

**Rodriguez, Jane**

**From:** Madison, Steve  
**Sent:** Monday, August 07, 2006 3:04 PM  
**To:** Rodriguez, Jane  
**Cc:** Suzuki, Takako  
**Subject:** Agendize for Consideration a Call for Review

CITY CLERK  
CITY OF PASADENA

06 AUG -7 P4:12

RECEIVED

Please agendize for Council consideration a call for review of the MCUP #4703/134 W. Valley Street/Westgate Pasadena. The applicant is Sares-Regis Group. The last day to appeal is August 11, 2006.

A handwritten signature in black ink, appearing to be "S. Madison", written in a cursive style.

08/14/2006  
7.B.(4)



PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

August 3, 2006

Sares-Regis Group  
Ed Eyerman  
18825 Bardeen Avenue  
Irvine, Ca 92612-1520

**RE: Minor Conditional Use Permit #4703  
134 Valley Street (Westgate Pasadena)  
Council District #6**

Dear Mr. Eyerman:

Your application which was a Call for Review for a **Minor Conditional Use Permit** at **134 Valley Street** was considered by the **Board of Zoning Appeals** on **August 1, 2006**.

**MINOR CONDITIONAL USE PERMIT:** To redevelop the former Ambassador College East Campus located at 134 W. Valley Street into a mixed-use urban housing project. A Minor Conditional Use Permit is required for projects including more than 15,000 square feet of non-residential space in a transit-oriented district. The Board of Zoning Appeals consideration of the call for review to certify the project Final Environmental Impact Report and Mitigation Monitoring and Reporting Program, adopt Findings of Fact, adopt Statement of Overriding Considerations and consider the proposed project.

The Board of Zoning Appeals certified the Final Environmental Impact Report (ATTACHMENT A) and adopted the Mitigation Monitoring Reporting Program (ATTACHMENT B), adopted by resolution the Findings of Fact (ATTACHMENT C) and Statement of Overriding Considerations (ATTACHMENT D), adopted the Specific Findings for Minor Conditional Use Permit (MCUP) and Tree Removal (ATTACHMENT E), recommended Conditions Of Approval as presented (ATTACHMENT F), approved the proposed Minor Conditional Use Permit and conditions 13 and 73 as modified by the Hearing Officer.

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

**Appeal of Minor Conditional Use Permit #4703**

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

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

This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **(August 14, 2006)**. However, prior to the effective date, a member of the City Council may stay the decision and request that it be called for review to the City Council.

For further information regarding this case please contact **Robert Avila** at **(626) 744-6706** or **Vincent Gonzalez** at **(626) 744-6750**.

Board of Zoning Appeals, by



JOHN POINDEXTER  
Acting Zoning Administrator

DEM:ac

Enclosures: Attachment C, Attachment E

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

**ATTACHMENT C**  
**HEARING OFFICER SPECIFIC FINDINGS FOR**  
**MINOR CONDITIONAL USE PERMIT #4703**

Minor Conditional Use Permit: Non-Residential Development exceeding 15,000 square feet in a Transit Oriented District

1. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) within the applicable zoning district and complies with all applicable provisions of this Zoning Code. A non-residential project exceeding 15,000 square feet is permitted in the CD-1 zoning district with a Minor Conditional Use Permit. The development of the urban housing has been designed to be compatible with all applicable provisions of the Zoning Code, Central District Specific Plan and the TOD standards.*
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 design of the proposed Westgate Pasadena urban housing development will meet all requirements of the Zoning Code, including the Central District Specific Plan and the TOD requirements. There are no variances required for the project. The applicant is able to meet all requirements such as height, setback, parking, floor area etc. As such the location of the use complies with the purposes of the CD-1 zone and the Central District Specific Plan.*
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 General Plan designation for the site is specific plan, and the site is part of the Central District Specific Plan area. The project was designed to meet the goals and objectives and all development standards as specified in the plan. The EIR finds the Project will further the goals of the Central District Specific Plan by providing a urban housing within walking distance to existing retail/commercial uses, through upgrades of the utility infrastructure and systems on the project site, and improvement of the aesthetic character of the project site and surrounding community.*
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. An EIR was prepared for the project. The EIR finds air quality project impacts to construction, operation and cumulative air quality would remain significant and unavoidable even after incorporation of mitigation measures. These impacts would require the adoption of a Statement of Overriding Considerations which has been prepared on the basis that the benefits of the project outweigh this unavoidable impact of the project.*
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 noted in other findings, an EIR was prepared for the project. With the mitigation measures and recommended conditions of approval, there will be no detrimental impacts in the neighborhood as a result of the project. As noted in finding 4, an EIR was prepared. A Statement of Overriding Considerations determined that the benefits of the project outweigh the significance of the building.*
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 project will be subject to extensive design review by staff. The Design Commission will further evaluate the aesthetics of the project to ensure the final design is compatible with the character defining features of Old Pasadena.*

## Appeal of Minor Conditional Use Permit #4703

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An Initial Study was prepared for the project that evaluated aesthetics. The Initial Study found there would be no significant impacts related to issues such as scale, view protection and character.

#### Additional TOD Findings:

7. *The project consists of a use or mix of uses that encourage transit use and is oriented toward the transit user.* The new Westgate Pasadena urban housing development will be an attractive amenity to the Transit Oriented District (TOD) to enable residents in the immediate urban area to walk to Old Pasadena or access the Gold Line Metro Rail, which is consistent with goals and intent of the TOD district.
8. *The project design enhances pedestrian access and/or other non-motor vehicle modes of transportation to public transit.* The design of the project engages the street and enhances the pedestrian environment along De Lacey Avenue by directing pedestrians onto the street. Vehicular movement at the site will also be directed to Pasadena Avenue, and Valley and Dayton Streets to improve circulation at the site. The addition of an improved intersection Pasadena Avenue at Del Mar Boulevard will also provide pedestrians a safer crossing of Pasadena Avenue than now exists. Pedestrians will have another choice for crossing at an intersection with a traffic signal to cross the street to go to Westgate Pasadena, Margarita Jones Restaurant, Dona Rosa Restaurant, small shops along Del Mar Boulevard, and the Del Mar Gold Line Station.
9. *The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces the dependency on motor vehicles.* The project has been designed to engage the street, which will aid in drawing pedestrians onto the site. The project will enhance pedestrian access by bringing the building up to grade level and introducing residential door stoops on the streets around the perimeter of the project and provide a plaza at De Lacey Avenue at Dayton Street anchored by ground floor retail which will serve as a pedestrian gathering place. The primary pedestrian and open spaces are intended to be designed at street grade to allow improved public and handicap accessibility into the project site.

