and approved by Public Works prior to the commencement of any construction.

36. All new drive approaches shall be at least seven (7) feet clear of the existing street trees measured from the edge of the trunk closest to the drive approach. All public trees shall be protected and fenced with a posting on the fences advising of the tree protection.

37. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.

38. Prior to issuance of any permit, a bond in the amount of the applicant's total liabilities based on the aforementioned approved report shall be submitted to the City. The bond is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.

39. The existing street lighting along the Los Robles frontage of the subject site is substandard. In order to improve pedestrian and traffic safety, the applicant shall replace/renovate three (3) existing street lighting, on or near the frontage of the subject property, with LED lights, per the City requirements and current standards.

40. If the existing street lighting system along the project frontage is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including new LED lights, conduit(s), conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works.

41. 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.

42. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: http://www.ci.pasadena.ca.us/PublicWorks/Engineering_Division/. A deposit, based on the General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction staging, material storage, or trailer in the public right-of-way.

    In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

43. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a $20,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees. A processing fee will be charged against the deposit.

44. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

    In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

    The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6),

175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: http://cityofpasadena.net/PublicWorks/Engineering_Division/.

45. 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. A Public Works permit is required for all construction and occupancies in the public right-of-way. If construction vehicles and equipment are parked off-site in the public right of way, the permit fee for street and sidewalk occupancy will be based on the area and duration corresponding to the current City's General Fee Schedule. For more information, please contact Yannie Wu at 626-744-3762.

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

    a) Sewer Facility Charge - Chapter 4.53 of the PMC
    The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.

    b) Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
    In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of $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.

    c) City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
    The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the approval of the Urban Forestry Advisory Committee.

    d) 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/
    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/) 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, dated May 8, 2017, for this project is: $1,201,542.87 (subject to Housing Department evaluation).

This amount is a rough estimate and for informational purposes only. The exact amount will be calculated at the time of Building Permit issuance.

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

a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.

b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or $30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is $1 per square foot or $30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

Power Division

47. Existing energized underground 17kv power cables that feed vault V8396 must be relocated first prior construction of proposed structure. PWP has underground 17 kv distribution facilities on Los Robles Ave and Euclid Ave to provide power service.

Water Division

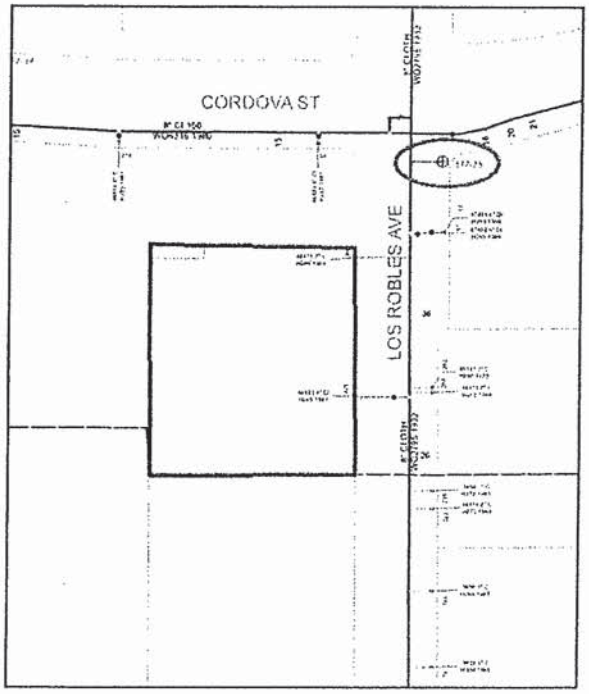
48. Water Mains: Pasadena Water and Power (PWP), Water Division can serve water to this project. There is an 8-inch cast iron water main in Los Robles Avenue that was installed under Work Order 2795 in 1932. It is located approximately 46 feet east of the west property line of Los Robles Avenue.

49. Moratorium: Verify with Public Works Department regarding any street construction moratorium affecting this project.

50. Water Service: PWP records reflect a 2-inch water service (44471) and a 4-inch water fire service (46833) serving 253 S Los Robles Avenue. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at total cost to customer.

51. 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.

52. There is one fire hydrant in close proximity to the project. Fire hydrant number 517-25 is located on the east curb of Los Robles Avenue, at the southeast corner of Cordova Street and Los Robles Avenue.



53. All services not in use must be abandoned at the distribution main at the applicable rate.

54. 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.

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

56. For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.

57. 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.

58. 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.

59. There shall be no taps between the meter and the backflow assembly.

60. 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.

61. 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.

62. 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.

63. 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.

