

**ATTACHMENT A**  
**Specific Findings of Fact for Adjustment Permit #11612**  
**and Conditional Use Permit #5317**

**Approval of Adjustment Permit:** Adjustments to exceed maximum allowable height in two height districts; to exceed maximum allowable Floor Area Ratio (FAR) in one FAR district; to reduce the required number of loading spaces from five to two; and to increase the required zero-foot setback on S. El Molino Avenue.

*The proposed development is:*

1a. *Allowed within the subject base zoning district* in that the CD-5/AD-2 zoning district allows for commercial office and retail uses. The project is allowed with the approval of: Adjustment Permit to exceed height, to exceed floor area ratio, to reduce the number of required loading spaces, and to reduce the building setback on S. El Molino Avenue; Conditional Use Permit for a new development of over 25,000 square feet; Minor Conditional Use Permit for Commercial Parking; Minor Conditional Use Permit for Transit-Oriented Development; Floor Area Ratio Increase of Ten Percent; and Private Tree Removal.

1b.(1). *In conformance with the Criteria identified in 17.61.070(D) of the Zoning Code:*

1.b.(1)D.1. *The land involved shall be a minimum of 0.5 acres in area and shall be either in one or multiple ownership(s) filed jointly by the owner(s) of all of the property included. The subject site is 1.3 acres. The application was submitted by existing property owner and reviewed for compliance with all applicable development standards.*

1.b.(1)D.2. *The proposed development shall be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan, and shall result in a comprehensive development incorporating a more enhanced environment and architectural excellence than would normally be possible under more standard district development requirements.*

The project is consistent with several General Plan goals and objectives, including:

**See Attachment F.**

The project is consistent with several policies, goals, and objectives of the Central District Specific Plan, including:

See **Attachment F**.

In addition, the project is a comprehensive commercial development with a combination of retail and office uses. The project includes pedestrian-oriented retail development facing the streets, and the unique site plan joins the existing retail development of the Arcade building to create a pedestrian-oriented retail node near the Pasadena Playhouse. The Adjustments to height, floor area, and loading allow for flexibility in the location of floor area on the site to provide a public-use pedestrian paseo that links the subject building to the Arcade building, an established pedestrian retail and dining destination with historic architectural features. The Adjustment to provide an increased building setback on S. El Molino Avenue allows for a greater sidewalk width on the existing narrow street, additional open space for public use, and greater distance between the subject building and existing commercial development on the west side of the street. The Adjustment to height and floor area allow for flexibility in building masses that create greater variation among the modules with step backs on the upper floors, which subsequently help to achieve balance among vertical and horizontal architectural features of the building.

- 1.b.(1).D.3. *The various elements of the proposed plan, including structures, grounds, and open space, shall relate to one another in a manner that forms a comprehensive plan of sufficient unity to justify exceptions, if any, to the standard district development requirements identified in this Zoning Code.* The project is a comprehensive development that includes three different height districts and two different floor area districts. The project includes pedestrian-oriented retail development facing the streets, and the unique site plan joins the existing retail development of the Arcade building to create a pedestrian-oriented retail node near the Pasadena Playhouse. The Adjustments to height, floor area, and loading allow for flexibility in the location of floor area on the site to provide a public-use pedestrian paseo that links the subject building to the Arcade building, an established pedestrian retail and dining destination with historic architectural features. The Adjustment to provide an increased building setback on S. El Molino Avenue allows for a greater sidewalk width on the existing narrow street, additional open space for public use, and greater distance between the subject building and existing commercial development on the west side of the street. The Adjustment to height and floor area allow for flexibility in building masses that create greater variation among the modules with step backs on the upper floors, which subsequently help to achieve balance among vertical and horizontal architectural features of the building.
- 1.b.(1).D.4. *The proposed development shall not adversely affect adjacent properties.* The Final EIR found that none of the adjustments (height, floor area, reduced number of loading spaces, and reduced setback) have an adverse environmental effect on any adjacent property, and no known

negative land use effects have been identified as a result of the Adjustment Permit. The Final EIR determined that the traffic generated by the proposed project would have unavoidably significant impacts on two traffic segments on El Molino Avenue. However, even without the adjustments, the traffic generated by the proposed floor area of office and retail uses would still result in the two unavoidably significant impacts. Therefore, a Statement of Overriding Considerations is required for the proposed project. The FEIR determined that other environmental impacts with mitigations would be less than significant.