#### Findings for Tree Removal

10. *The project, as defined in Section 17.12.020, includes a landscape design plan which will result in tree canopy coverage of greater significance than the tree canopy coverage being removed, within a reasonable time after completion of the project.* There are currently 166 trees with a total of 89,155 square feet of canopy coverage on the project site including street trees. Twelve of these trees qualify for protection under the City of Pasadena Trees and Tree Protection Ordinance; two of the trees are designated "native" and ten are designated "specimen." Nine of the protected trees would be relocated within the project site as part of the proposed project; three of the protected trees would be protected in place (see FEIR **Figures 3C.2 and 3C.3**).

The proposed project includes the removal of 118 non-ordinance protected trees and the relocation on-site of 35 trees as part of the project's landscape design. There are no landmark eligible trees or trees that are of a unique size or species that would be removed. In addition, the project would add 380 new trees to the project site: 13 large specimen trees, 255 small canopy trees/palms, and 112 palms. A total of 427 trees would be located on-site with implementation of the proposed project.

Canopy coverage within the proposed project would be approximately 48,199 square feet within one year of occupancy. Within five years of occupancy, canopy coverage would increase to approximately 85,125 square feet (see Figure 3C.2), or nearly the same amount of canopy coverage currently on-site. Within ten years of occupancy, proposed canopy coverage would increase to approximately 163,996 square feet (see Figure 3C.3) and nearly double the existing canopy coverage. The creation of a tree canopy of greater significance in both volume and coverage spread across the whole of the project site is consistent with the spirit and intent of the Tree Protection Ordinance.

**ATTACHMENT E  
HEARING OFFICER CONDITIONS OF APPROVAL FOR  
MINOR CONDITIONAL USE PERMIT #4703**

The applicant or successor in interest shall comply with the following conditions:

**Department of Planning and Development**

Land Use and Planning

1. Development on the project site shall occur as shown on the submitted plans, stamped "Received at Hearing June 15, 2006" subject to review by the Zoning Administrator, except as herein modified.
2. The location of proposed residential and retail/commercial uses on-site shall substantially conform to those approved under this Minor Conditional Use Permit approval. The retail/commercial uses shall be consistent with PMC §17.30.030 (CD District Land Uses and Permit Requirements).
3. The applicant or successor in interest shall meet the applicable code requirements of the Zoning Code and of all other City Departments at all times.
4. All parking shall conform to the requirements of §17.46 (Parking and Loading), §17.50.030 (Transit-Oriented Development) and §17.50.350 (Urban Housing) of the Pasadena Municipal Code.
5. Guest and customer directional parking signs shall be clearly posted at the property ingresses. The sign lettering shall meet the design requirements of the Zoning Code.
6. The applicant or successor in interest shall retain a Mitigation Monitoring Coordinator (Mitigation Coordinator) with experience on large construction projects to serve as a liaison to between the development/construction team and the City. The Mitigation Coordinator will monitor the implementation of the Mitigation Monitoring and Reporting Program as specified in the project Environmental Impact Report, and prepare and submit written weekly reports to the Condition/Mitigation Monitoring Coordinator of the City of Pasadena. The format of the written reports is subject to approval by the Code Compliance Manager.
7. The project shall comply with all Mitigation Measures as outlined in the Westgate Pasadena Final Environmental Impact Report MMRP dated April 2006 that is included in Attachment C (Mitigation Monitoring and Reporting Plan) to this report.
8. The applicant shall submit a complete landscape plan for the site with the Concept Design Review submittal. A regionally significant licensed landscape architect with experience in urban infill projects and working in a historic context shall prepare the plan. The plan shall clearly indicate the type, size and species of all proposed landscaping throughout the site.
9. If pruning of street trees is required to facilitate the construction of the project, pruning of the street trees shall be done by the City's Parks and Natural Resources Division Crew. The applicant shall be responsible for the cost of pruning the street trees and submit to the Department of Public Works a deposit, amount to be determined by the Department and subject to refund or additional billing, for the City or approved contractor to prune the street trees.

10. The project is subject to Design Review. Prior to issuance of a building permit, the applicant shall secure all necessary approvals from the Design and Historic Preservation section.
11. The applicant or successor in interest shall provide site plans at Concept Design Review that indicate the location of all utilities lines and facilities that run through, connect into, or adjacent to the project site.
12. The applicant or successor in interest shall provide site plans at Concept Design Review that depict all corner rounding and land dedications to implement the requisite street improvements and pedestrian mitigations.
13. To avoid uniformity throughout the site, the project design shall provide for architectural variety throughout the project to the satisfaction of the City and its Design Commission. The project team, including multiple regionally significant architects and designers with experience in urban infill projects and working in a historic context, shall successfully demonstrate the ability to provide this variety prior to undertaking concept project designs.
14. The applicant and successor in interest shall notify all prospective tenants and condominium owners that the project is located within an urban area and that noise levels may be higher than in a typical residential area, as specified in §17.50.160 (M) (Noise Notification.) The signature of the residents shall confirm receipt and understanding of this information.
15. The central courtyard on Block 1, the mid-block east/west pedestrian paseo located on Block 2 aligned with the continuation of Central Court, the plaza at the southwest corner of Dayton Street and De Lacey Avenue, and the large green space located on Block 3 with minimum dimensions of 150 feet by 125 feet shall be designed at grade level with the contiguous finished sidewalk elevations for each space.
16. The applicant and successor of interest shall provide the following publicly accessible open spaces without physical barriers to restrict access:
  - a. A central courtyard located on Block 1, with minimum dimensions of 90 feet by 60 feet;
  - b. A mid-block north/south pedestrian paseo located on Block 1, with a minimum width of 15 feet and extending from Green Street to Dayton Street;
  - c. A Plaza at the southwest corner of Dayton Street and De Lacey Avenue, with minimum dimensions of 75 feet by 50 feet;
  - d. A mid-block east/west pedestrian paseo located on Block 2 aligned with the continuation of Central Court, with a minimum width of 60 feet and extending from De Lacey Avenue to Pasadena Avenue;

- e. A mid-block east/west pedestrian paseo located on Block 3 aligned with the continuation of Orange Place, with a minimum width of 60 feet and extending from De Lacey Avenue to Pasadena Avenue;
- f. A-green space located on Block 3 immediately abutting De Lacey Avenue, with minimum dimensions of 150 feet by 125 feet;
- g. Two mid-block north/south pedestrian paseos located on Blocks 2 and 3 one of which is aligned with the pedestrian paseo which is located on Block 1, with minimum widths of 20 feet. These pedestrian paseos need not be a continuous straight alignment. However, pedestrian access shall be continuous and unrestricted;
- h. Two mid-block east/west pedestrian paseos (parallel to Dayton and Valley Streets) located on Block 2, with minimum widths of 20 feet. These pedestrian paseos need not be a continuous straight alignment. However, pedestrian access shall be continuous and unrestricted;
- i. Two mid-block east/west pedestrian paseos (parallel to Valley Street and Del Mar Boulevard) located on Block 3, with minimum widths of 20 feet. These pedestrian paseos need not be a continuous straight alignment. However, pedestrian access shall be continuous and unrestricted.

