

ATTACHMENT E

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~~ architectural firms 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.~~
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. Each of these open spaces shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access.
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~~ a minimum area of 5,400 square feet. This courtyard shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access;

- 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. This paseo shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access;
- c. A rectangular plaza at the southwest corner of Dayton Street and De Lacey Avenue, with ~~minimum dimensions of 75 feet by 50 feet~~ a minimum area of 3,750 square feet. This plaza shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access;
- 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~~ 40 feet and an average width of 50 feet and extending from De Lacey Avenue to Pasadena Avenue. This paseo shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access;
- 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~~ 35 feet and an average width of 45 feet and extending from De Lacey Avenue to Pasadena Avenue. This paseo shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access;
- f. A green space located on Block 3 immediately abutting De Lacey Avenue, with ~~minimum dimensions of 150 feet by 125 feet~~ a minimum area of 13,000 square feet. This space shall be publicly accessible during daylight hours and shall not include any physical barriers to restrict pedestrian access;
- g. ~~Two~~ A 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 a minimum widths of 20 feet. ~~These~~ This 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~~ a minimum area of 13,000 square 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 was in effect at the time ~~these conditions are met~~ the application was deemed complete. 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 31.3 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 31.3 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 E.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.

ATTACHMENT E.1

Transportation Demand Management Program Plan

Section 1: Project Description:

- Type of use(s) (e.g., residential multi-family, mixed use)
- Square footage (total and by type of use)
- Site plan showing building entrances relative to parking facilities, public sidewalks, and street(s). Plans of parking facilities should also be provided.
- Estimate of building population
- Hours of operation for common areas – normal and after hours

Section 2: Site Conditions Affecting Peak Period Travel:

This section will provide both a narrative description and site plans that show the following conditions that may affect peak period travel patterns:

- building location
- neighboring streets
- locations of transit stops (bus and/or rail)
- location and amount of on and off-site parking that is dedicated to the site
- bicycle routes/lanes/paths
- pedestrian routes to the project site
- Amenities, if any, serving the site (e.g., ATM, food services).

Section 3: TDM Program Measures:

This section will provide a description of the measures that will be implemented to reduce peak period travel demand, including how the actions will be implemented, and a schedule. TDM Programs shall include:

- The name and contact information for the Project's certified Transportation Management Coordinator.
- Budget for the proposed program including anticipated expenditures by program element.

- Commuter ride matching – describe how and how often the service will be provided.
- Bicycle parking - Identify the location of spaces on site or parking facility plan.
- Transportation information area - Identify the location on site where information will be available. Describe the type of display area and or technology that will be used to provide information, i.e., static display boards; web based on-line access to information; interactive kiosks, etc.
- Marketing and information about travel demand management – Describe the type of activity, frequency, and materials to be produced (e.g., brochure, access guide). Information about the multimodal nature of the Project location will be part of the Projects promotional materials. This will include transit routes, Gold Line access, and pedestrian and bike route information.
- Management of Project resident parking spaces – describe how the parking spaces for each unit beyond the first space will be allocated. Should a unit have a second or more space assigned; the cost of the space(s) will be separate from the lease of the unit.
- Additional actions may include car-sharing parking spaces.

Section 4: Monitoring:

- TDM Program Plans shall have a statement committing the property owner to account for usage of TDM Program measures and describing how usage of TDM Program measures will be monitored.
- TDM Program Plans shall have a statement committing the property owner to reporting on the TDM Program annually in a manner prescribed by City requirements (e.g., Annual Status Report.).

Evaluation of TDM Programs

TDM Programs shall be evaluated by City staff using the following criteria:

- Completeness and accuracy
- Appropriateness of the proposed measures to achieve the performance objective given the project's characteristics and setting
- Documentation to support measures being proposed
- Clarity of statements of commitment to implement and operate the TDM Program

Annual Status Reports

TDM Program Plans will be reviewed and approved annually by the Director of Transportation. Annual Status Reports will be reviewed to determine if property owners have implemented and/or maintained the TDM Program. City staff may request auditable documentation to determine compliance.

Commitment to Continuing Operation

Property owners subject to trip reduction requirements shall record a Covenant and Agreement to a property's Codes, Covenants and Restrictions (i.e., CC&Rs) that make the TDM Program a condition of property ownership. The CC&Rs shall include provisions to:

- Guarantee adherence to the TDM objectives and perpetual operation of the TDM program for all legal parcels within the site regardless of property ownership.
- Inform all subsequent property owners of requirements of the TDM plan.
- Inform the City of Pasadena Transportation Department of any change in property ownership.
- Identify consequences of non-performance.

Enforcement

Property owners shall submit an Annual Status Report and relevant data/reports to document compliance with the TDM Program Plan. The City shall monitor such compliance in a manner it deems appropriate and reasonable. Monitoring mechanisms may include, but not be limited to, the following:

- Printed documentation of site features
- Field-site inspections by City staff

Failure to comply includes:

- Submit a TDM Program
- Implement measures contained in approved TDM Programs
- Submit Annual Status Reports

The City shall issue a written notice of non-compliance to owners of properties that are out of compliance. The notice shall indicate the cause for non-compliance (e.g., failure to submit an approved TDM Program or Annual Status Report) and identify actions necessary to attain compliance. Property owners shall be given 90 days to provide documentation of compliance.

Failure to attain compliance may result in one or more of the following actions:

- Withholding issuance of building permits, certificates of use and occupancy, and/or other City issued permits or licenses
- Issuing a stop work order
- Assessment of civil penalties, to be set by the City Council, for each day a property owner is found to be out of compliance.