1.b.(1)D.5. *Where applicable, the Adjustment Permit provides the flexibility in development standards necessary to preserve a significant historic landmark, resource, site, or structure.* The project includes a pedestrian paseo that connects to the existing Arcade building to the west, which is a two-story commercial structure that has historic architectural features. The project proposal would enhance the pedestrian activity in the Arcade building. In addition, the project proposes 155 public parking spaces that could be used by customers attending events at the landmark Pasadena Playhouse, thereby enhancing the viability of the Playhouse.

1b.(2) *The proposed development is in conformance with the goals, policies, and objectives of the General Plan and the intent of the Central District.*

**See Attachment F.**

1.b.(3) *The proposed development is applicable to the provisions of the Zoning Code relating to both on-and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose and intent of the CD-5/AD-2 zoning district.* The proposed project will comply with all on- and off-site improvements as required by all City departments. The project carries out the purposes of the CD-5/AD-2 zoning district: it implements the purposes of the Central District Specific Plan which targets the area for commercial development; economic development contributes to the existing pedestrian-oriented character of E. Colorado Boulevard and S. El Molino Avenue; and provides public parking in the Playhouse District.

2. *The proposed project would produce a comprehensive development incorporating a more enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, inc.) than would normally be possible under more standard district development requirements.* The project is a comprehensive commercial development with a combination of retail and office uses. The project includes pedestrian-oriented retail development

facing the streets, and the unique site plan joins the existing retail development of the Arcade building to create a pedestrian-oriented retail node near the Pasadena Playhouse. The Adjustments for height, floor area, and loading allow for flexibility in the location of floor area on the site to provide a public-use pedestrian paseo that links the subject building to the Arcade building, an established pedestrian retail and dining destination with historic architectural features. The Adjustment to provide an increased building setback on S. El Molino Avenue allows for a greater sidewalk width on the existing narrow street, additional open space for public use, and greater distance between the subject building and existing commercial development on the west side of the street. The Adjustment to height and floor area allow for flexibility in building masses that create greater variation among the modules with step backs on the upper floors, which subsequently help to achieve balance among vertical and horizontal architectural features of the building.

3. *The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.) would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and base zoning district in which the property is located.* The project would have emergency vehicle access from a new driveway on S. El Molino Ave. In addition, the project includes a pedestrian paseo, setbacks, and step backs that allow for increased access. The existing infrastructure in the vicinity can provide adequate public services and utilities for the development. The Fire, Transportation, Public Works, Water and Power Departments have evaluated the project and set conditions to assure that the project does not endanger, jeopardize or otherwise constitute a hazard to public health and safety.
- 4.a. *The subject site is physically suitable for the type and density/intensity of development being proposed.* The site is a relatively flat property located in an urbanized area. The Zoning Code and Central District Specific Plan allow for commercial uses on the site. The proposed project is allowed with the approval of the Adjustment Permit and other requested entitlements. The site has adequate vehicular and/or pedestrian access from S. El Molino Avenue and E. Colorado Boulevard.
- 4.b. *The subject site is adequate in shape and size to accommodate the proposed development.* The site is rectangular shaped with access from S. El Molino Avenue and E. Colorado Boulevard. The project proposes a 75-foot building (five stories) and a subterranean parking garage. The project is allowed with the approval of the Adjustment Permit and other requested entitlements. There are other mixed-use and commercial buildings in the vicinity of the project site that are similar in size and use.