The above areas may be partially overlapped, subject to the review and approval of the Zoning Administrator. Adjustments in size may be approved by the Design Commission so long as the overall square footage of the above areas remains the same.

Any encroachments into the above areas shall be subject to the review and approval of the Zoning Administrator.

- 17. The green space located on Block 3 accessed from De Lacey Avenue, with minimum dimensions of 150 feet by 125 feet shall front De Lacey Avenue.
- 18. A way finding sign program showing the size and location of all signs on the project site shall be submitted to the Departments of Transportation and Planning and Development, and approved by the Director of Planning and Development prior to the issuance of a Certificate of Occupancy. The way finding sign program is intended for the overall review of signage for the project and shall not be construed to be a waiver of the requirement of a building permit for the construction of the signs included on the sign program.
- 19. Any new signage or alterations to signs approved through this permit shall comply with §17.48.010 (Signs) of the Pasadena Municipal Code and shall require a building permit, subject to the review and approval of the Zoning Administrator. Changes to the proposed signage may require a sign exception application.

20. An exterior lighting plan, including specifications of the proposed fixtures, shall be submitted to the Zoning Administrator prior to the issuance of any building permits. No outdoor light sources shall be visible from any location off site. The lighting shall comply with the environmental standards of §17.40.080 (Outdoor Lighting) of the Pasadena Municipal Code.
21. The Department of Public Works and the Design Commission shall review the final design of any outdoor dining area located at the southwest corner of Dayton Street and De Lacey Avenue.
22. No mechanical equipment, with the exception of solar collectors, shall be permitted on any roof unless properly screened, and shall be located in an enclosure designed to be architecturally compatible with the building. Screening of mechanical equipment shall be provided in accordance with Section 17.40.150 (Screening) of the Zoning Code.
23. All trash enclosures shall be provided in accordance with the requirements of Section 17.40.120 (Refuse Storage Facilities) of the Zoning Code. The location of such enclosures shall be approved by the Zoning Administrator and the Department of Public Works.
24. Trash pick-up and loading shall not be performed between the following hours:  
Monday through Friday: 4:00 pm – 9:00 am  
Saturday and Sunday: 2:00 pm – 10:00 am

#### Building

25. The final plans submitted for building permits must show that all Transportation Demand Management (TDM)/Trip Reduction Ordinance (TRO) requirements are met, including bicycle parking.
26. At plan check, all conditions and mitigation measures and their methods of resolution shall be clearly presented in written graphic form and incorporated into the plans at the time of submittal.
27. A final demolition and construction plan shall be submitted to the Department of Public Works prior to preliminary plan check.
28. The applicant or successor in interest shall implement landscaping on the project site if construction activities do not commence within in 60 days of clearing the site of existing buildings or if construction work should stop for unforeseen reasons. Landscaping shall include an above ground irrigation system. The landscaping may be removed once construction activities commence/resume.
29. Prior to the demolition of any building, the applicant shall contact a licensed pest agency to conduct a thorough inspection of the subject property, and if necessary, exterminate any rodents or pests that may exist. This preventive measure will reduce the likelihood of the new development housing any of the

existing population of pests. A complete and final inspection report shall be submitted at the time of application for demolition.

30. The project shall comply with the Green Building Practices Ordinance (PMC 14.90). This requirement applies to Blocks 1, 2 and 3 of the project site. The project must demonstrate environmental soundness by incorporating all of the following:
  - a. Register the building with the USGBC;
  - b. Retain the service of a LEED Accredited Professional and complete the LEED project registration prior to issuance of a building permit;
  - c. Submit the applicable LEED checklist and supporting documentation indicating points meeting at a minimum LEED Certified level incorporated into documentation for a building permit. The LEED checklist shall be prepared, signed, and dated by the project LEED AP. All building documents shall indicate in the general notes and/or individual detail drawings, where feasible, the green building measures employed to attain the applicable LEED rating.
31. A Construction Related Noise Plan is required as part of the Construction Staging Plan. This plan must show the location of any construction equipment and how the noise from this equipment will be mitigated by such methods as: temporary noise attenuation barriers; preferential location of equipment; and use of current technology and noise suppression equipment.
32. The proposed project, Case No. **PLN2004-00488 / MCUP # 4703**, shall comply with all conditions of approval, and is subject to Condition Monitoring by the City Condition Monitoring Coordinator and a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy. Required fees for monitoring and inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permit. Contact the Code Compliance Staff at (626) 744-4633 to verify the fees and to schedule an inspection appointment time. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required fees prior to the stipulations in this condition may result in revocation proceedings of this land use entitlement.
33. A grading plan shall be submitted to and approved by the Zoning Administrator/Building Official prior to the issuance of any grading or building permits.
34. A soils report shall be submitted to the Building Division for approval prior to the issuance of any grading or building permits.

35. All run off shall be directed to the street in an approved drainage device. No runoff, either sheet or directed, shall flow onto adjacent property.
36. The project shall comply with all regulations of the Fire Department (fire detection system, sprinkler system, fire hydrants, water flow, exit signs, etc.) The requirements shall be met for each occupancy type in the project.
37. The project shall comply with Pasadena Ordinance No. 6789 adopting the California Building Code 1998 and other relevant codes.

#### Inclusionary Housing

38. The applicant shall comply with the Chapter 17.42.040 (Inclusionary Housing provisions), the Inclusionary Housing Regulations, and other applicable regulations.
39. Prior to application for Concept Design Review, the applicant shall submit a final Inclusionary Housing Plan for approval by the Office of the City Manager – Housing and Community Development and execute an Inclusionary Housing Agreement. The Agreement shall be recorded against the subject property.
40. The applicant may also provide additional low/moderate income and workforce housing units, which may be financially-assisted by the City, pursuant to negotiations by the applicant with the Office of the City Manager – Housing and Community Development.

#### Public Art

41. The proposed project is subject to the Pasadena Community Development Commission Public Art Program. The Public Art program requires that at least one percent (1%) of the development cost for new commercial, industrial and multi-family development projects within the boundaries of the redevelopment area shall be allocated by the developer to incorporate in their design a public art component.