64. All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.

65. An administrative fee of $194.00 will be charged for each backflow prevention assembly installed.
66. The fire service requires a detector meter and back-flow prevention assembly.

67. The assembly shall be located in a readily accessible location for meter reading, test and maintenance.

68. All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.

69. 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.

70. 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.

71. If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.

72. 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.

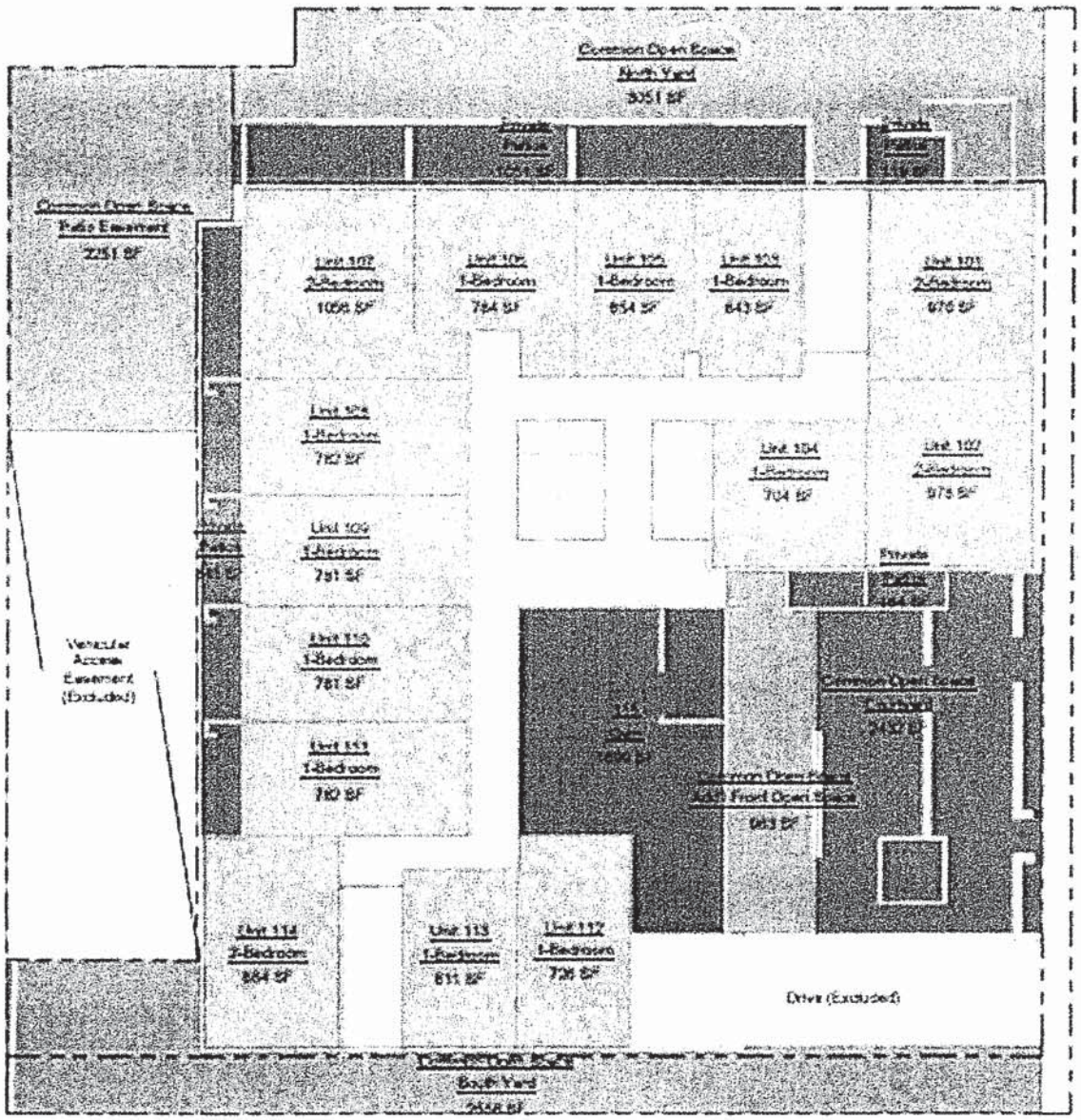
- The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private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

73. 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.