5. *The public need for, and the positive benefits to be derived from, the proposed project clearly outweigh any of the potential unavoidable negative effects it may cause.* The Final EIR found that none of the adjustments (height, floor area, reduced number of loading spaces, and reduced setback) have an adverse environmental effect on any adjacent property, and no known negative land use effects have been identified as a result of the Adjustment Permit. The Final EIR determined that the traffic generated by the proposed project would have unavoidably significant impacts on two traffic segments on El Molino Avenue. However, even without the adjustments, the traffic generated by the proposed floor area of office and retail uses would still result in the two unavoidably significant impacts. Therefore, a Statement of Overriding Considerations is required for the proposed project. The FEIR determined that other environmental impacts with mitigations would be less than significant.
6. *Where applicable, the Adjustment Permit provides the flexibility in development standards necessary to preserve a significant historic landmark, resource, site, or structure.* The project includes a pedestrian paseo that connects to the existing Arcade building to the west, which is a two-story commercial structure that has historic architectural features. The project proposal would enhance the pedestrian activity in the Arcade building. In addition, the project proposes 155 public parking spaces that could be used by customers attending events at the landmark Pasadena Playhouse, thereby enhancing the viability of the Playhouse.

**Approval of Conditional Use Permit: For a Non-Residential Project over 25,000 Square Feet**

7. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code in that the project is allowed with a Conditional Use Permit and the requested entitlements.* The project will be in compliance with the required findings and with conditions to ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.
8. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the PS zoning district in that the project proposed commercial (office, retail, and commercial parking) uses.* These uses are allowed in the CD-5/AD-2 zoning district with the requested entitlements.
9. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the Central District Specific Plan.*

**See Attachment F.**

10. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental to the health, safety, or general welfare or local residences and commercial establishments in the neighborhood. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR determined that all other potentially significant environmental impacts can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.
11. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR determined that all other potentially significant environmental impacts, including impacts from temporary construction of the project, can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.
12. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.* With the approval of an Adjustment Permit to exceed maximum allowable height and to exceed maximum allowable Floor Area Ratio, and a Floor Area Increase of Ten Percent, the project is compatible with existing and future land uses, aesthetic values, character, scale, and view protection in the vicinity. The existing neighborhood is developed with a mix of commercial, residential, and institutional land uses. The existing neighborhood includes buildings of different heights, construction types, vintages, and architectural character. The general design, site plan, pedestrian orientation to the streets and sidewalks, and the public-use paseo are in character with other development in the vicinity. The design characteristics of the project will be

reviewed in the Design Review process to ensure compliance with the applicable design guidelines.

**Approval of Minor Conditional Use Permit: Transit-Oriented Development**

13. *The project consists of a use or mix of uses, that encourage transit use and is oriented toward the transit user.* The project includes 14,407 square feet of ground floor retail use and 145,422 square feet of office use. The majority of the persons using the building will be employees who are able to use the Gold Line and/or local bus service to commute to the site. The project will include on-site bicycle parking spaces for cyclists that work and visit the site.
14. *The project is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit.* The project includes ground floor retail uses that are oriented toward E. Colorado Boulevard and S. El Molino Avenue. The project has been designed to comply with the reduced number of on-site parking stalls in compliance with the Transit-Oriented Development standards of the Zoning Code. The project is site is accessible by users of the Gold Line. The project will include on-site bicycle parking spaces for cyclists that work and visit the site.
15. *The project encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.* The project includes ground floor retail uses that are oriented toward E. Colorado Boulevard and S. El Molino Avenue. The project has been designed to comply with the reduced number of on-site parking stalls in compliance with the Transit-Oriented Development standards of the Zoning Code. The project includes bicycle parking for employees and visitors. The project is site is accessible by users of the Gold Line. The project will include on-site bicycle parking spaces for cyclists that work and visit the site.
16. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The CD-5/AD-2 zoning district allows for commercial office and retail uses. The project is allowed with the approval of: Adjustment Permit to exceed height, to exceed floor area ratio, to reduce the number of required loading spaces, and to reduce the building setback on S. El Molino Avenue; Conditional Use Permit for a new development of over 25,000 square feet; Minor Conditional Use Permit for Commercial Parking; Minor Conditional Use Permit for Transit-Oriented Development; Floor Area Ratio Increase of Ten Percent; and Private Tree Removal.
17. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the CD-5/AD-2 zoning district.* The proposed commercial project and subterranean parking garage are allowed