Applicants are required to develop the art program along with the site design and planning. Consideration to developing the art program should be given to the following parameters:

- a. An art consultant is required for any art project valued at \$25,000 or more. The art consultant should be contracted as soon as possible to work as an integral part of the overall design team from the inception of the project.
- b. The proposed project will not receive Preliminary/Concept Design review without first applying to the Arts Commission for Preliminary/Concept Art Review.

- c. The Arts Commission Concept Review must take place within 45 days of the Design Commission Concept Review.
- d. Application for Final Design Review with the Design Commission will not be deemed complete until the Arts Commission has approved a conceptual art plan or Arts Master Plan.
- e. The Arts Commission Final Design Review must occur within 45 days of the Design Commission Final Design Review.

### Department of Public Works

42. 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.

43. In order to provide for intersection improvements and accommodate Americans with Disabilities Act (ADA) compliant curb ramps, the applicant shall dedicate to the City the land necessary to provide 30-foot radii property line corner rounding at the following locations for street purposes:
  - a. southeast corner of Pasadena Avenue and Green Street
  - b. northeast corner of Pasadena Avenue and Dayton Street
  - c. southeast corner of Pasadena Avenue and Dayton Street
  - d. northeast corner of Pasadena Avenue and Valley Street
  - e. southeast corner of Pasadena Avenue and Valley Street
  - f. northeast corner of Pasadena Avenue and Del Mar Boulevard
  - g. southwest corner of De Lacey Avenue and Dayton Street

- h. northwest corner of De Lacey Avenue and Valley Street
- i. southwest corner of De Lacey Avenue and Valley Street
- j. northwest corner of De Lacey Avenue and Del Mar Boulevard

44. The developers shall construct public improvements in compliance with the Old Pasadena Streetscape and Alley Walkway Plan. The public improvements include installing bicycle racks, bus benches, trash receptacles, and other necessary related work prior to the issuance of a Certificate of Occupancy.

45. Dayton Street and Valley Street have existing sub-standard 8-foot wide parkways on both the north and south sides of the streets and 34-foot wide roadways. In order to provide for standard 10-foot wide parkways, the applicant shall dedicate to the City 2-foot strips of land on both sides of Dayton Street and Valley Street for street purposes.

46. Del Mar Boulevard has an existing sub-standard 9-foot wide parkway on the north side of the street. In order to provide for a standard 10-foot wide parkway, the applicant shall dedicate to the City a 1-foot strip of land along the north side of Del Mar Boulevard for street purposes.

47. De Lacey Avenue has an existing sub-standard 8-foot wide parkway on the west side of the street and a 34-foot wide roadway. In order to provide for a 10-foot wide parkway, the applicant shall dedicate to the City 2-foot strips of land along the west side of De Lacey Avenue, between Dayton Street and Del Mar Boulevard, for street purposes.

48. In order to provide for better traffic movement, the applicant shall construct improvements consisting of concrete curb, gutter, sidewalk, and curb ramp, relocation of affected street lights, signals, and other utilities, modification of existing drainage structures and connector pipes, and other work necessary to construct standard 25-foot radii curb returns at the following locations prior to the issuance of a Certificate of Occupancy for each phased development:

- a. northeast corner of Pasadena Avenue and Dayton Street
- b. southeast corner of Pasadena Avenue and Dayton Street
- c. northeast corner of Pasadena Avenue and Valley Street

- d. southeast corner of Pasadena Avenue and Valley Street
- e. northeast corner of Pasadena Avenue and Del Mar Boulevard
- f. southwest corner of De Lacey Avenue and Dayton Street
- g. northwest corner of De Lacey Avenue and Valley Street
- h. southwest corner of De Lacey Avenue and Valley Street

49. In conjunction with the dedication of strips of land, the applicant shall reconstruct the sidewalk along the frontages of the subject development at the following locations prior to the issuance of a Certificate of Occupancy for each phased development:

- a. Dayton Street
- b. Valley Street
- c. Del Mar Boulevard
- d. De Lacey Avenue

50. The applicant shall repair damaged sidewalk and install curb ramps, as needed, along Valley Street from De Lacey Avenue to Fair Oaks Avenue to provide a safe pedestrian corridor from the development to Central Park and the Gold Line Station at Del Mar Boulevard.

51. In accordance with the Old Pasadena Streetscapes and Alley Walkways Refined Concept Plan, the applicant shall install a new pedestrian crosswalk and push button pedestrian traffic signal on Fair Oaks Avenue at Valley Street to provide a safe pedestrian crossing prior to the issuance of the first Certificate of Occupancy. The traffic signal shall be equipped with video detection.

52. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, avoiding any damage to existing street trees and using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514) of the Department of Public Works, along the

frontages prior to the issuance of a Certificate of Occupancy for each phased development.

53. The proposed development totally encompasses Dayton Street, between Pasadena Avenue and De Lacey Avenue, and Valley Street, between Pasadena Avenue and De Lacey Avenue. As a result of inevitable damage to the street caused by utility service cuts, curb and gutter replacement, and construction vehicles, the applicant shall be responsible for grinding off the full width of the roadways and resurfacing them with 1-1/2 inches of conventional asphalt concrete prior to the issuance of a Certificate of Occupancy for each phased development. All utility services shall be located as closely together as possible and asphalt paving shall be restored contiguously between the most extreme excavation locations.
  
54. 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.
  
55. The applicant shall construct new drive approaches in accordance with Standard Drawing No. S-403.
  
56. If pruning of street trees is required to facilitate the construction of the project, pruning of the street trees shall be done by the City's Parks and Natural Resources Division crew. The applicant shall be responsible for the cost of pruning the street trees and submit to the Department of Public Works a deposit, amount to be determined by the Department and subject to refund or additional billing, for the City crew to prune the street trees.
  
57. The applicant shall plant and maintain, for a period of three years, the officially designated street trees per the City approved master street tree plan on the frontages of the subject development and install and permanently maintain an irrigation system for the new and existing trees. Locations will be finalized in the field by Department of Public Works. Trees must meet the City's tree stock standards and be planted according to the details provided by the Parks and Natural Resources Division. The trees shall be approved by the Forestry Supervisor prior to the issuance of a Certificate of Occupancy for each phased development. Plans for the irrigation system shall be prepared by a landscape architect registered in the State of California and submitted to the Department for review and approval. The number of street trees to be planted are as follows:
  - a. a maximum of one (1) street tree on Green Street;

- b. a maximum of five (5) street trees on De Lacey Avenue;
- c. a maximum of three (3) street trees on Del Mar Boulevard;
- d. a maximum of six (6) street trees on Pasadena Avenue;
- e. a maximum of five (5) street trees on Dayton Street;
- f. A maximum of five (5) street trees on Valley Street.