SITE PLAN
FOR AFFORDABLE HOUSING CONCESSION PERMIT #11869



CORRESPONDENCE
FROM
04/15/2019
CITY COUNCIL MEETING

Reese, Latasha

Subject: FW: Correspondence

From: Richard McDonald [mailto:rmcdonald@carlsonnicholas.com]
Sent: Friday, April 12, 2019 12:28 PM
To: Mermell, Steve <smermell@cityofpasadena.net>
Cc: Novelo, Lilia <lnovelo@cityofpasadena.net>; Jomsky, Mark <mjomsky@cityofpasadena.net>; Reyes, David <davidreyes@cityofpasadena.net>; Fuller, Brad <bfuller@cityofpasadena.net>; Burke Farrar <BFarrar@odysseypasadena.com>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>
Subject: RE: City Council Agenda

Steve and Mark – Thank you. Please provide the following statement to the Council:

Dear Mayor Tornek and Members of the City Council:

The applicant discovered this matter being called-up when it saw the City Council's Agenda for the first time late yesterday afternoon. Before that, we were not informed of it, nor given any notice. Unfortunately, both Burke and I are out of town next week and unable to attend. Since our request for a continuance has been denied, we therefore wish to state the following points on behalf of our client in opposition to the request to call-up this matter.

First, this project is in District 6. Since Councilmember Madison has not called it up, we question why it is being called-up at all.

Second, while we understand calls-up are appropriate to help non-profits and financially indigent appellants, the appellants in this case are the Madison Heights Neighborhood Association (MHNA"), which represents the wealthiest part of the City. We fail to understand why any member of the City Council believes the MHNA is unable to afford the cost of an appeal or should not have to pay for it. If you grant this request for a call-up, you might as well just eliminate the appeal fee altogether since everyone else in this City is financially indigent compared to these people.

Third, we ask that the Mayor's request be withdrawn and that the Mayor recuse himself from this matter. More specifically, city councils and commissions often act in an adjudicatory capacity in a role similar to judges when deciding applications for land use permits. *Woody's Group, Inc. v. City of Newport Beach*, 233 Cal. App. 4th 1012, 1021 (2015) (holding that the trial court erred in not granting request for writ of mandate restoring the original planning commission's grant of application). When so doing, they are required to be "neutral and unbiased" to ensure that the hearing process is fair. *Id.* Under California law, if a member of a City Council or Planning Commission shows an "unacceptable probability of bias," he or she violates the applicant's due process rights. As the Court observed in *Nightlife Partners, Ltd. v. City of Beverly Hills,* 108 Cal. App. 4th 81 (2003), "the broad applicability of administrative hearings to the various rights and responsibilities of citizens and businesses, and the undeniable public interest in fair hearings in the administrative adjudication arena, militate in favor of assuring that such hearings are fair." *Id.* at 90. *See also, Nasha, LLC v City of Los Angeles*, 125 Cal. App. 4th 470 (2004) ("Procedural due process in the administrative setting requires that the hearing be conducted 'before a reasonably impartial, noninvolved reviewer.' "); *Gai v. City of Selma*, 68 Cal. App. 4th 13, 219 (1998) (concluding that the Planning Commission's decision was tainted by bias; prehearing bias of one planning commission member was enough to invalidate a planning commission decision that had overruled an approval of a project).

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California courts also have provided numerous examples of what actions or statements constitute an "unacceptable probability of basis." For example, in *Woody's Group, supra*, a councilmember prepared remarks before the city council meeting and gave an "extraordinarily well-organized, thoughtful and well-reserved presentation why the planning commission decision needed to be overturned." *Id.* at 1019. Because the councilmember "took 'a position against the project,'" there was an unacceptable probability of bias on part of that councilmember that violated the restaurant owner's right to a fair hearing. *Id.* at 1022-23. Furthermore, the fact that he had written out his speech to the council demonstrated the falsity of his self-serving comment at the hearing that he had no bias in the matter. *Id.* at 1023.

Similarly, in *Nasha, supra,* prior to the appeal hearing on a proposed development project, one of the planning commissioners authored a published article that attacked the project under consideration, describing it as a "threat" to a wildlife corridor. *Nasha,* 125 Cal. App. 4th at 476, 483. The Court found that the article "clearly advocated a position against the project," and that the Commissioner's authorship of it showed an "unacceptable probability of actual bias," and thus was sufficient to preclude the decision maker from serving as a "reasonably impartial, noninvolved reviewer." *Id.* at 484 (noting that the commissioner "clearly" should have recused himself from hearing the matter). The Court concluded that the claim of bias was "well founded," and that the developer had established an "unacceptable probability of actual bias." *Id.* at 473, 481.