58. The applicant shall submit to the Department of Public Works a grading and drainage plan and hydrology study for review and approval prior to the issuance of a building permit for each phased development. The grading and drainage plan and the hydrology study shall be prepared by a licensed civil engineer registered in the State of California. The hydrology study shall include calculations for the quantities of storm water runoff for the pre-development and post development conditions and how drainage will be handled. On-site drainage shall be connected to an off-site drainage system whenever possible.

59. If the proposed improvements drain to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. The drain shall discharge to the street by a method approved by the Department of Public Works.

60. Sewage from the development will flow into a capacity deficient sewer in California Boulevard. In order to mitigate the sewer capacity deficiency, the applicant shall:

- a. Replace the existing 8-inch sewer with 12-inch VCP on California Boulevard from Fair Oaks Avenue to 224 feet east of Fair Oaks Avenue prior to the issuance of a Certificate of Occupancy. The City may withhold the Certificate of Occupancy until this condition is fulfilled. The deficient reach is shown on Sewer Plan and Profile Drawing No. 245 from manhole Sta. 4+69.8 to Sta. 2+46.3; and
- b. Submit a non-refundable sewer capacity review fee of \$13,573, prior to the issuance of a grading or building permit. This fee shall pay for (1) a City prepared evaluation of the sewer loading created by this project and the ability of the sewer system to accommodate said flows, and (2) a portion of a Citywide analysis of the capacity of the City sewer system; and
- c. Make a non-refundable payment to the City in the amount of \$53,410 prior to the issuance of grading or building permit for the project's share of

upsizing 236 feet of deficient 8-inch diameter pipe on California Boulevard from Raymond Avenue to 236 feet west of Raymond Avenue; and

- d. Either submit an additional non-refundable sewer capacity deficiency payment of \$99,284 prior to the issuance of grading or building permit, or correct a deficiency of 483 feet of 8-inch diameter pipe on Del Mar Boulevard between Fair Oaks Avenue and Raymond Avenue by installing a larger pipe. Correction of the capacity deposit shall include the cost of design, inspection, construction, and associated costs.

In summary, the applicant shall correct a 224-foot long deficient sewer in California Boulevard, and pay the City \$166,267. The \$166,267 will be reduced to \$66,983 if the applicant elects to correct the deficiency identifies in "d" above.

61. The proposed developments shall connect to the public sewer by a method approved by the Department of Public Works. All sewer connections shall be six-inch diameter vitrified clay pipe with a minimum slope of 2 percent.
62. The existing street lighting system on the development's frontages consists of utilitarian lights (mounted on wood power poles) or is substandard and, therefore, does not meet present design standards. In order to improve pedestrian and traffic safety, the applicant shall install a maximum of five (5) new street lights on or near the frontage of the property, including conduits, conductors, electrical service (if necessary), pull boxes, and miscellaneous appurtenant work prior to the issuance of a Certificate of Occupancy. The type and hardware shall conform to current policies approved by the City Council, and the locations shall be as approved by the Department of Public Works.

The number of streetlights to be constructed is as follows:

- a. A maximum of six (6) street lights on De Lacey Avenue between Del Mar Boulevard and Valley Street;
  - b. A maximum of three (3) street lights on Del Mar Boulevard between Pasadena Avenue and De Lacy Avenue;
  - c. A maximum of thirteen (13) street lights on Pasadena Avenue between Del Mar Boulevard and Green Street.
63. The applicant shall upgrade the traffic signal system on Del Mar Boulevard and Pasadena Avenue, in order to meet current standard, prior to the issuance of a Certificate of Occupancy.
  64. The applicant shall restore and re-paint all existing metal street light and traffic signal poles along the 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 Streetscape and Alley Walkway Specific Plan and specifications. The cost of the street light and traffic signal pole restoration and painting is the applicant's responsibility.

65. If the existing street lighting system along the project frontages is in conflict with the proposed development and/or driveway locations, 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.
66. The applicant shall be responsible for the design, preparation of plans and specifications, and the construction of all required public improvements. Plans for all public improvements shall be prepared by an engineer registered in the State of California. Upon submission of improvement plans to the Department of Public Works, 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.
67. 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.
68. 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 demolition permit for each phase of the development. 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. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.

69. 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.

70. 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 12.04.031, 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 Standard Avenue 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 12.04.035, 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>.

- New Residential Impact Fee Ordinance - Chapter 4.17 of the PMC

The ordinance was established to provide funds to mitigate the impact of new residential development on City parks and park and recreational facilities. A copy of the Residential Impact Fee Information Packet can be obtained at the Permit Center's webpage at: <http://www.cityofpasadena.net/permitcenter/FEES/fees.asp>. The applicant shall make a payment based on the Residential Impact Fee Structure that was amended as of December 3, 2005. Payment of the fee to the City shall be made at the Permit Center at 175 North Garfield Avenue.

- 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.

### **Department of Transportation**

71. The applicant shall prepare a comprehensive circulation analysis and plan that accounts for pedestrian and vehicular (including bicycle) flows throughout the area and incorporate any recommendations into the concept design. This plan shall be available to the Design Commission at the time of concept review.
72. Prior to the issuance of a Building Permit or any other required permit for the project, the applicant shall be required to submit a cash deposit to the City in an amount equivalent to a fair share of all the transportation and transit improvements assumed in the 2004 Mobility Element. This amount shall not exceed \$2,206,000.00.
73. Prior to the issuance of a Building Permit or any other required permit for the project, the applicant shall be required to prepare a construction staging plan consistent with Mitigation Measure 31.4 as described in the Westgate Pasadena FEIR and as approved by the Department of Public Works and the Department of Transportation. See Condition # 67.
74. Prior to the issuance of the Certificate of Occupancy, the applicant shall construct street improvements consisting of curb, gutter, sidewalk, pavement, and other necessary related work required for a right-turn lane for the westbound Del Mar Boulevard traffic to the freeway on-ramp on Pasadena Avenue just north of Del Mar Boulevard consistent with Mitigation Measure 31.1 as described in the Westgate Pasadena FEIR. The improvements may include the relocation of affected street

lights, signals, and other utilities, as approved by the Department of Public Works and the Department of Transportation.

75. The applicant shall implement signal coordination along Pasadena Avenue/St. John corridors from Columbia Street north to Walnut Street consistent with Mitigation Measure 3I.3 as described in the Westgate Pasadena FEIR. The signal coordination will involve installation of fiber optic cable to all the signalized intersections along these routes and connecting to the nearest fiber optic hub(s) that would result in connection of these corridors to the City's Transportation Management Center. The fiber optic installation shall also connect to the traffic signal at Walnut Street and Corson Avenue.
76. The applicant shall fund the cost of data collection, signal coordination studies, field observations, and travel time and delay studies to implement updated traffic signal synchronization timing along all the signals on Pasadena Avenue/St. John corridors between Columbia Street and Walnut Street to fulfill the goal of the Mitigation Measure 3I.3 as described in the Westgate Pasadena FEIR (not to exceed \$75,000.00).
77. Prior to the issuance of the Certificate of Occupancy, the applicant shall prepare a Transportation Demand Management Program Plan that shall conform to the Department of Transportation's standards, which will be subject to review after annually to determine effectiveness of the program (Attachment B.1);
78. Prior to the issuance of the Certificate of Occupancy, the applicant shall install transit information display cases in public areas and way-finding signage throughout the project area as approved by the Department of Transportation to encourage pedestrian activity and the use of public transit.
79. Prior to the issuance of the Certificate of Occupancy, the proposed project shall participate in the Citywide Transportation Performance Monitoring Program (not to exceed \$75,000); and
80. The proposed project shall participate in the City's Bikeway Program for upgrading signage, refurbishing or modification to existing bicycle lanes, installation of new bike racks, etc., in addition to the Zoning Code bicycle parking requirements (not to exceed \$40,000)
81. The applicant and successor in interest shall implement the following Smart Growth measures, per letter from Sares-Regis Group to Planning Commission dated February 16, 2006:
  - a. Fund the installation of tactile paving and countdown pedestrian crossing signals at the intersections of De Lacey/Green, Fair Oaks/Green, Fair Oaks/Valley and Del Mar/Fair Oaks.
  - b. Provide pedestrian amenities in the form of benches, trash receptacles, and lighting in and around the project site.

- c. Provide a transit kiosk in the project lobby with information regarding bus routes and schedules, ride share and carpool information, and copies of the City's Bicycle Master Plan.
- d. Provide a certified Transportation Management Coordinator on site to advise residents of transportation alternatives.
- e. Provide space in the project's parking structure for use by a local car share provider, and inform project residents about the benefits of the program.
- f. Provide three electric, zero emission vehicles for use by project tenants for short range trips.
- g. Dedicate a space in the project's parking structure for delivery vehicles from local grocery stores.
- h. Negotiate with local grocery stores to provide a dedicated preferential parking space for zero emission vehicles.
- i. Provide bicycle storage in the form of lockers and racks in excess of the requirements set forth in the City's Municipal Code.

**BOARD OF ZONING APPEALS  
STAFF REPORT  
AUGUST 1, 2006**

**CALL FOR REVIEW**

**SUBJECT:** Minor Conditional Use Permit #4703

**LOCATION:** Three contiguous blocks bound by Green Street to the north, DeLacey Avenue to the east, Del Mar Boulevard to the south and Pasadena Avenue to the west

**APPLICANT:** Sares-Regis Group

**ZONING DESIGNATION:** CD-1

**GENERAL PLAN DESIGNATION:** Central District Specific Plan

**PROJECT MANAGER:** Vincent Gonzalez

**CASE MANAGER:** Robert Ávila

**STAFF RECOMMENDATION:**

1. Certify the Final Environmental Impact Report (ATTACHMENT A) and adopt the Mitigation Monitoring Reporting Program (ATTACHMENT B);
2. Adopt by resolution the Findings of Fact (ATTACHMENT C) and Statement of Overriding Considerations (ATTACHMENT D);
3. Adopt the Specific Findings for Minor Conditional Use Permit (MCUP) and Tree Removal (ATTACHMENT E);
4. Recommended Conditions Of Approval as presented (ATTACHMENT F),
5. Approve the proposed MCUP.

**HEARING OFFICER'S RECOMMENDATION:**

1. Certify the Final Environmental Impact Report (ATTACHMENT A) and adopt the Mitigation Monitoring Reporting Program (ATTACHMENT B);
2. Adopt by resolution the Findings of Fact (ATTACHMENT C) and Statement of Overriding Considerations (ATTACHMENT D);
3. Adopt the Specific Findings for Minor Conditional Use Permit (MCUP) and Tree Removal (ATTACHMENT E);
4. Recommended Conditions Of Approval **as modified** (ATTACHMENT F),
5. Approve the proposed MCUP.

**ENVIRONMENTAL DETERMINATION:** Pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Guidelines, a Final Environmental Impact Report (FEIR) was prepared for the proposed Westgate Pasadena Project. The FEIR finds that all potential impacts could be mitigated to a less than significant level with the exception of

impacts to Air Quality (construction, operation and cumulative emissions would exceed AQMD thresholds).

With implementation of the mitigation measures listed in the Mitigation Monitoring Reporting Program (MMRP) for the FEIR, the proposed projects impacts would be reduced; however, not all of the impacts would be reduced to a less-than-significant level. Therefore, the proposed project would have an unavoidable significant impact (air quality) and a Statement of Overriding Considerations is required. The Mitigation Monitoring Reporting Program (MMRP) is attached to this application for review and adoption, ATTACHMENT C. An errata sheet dated June 2006 has been prepared to clarify pertinent statements relative to findings in the FEIR analysis (public services and noise). The errata does not raise new information or substantial changes to the EIR.

In December 2005, a Draft EIR was prepared to address project related impacts and circulated for public comment. The Planning Commission, Transportation Advisory Commission, Design Commission, and Historic Preservation Commission reviewed the Draft EIR during the 60-day public comment period. The Final Environmental Impact Report was release for public review on May 1, 2006.

Since the release of the FEIR on May 1, 2006 staff has identified additional errata and has prepared a correction sheet to be attached to the FEIR as ATTACHMENT A.1. These errata also do not raise new information or substantial changes to the EIR.

#### **ADDENDUM TO STAFF REPORT:**

On June 15, 2006, the Hearing Officer adopted staff's recommended findings, the Statement of Overriding Considerations, certified the FEIR and Mitigation Monitoring and Reporting Plan, and approved Minor Conditional Use Permit #4703 with conditions. The Zoning Hearing Officer modified conditions #'s 13, 73 and deleted condition 16f and 17 at the request of the applicant during the public hearing.

The applicant, Sares-Regis, Group, requested entitlements to allow construction of a new urban village encompassing three contiguous blocks with 820 residential units and approximately 22,154 square feet of ground floor retail with 1,693 underground parking spaces. The proposed project (height, setbacks, open space, parking, residential density, floor area ratio, specifications for ground floor uses, and sidewalk design) is consistent with the Central District Specific Plan (CDSP). The Westgate Pasadena development is the first major project to be proposed in the Central District since the adoption of the Central District Specific Plan in November 2004.