Here, having called up the Affordable Housing Concession Permit ("AHCP") for the project on the adjacent property of 245 S. Los Robles, which resulted in the affordable units being dropped from the project, and having made numerous public pronouncements and proposals at the June 11, 2018 City Council meeting, among others, to limit the use and scope of AHCPs, we believe the Mayor has demonstrated his bias against such projects, particularly when opposed by fellow residents of District 7. Since an applicant need only show that the situation is one in which " 'experience teaches [us] that the probability of actual bias on the part of the ... decisionmaker is too high to be constitutionally tolerable" (*Morongo*, at p. 737, 88 Cal.Rptr.3d 610), we believe recusal is necessary to protect our client's due process rights.

Fourth, similarly, we ask that Council Member Wilson recuse himself. Documents produced by the City in October 2018 in response to Public Records Act requests by Burke Farrar show Councilmember Wilson asking staff directly to provide copies of the Keyser Marston financial analysis and traffic reports for the 253 S. Los Robles to Erica Foy of the MHNA, the declared opponent of the project and one whom he had earlier contacted to help him "take up the issue" of opposing affordable housing concession permits. The documents further show him stating in no uncertain terms his feelings about density bonus projects by using such words as "abomination", "super-size", "downzoning", "massively out of scale", and pushing staff to "squeeze the extra height and massing out of this project". Under California law, his statements show that he is not impartial, nor unbiased as required. As such, recusal is necessary to protect our client's due process rights.

Fifth, the application for this AHCP was filed on May 9, 2017, i.e., 23 months ago. It seeks simply to raise the FAR from 2.25 to 2.65 (i.e., a mere 0.4), and to raise the height from the height-averaging permitted 75 feet to 80 feet, which is still much less than the adjacent project to the north. In all other respects the project is by-right and fully complies with the Zoning Code and General Plan. The AHCP will allow the applicant to construct 8 very low income units on site.

On June 9, 2017, the application was deemed incomplete, but that was one day after the June 8, 2017, 30-day deadline imposed under the Permit Streamlining Act ("PSA"). As such, the application was deemed complete as a matter of law on June 8, 2017. Regardless, the applicant filed the additional material requested by the City on August 10, 2017, i.e., 20 months ago. On January 18, 2018, the applicant received a letter deeming the application complete, which was 5 months after the additional material was delivered to the City and thus well beyond the PSA deadlines. On January 23, 2018 and March 12, 2018, all of the environmental and financial consultant fees were paid, i.e., 15 and 13 months ago respectively.

The Hearing Officer approved the AHCP on November 7, 2018, and the Madison Heights Neighborhood Association (MHNA") appealed it to the Board of Zoning Appeals("BZA"). The BZA heard the matter on February 6, 2019, and subsequently upheld the HO approvals on April 3, 2019. None of the arguments on appeal had any merit, factually or legally. It was, quite simply, the old guard of MHNA objecting once again to any affordable housing.

So, today, 23 months after the application was filed, 22 months after the application was deemed complete as a matter of law, and 20 months after all the information requested by the City was delivered, the applicant has been told that its application is on hold pending a decision on whether to conduct yet another hearing. If granted that hearing would be after the two year anniversary of the application being filed.

While we understand the City Council's concerns about the impact of State's Density Bonus Law, the law simply does not allow for these, or any other, extraordinary delays. In particular, California Government Code Section 65915.a.2 specifically states, "A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section." The EIR desired by the appellants for this by-right project thus violates this Section as no such study would be required but for the request of the concessions permit.

Similarly, Section 65915.a.3 states that, "In order to provide for the ***expeditious*** processing of a density bonus application, the local government ***shall*** do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with Section 65943."

The extraordinary delays associated with this project demonstrates that there are no "timelines for processing density bonus applications" in accordance with State law.

Section 65915.f.5 further provides that, "The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, ***or other discretionary approval.***" Section 65915.j.1 further states, "The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, ***study, or other discretionary approval.*** For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k)." (Emphasis added). Last, the burden of proof is squarely on the City, not the applicant.

Nonetheless, the City's procedures for processing AHCP applications are in Municipal Code section 17.43.050.C, and require them to be processed like minor variance applications, subject to a Hearing Officer's approval. That section also states that the HO has the discretion to deny such applications and allows such decision to be appealed or called-up. As such, 17.43.050.C violates the State law by requiring discretionary

approvals. That City Council members have decided to routinely call up such applications also violates the mandate as it suggests they have some sort of discretion they have been repeatedly they do not have.