#### Transit Oriented Development

The project is located within the Central District Transit-Oriented District (TOD) in the proximity of the Gold Line Station at Del Mar Boulevard and Raymond Avenue. The TOD zone establishes standards for development located within walking distance of a major transit stop designed for pedestrians without excluding motor vehicles. Transit-oriented development can be new construction or redevelopment of one or more structures whose design and orientation facilitate transit use. The Zoning Code does not require discretionary approval for multifamily residential land uses located within the Central District TOD. However, non-residential development over 15,000 square feet located within the TOD requires a Minor Conditional Use Permit (MCUP) per PMC §17.50.340 (Transit-Oriented Development). The Central District

development standards allows for both vertical and horizontal integration of transit-oriented uses.

To protect residential neighborhoods and to create mixed-use urban environments oriented to transit and pedestrian activity, the Land Use Element targets higher density development into specific areas. The Central District Specific Plan (CDSP) provides a number of exhibits to illustrate application of standards within the District. One CDSP exhibit that was not included with the Hearing Officer Staff report but is provided herein is District-wide Map 12: Housing / Ground Floor Concept (Page 129). This exhibit depicts allowable ground floor occupancies throughout the Central District. The project area has been outlined in red for ease of reference. As shown, the project area clearly allows residential uses on the ground floor for all street frontages except for Green Street and the southwest corner of Dayton Street and DeLacey Avenue. This was an issue that was raised by legal counsel for the neighborhood association opposing the project.

As the project is designed, Block 1 will have two levels of residential dwelling units over ground floor retail fronting Green Street. Block 2 is designed to have a plaza measuring approximately 75 feet by 50 feet located at the southwest corner of DeLacey and Dayton which will be enclosed by retail along the west and south building elevations. Ground floor retail will continue to front the building footprint southward along DeLacey Avenue to the mid-block pedestrian paseo. Hence, 50% of the DeLacey block frontage between Dayton and Valley Streets will be commercial retail uses. This is consistent with the Central District Specific Plan. In conclusion, the applicant has designed commercial/retail space into the project site plan where required by the Specific Plan.

#### Residential Density / Affordable Housing

There were some comments made at the previous public hearing about the appropriateness of the density bonus and its application to the project. Blocks 1 and 2 will be developed to the City's Inclusionary standards of 15% affordable units. The applicant is taking a 35% density bonus for providing on site 20% of the total residential units as low-income units per the provisions of SB1818. This density bonus only applies to Block 3. As a development incentive provided by the State of California, the entitlement is not subject to denial by the City of Pasadena. However, the City currently is developing a Density Bonus Review for Government Code Section 65915 density bonus projects that are seeking concessions, waivers and incentives from local design guidelines and development standards. This review will bring additional analysis to density bonus projects to ensure compatibility with the surrounding neighborhoods. The Westgate applicant does not seek any concessions, waivers and incentives to develop the proposed project. Consequently, the proposed project will not be subject to the Density Bonus Review.

Contrary to public comment, the City cannot refuse to grant a density bonus requested pursuant to Government Code Section 65915. However, the City may deny the granting of concessions, waivers and incentives if written findings are that:

1. The concession or incentive is not needed to provide affordable housing; or
2. That the concession or incentive would have a specific adverse impact on health and safety, the environment, or an historical resource.

Under the General Plan, affordable units are exempt from the caps of the specific plans as a development incentive. The General Plan addresses affordable housing as outlined below.

**OBJECTIVE 3 – AFFORDABLE HOUSING:** Encourage the retention and creation of affordable housing throughout Pasadena by providing sufficient land and densities to develop new affordable housing.

**Policy 3.1 – Exemption for Affordable Housing:** Allow development of residential units exceeding the intensity standard for a specific plan area if the units are ownership units affordable to moderate, low, or very low income households, or rental units affordable to low or very low income households, or senior housing, unless the specific plan establishes otherwise in order to achieve the purposes of Policy 15.3, equitable distribution of affordable housing throughout the city.

**Policy 3.2 – Density:** Increase densities in certain areas, including Mixed Use and Urban Village areas, to encourage the production of affordable housing – ownership units affordable to moderate, low and very low income households, rental units affordable to low or very low income households, or senior housing.

**Policy 10.11 – Affordable Housing:** Encourage the retention and creation of affordable housing throughout Pasadena for the local labor pool.

**Policy 15.1 – Sizes and Types:** Provide a range of housing sizes and types for the many sizes and types of families in the community.

**Policy 15.2 – Increase Supply:** Increase the total number of market rate and affordable housing units within the City.

**Policy 15.3 – Equitable Distribution:** Increase, where feasible, the equitable distribution of affordable housing throughout the City, including an Inclusionary Zoning Ordinance.

### Traffic and Circulation

The proposed project is consistent with the Mobility Element of the General Plan and other planning and transportation policy documents prepared to guide development in the Central District. The redevelopment of the Westgate Pasadena project site on the scale and intensity of the proposed project has been anticipated since the adoption of the West Gateway Specific Plan in July 1998. Under this plan, 1,000 dwelling units were assigned to the South DeLacey Corridor Sub-area alone. This allocation of residential units and resulting trip generation was considered in the creation of development intensities for the Central District Specific Plan when it was adopted concurrently with the Mobility Element in November 2004. The City has crafted policies to address reducing development impacts from anticipated development and is committed to implementing measures to resolve transportation issues. Therefore, the FEIR correctly concludes that traffic impacts would be less than significant since the Westgate Pasadena development falls within the parameters of anticipated development in the Central District.

The applicant voluntarily accepted a project condition for payment of a pro-rata share to install transportation improvements identified under the Mobility Element within the vicinity of the project. As a result, the traffic report could assume construction of the Mobility Element improvements when analyzing the project's cumulative impacts. The FEIR does not require payment of the City's transportation impact fee as a mitigation measure. (The Council adopted the impact fee at its meeting on July 17, 2006, and instructed the City Attorney's Office to return with an implementing ordinance within 90 days.)

The City has received public comment questioning the integrity of the traffic analysis and requesting peer review of the EIR traffic analysis for adequacy and consistency with the Mobility Element. As is established practice, the consultant team selected to prepare the environmental impact report is under contract to the City of Pasadena. The relationship of the consultant relative to the project is exclusive to the City. The applicant does not have communicative privileges with the consulting team. Therefore, inferences of bias in the FEIR are unfounded. The applicant's traffic consultant conducted a peer review of the FEIR for the first time during the public comment period, and did not offer criticism of the analysis.

The Transportation Advisory Commission and a representative from the local neighborhood association have inquired about the level of service (LOS) being set at service level E for certain intersections. In the Mobility Element, the traffic analysis identified 42 intersections that would be operating at LOS F in the General Plan horizon year of 2015 without implementation of mitigation measures. The Mobility Element concluded that the affected intersections with LOS F could be brought up to LOS E with the implementation of traffic improvements. The build out scenario anticipated in the horizon year included the development of a project similar in size and scale to the Westgate project. At the start of the horizon year, the Westgate FEIR concludes that the 42 intersections would still be operating at LOS E as indicated in the Mobility Element EIR. This is consistent with the conclusions of the Mobility Element.

The traffic consultant hired by the City to prepare the Mobility Element traffic analysis and model happens to be the same team hired to prepare the Westgate analysis. The result of this continued association is that the knowledge of the City's newly adopted traffic modeling requirements are carried forward from the Mobility Element and into the Westgate FEIR.

Public comment was made that the term "cumulatively considerable" was incorrectly applied in this project. State CEQA Guideline Section 15130 states that an EIR shall discuss cumulative impacts of a project when the "project's incremental effect is cumulatively considerable." Cumulatively considerable is defined in State CEQA Guideline Section 15065 as "the incremental effects of an individual project that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." As the FEIR concludes, the incremental effects of this project are not significant when viewed in connection with the list of projects, and are thus not "cumulatively considerable." The term was applied correctly.

The comment was made that the City did not respond to comments made during the scoping meetings when it drafted the EIR. CEQA does not envision responses to scoping comments, but instead those comments should be used, where appropriate, to guide the analysis set forth in the EIR. The City weighed every scoping comment made in shaping the analysis in the EIR, and applied those that were applicable.

No additional information has been submitted to cause staff to alter its recommendation, or that would require additional CEQA analysis. Therefore, staff is recommending that the Board of Zoning Appeals adopt the Staff Recommendations set forth above.

Attachments to the Hearing Officer Staff Report have been relabeled to facilitate discussion and action by the Board. There have been no text changes.

#### **ADDENDUM TO HEARING OFFICER REPORT:**

The public hearing concerning this matter was conducted on July 15, 2006, at the Little Theater in the Convention Center. Approximately sixty people attended the hearing. A number of City Departments were represented at the hearing, including the Office of the City Attorney, Department of Transportation, and the Public Works Department. Less than ten letters for and against the request were received before the hearing.

The applicant and applicant's representative spoke in favor of the request, the applicant stated that they had worked hard to make this development conform to all of the City of Pasadena's regulations. The project fully complies with the Central District Specific Plan (CDSP) and associated zoning regulations. The project is located in the Old Pasadena Transit Village area of the CDSP, which is designated residential as the principal use. The proposed project complies with the CDSP intent to achieve an over all balance between residential and commercial components of the whole Old Pasadena District. The project is a permitted use and fully complies with all required zoning regulations including residential density, floor area, building height, parking regulations, and open space. The Draft Environmental Impact Report (DEIR) was the subject of public hearings before the Transportation Advisory Commission, the City Design Commission, the Historic Preservation Commission and the City Planning Commission. Comments received during the public circulation period were incorporated into the Final Environmental Impact Report (FEIR). The proposed project would provide a well designed, attractive project with landscaped residential areas and generous open space areas that will be well integrated into the Old Pasadena area.

Approximately sixteen people spoke in favor of the request. Those that spoke in favor of the request were from the Chamber of Commerce, a church in the area, an adjacent condominium property owner, people that have lived in the area and those interested in this development and the development of Pasadena. They all appeared to be enthusiastic about the proposed project and felt that it would be good for the area and the city. Some indicated that this is a blighted area and the development of the area with residential uses would make Old Pasadena a more balanced community. There were those that were glad to see that the project would include affordable housing. One speaker, in favor of the project, felt that it should have more commercial.

Six people spoke in opposition. Five of those that spoke in opposition of the request spoke almost exclusively about the traffic and circulation problems the proposed development would create. They uniformly believed that the traffic and circulation portion of the FEIR failed to adequately study the traffic impact on the community and that the FEIR fails to measure traffic increases against intended policy guidelines set by the City Council in the General Plan Mobility Element. One speaker in opposition did have two specific concerns more directly related to land use. She felt that the development did not conform to the following zoning requirements. (1) The project does not conform to the required 50 percent pedestrian-oriented ground floor in

proposed buildings on the DeLacey Avenue street frontage PMC17.30.030.B. and (2) Housing on ground floor is prohibited in the project area. PMC.17.30.030.C2.a.

The Planning Department staff recommended approval of the Minor Conditional Use Permit and Certification of the Final Environmental Impact Report. I concurred with this recommendation and approved the application with a few minor changes of several conditions. I approved this application primarily because I believe that this project is in full conformance with the recently adopted Central District Specific Plan and the zoning regulations. I also believe that the FEIR more than adequately addresses all necessary environmental areas, including traffic and circulation, and with the Statement of Overriding Considerations, I Certified the FEIR. I believe that this development is well thought out and represents good planning. The addition of this large, mixed use, primarily residential development into the Old Pasadena area will be good for this area and the City of Pasadena.

Hearing Officer Modifications To Conditions Of Approval (Thursday, June 15, 2006)

- 13—To avoid uniformity throughout the site, the project design shall provide for architectural variety throughout the project to the satisfaction of the City and its Design Commission. The project team, including multiple regionally significant architects and designers with experience in urban infill projects and working in a historic context, shall successfully demonstrate the ability to provide this variety prior to undertaking concept project designs. ~~The composition of the project team shall be subject to the approval of the Director of Planning and Development.~~
  
- ~~16-f—A green space located on Block 3 immediately abutting De Lacey Avenue, with minimum dimensions of 150 feet by 125 feet;~~
  
- ~~17—The green space located on Block 3 accessed from De Lacey Avenue, with minimum dimensions of 150 feet by 125 feet shall front De Lacey Avenue.~~
  
- 73—Prior to the issuance of a Building Permit or any other required permit for the project, the applicant shall be required to prepare a construction staging plan consistent with Mitigation Measure 31.4 as described in the Westgate Pasadena FEIR and as approved by the Department of Public Works and the Department of Transportation. See Condition # 66 67.

- ATTACHMENT A—Final Environmental Impact Report (FEIR) and Errata (A 1)
- ATTACHMENT B—Mitigation Monitoring and Reporting Program (MMRP)
- ATTACHMENT C—Hearing Officer Findings of Fact
- ATTACHMENT D—Statement of Overriding Considerations
- ATTACHMENT E—Hearing Officer Recommended Conditions of Approval
- ATTACHMENT F—Hearing Officer Staff Report