As the Court stated in *Wollmer v. City of Berkeley*, (2009) 179 Cal. App. 4th 933, "[I]n our view the language of Section 65915 is clear and unambiguous. If a developer agrees to dedicate a certain percentage of the overall units in a development to affordable or senior housing, the Density Bonus Law requires the municipality to grant the developer a density bonus of *at least* a certain percentage, ranging from a low of 5 percent (for moderate-income housing) or 20 percent (for senior and all other affordable housing) to a maximum of 35 percent, depending on the number of affordable-housing units provided over the minimum number necessary to qualify for a bonus. ([ ] § 65915, subd. (g).) Because the statute imposes a mandatory duty on local governments, and provides a means for developers to enforce this duty through civil proceedings ([ ] § 65915, subd. (d)(3)), it is clear that 35 percent represents the maximum amount of bonus a city is *required to provide,* not the maximum amount a developer can ever obtain. The entire aim of Section 65915 is to provide incentives to developers to construct housing for seniors and low-income families. (See Stats.1979, ch. 1207, §§ 1–6, p. 4738 [legislative findings and declarations supporting enactment of [ ] § 65915].)"

In this case, the extraordinary delays, the repeated requests for further studies, and the failure to approve these applications within 24 months demonstrates an effort to thwart the construction of the affordable units in violation of State law.

Sixth, we simply do not understand why affordable housing is acceptable in Districts 1, 3 (e.g., the debate over it for the YWCA and the use of the YMCA), 4 (i.e., the Space Bank site), 5, and 6 (e.g., Union Station and Habitat for Humanity), but not when MHNA and residents of D7 object even if it is outside that District. A quick review of City records shows that only two AHCP permits have been approved in D7 in the past ten years and only one of those has been built to provide 2 low income units.

We, therefore, request that the call for review be rejected.

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Making Housing & Community Happen

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#21

GPAHG

April 15, 2019

Dear Honorable Mayor and City Council Members,

The Greater Pasadena Affordable Housing Group has a very workable plan to limit heights and boost the number of affordable units that would be included in developments. The sooner such policy is in place, the City Council will no longer see this kind of development on S. Los Robles, with 92 units with only 8.5 affordable. This is our proposal for your consideration:

1. **Stop all trade downs.** No longer allow developers to set aside only 11% of the units as affordable. All projects must include the full percent. This is a very reasonable request because 35% more units allowed from the AB1818 state density in the case of very low-income units. This high reward for including very low-income units more than makes up for any revenue loss from renting to very low-income folks. Plus, some inclusionary projects are making up for the rental difference by allowing Section 8 voucher holders—enabling them to increase their profits even more. This is smart business practice, not bad policy as long as it is not required tenants must be Section 8 voucher holders.

2. **Require a higher percent of units to be affordable.** If the percent of affordable units was increased to 30% within ¼ mile of TOD sites, and 25% in the rest of the city, his would require developers to provide more units within their projects. You would no longer see projects with only 8.5% of the units affordable in a 92 units project.

3. **Require a broader range of affordable income levels in in every project**. This would prevent a developer from making all the affordable units very-low income and therefore limit developers from maxing out on the full percent of density bonus allowed, while at the same time obtain a higher percent of affordable units. This works because the low- and moderate-income levels do not provide as high of a density reward, according the AB 1818 State Density Bonus law. Again, you would no longer see this kind for project come before you.

   It is our proposal that within a 25% set aside of affordable units, only 5% would be extremely-low; 5% very-low; 7% low; and 8% moderate. And within a 30% set aside the range of income levels would be 6% extremely low; 6% very low; 9% low, and 9% to be moderate.

4. **This better reflects the kind of city we want to see.** Because developers would be required to provide the full mix of units as required within each income category for each project we would see less of an income gap within one project, projects that are not exclusionary but truly inclusionary that better reflect the kind a mixed-income Pasadena.

5. **There should be only one exception** that our group is recommending that serves to encourage developers to build 3-bedroom (3-bd) units capable of accommodating larger families. We propose that each 3-bedroom unit should count as 1.5 units when calculating the total 25% or 30% to be set aside. **The goal of this policy is to encourage family-oriented development for low-income renters, which would help the enrollment of our school system.**

Here is an example that we hope will clarify what we would like to see in future projects: In a 100-unit project, 25 must be set aside to comply with this our updated inclusionary policy. The developer can build 75 units for market rate (plus the density bonus if they apply for it) with 25 affordable units. Within those 25 affordable units 5 would be for extremely-low-income, 5 for very-low-income, 7 for low-income, and 8 for moderate-income tenants. However, if the developer builds two 3-bedroom affordable units, that would count as 3 units (1.5+1.5=3). So, the total affordable units in this example would be 24 affordable units set aside in a 100-unit project (again, plus the density bonus if they apply).

Thank you for carefully considering our proposal on how to avoid future overly dense projects with few affordable units in exchange.

Jill Shook, Chair of GPAHG-the Greater Pasadena Affordable Housing Group.

04/15/2019
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Submitted by Rev. Connie Millsap