in the CD-5/AD-2 zoning district. This district allows for a variety of land uses, including commercial, office, residential, and mixed-use.

18. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

**See Attachment F.**

19. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental to the health, safety, or general welfare or local residences and commercial establishments in the neighborhood. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR determined that all other potentially significant environmental impacts can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.
20. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The project will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR determined that all other potentially significant environmental impacts, including impacts from temporary construction of the project, can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.
21. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.* With the approval of an Adjustment Permit to exceed maximum allowable height and to exceed maximum allowable Floor Area Ratio, and a Floor Area Increase of Ten Percent, the project is compatible with existing and future land uses, aesthetic values, character, scale, and view protection in the vicinity. The



existing neighborhood is developed with a mix of commercial, residential, and institutional land uses. The existing neighborhood includes buildings of different heights, construction types, vintages, and architectural character. The general design, site plan, pedestrian orientation to the streets and sidewalks, and the public-use paseo are in character with other development in the vicinity. The design characteristics of the project will be reviewed in the Design Review process to ensure compliance with the applicable design guidelines.

#### **Approval of Minor Conditional Use Permit: Commercial Off-Street Parking**

22. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The commercial off-street parking use is allowed in the CD-5/AD-2 zoning district with a Conditional Use Permit. This zoning district allows for a variety of commercial, residential, and mixed-use uses.
23. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the zoning district.* The purpose of the CD-5/AD-2 is to allow for a variety of land uses in the Central District. The commercial off-street parking use is a commercial use that is consistent with the variety of existing land uses in the vicinity. The provision of 155 commercial parking spaces for public use is in response to the high demand for public parking in the Playhouse District and also for evening and weekend parking. As shown in the Meyer, Mohaddes Associates Playhouse Parking Study (adopted by the City Council in December 2005), the Playhouse District concluded that the District has a shortage of 300 public parking spaces.
24. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

See **Attachment F**.

25. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The commercial parking, office, and retail uses will be compatible with existing commercial and mixed-use development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental to the health, safety, or general welfare or local residences and commercial establishments in the neighborhood. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final

EIR determined that all other potentially significant environmental impacts can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.

26. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The commercial parking use will be compatible with existing development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR determined that all other potentially significant environmental impacts, including impacts from temporary construction of the project, can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.
27. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.* With the approval of an Adjustment Permit to exceed maximum allowable height and to exceed maximum allowable Floor Area Ratio, and a Floor Area Increase of Ten Percent, the project is compatible with existing and future land uses, aesthetic values, character, scale, and view protection in the vicinity. The existing neighborhood is developed with a mix of commercial, residential, and institutional land uses. The existing neighborhood includes buildings of different heights, construction types, vintages, and architectural character. The general design, site plan, pedestrian orientation to the streets and sidewalks, and the public-use paseo are in character with other development in the vicinity. The design characteristics of the project will be reviewed in the Design Review process to ensure compliance with the applicable design guidelines.

#### **Approval of Floor Area Ratio Increase of Ten Percent**

28. *The project requires sufficient flexibility to facilitate development where unique factors are involved; these include (i.-unusual parcel configuration).* The project site that includes three different height districts and two different floor area districts. These factors are unique in that most properties in the subject zoning district have a single FAR district and a single height district. Allowing for flexibility in the development standards results in a more comprehensive development that provide greater building setbacks and step-backs to reduce the appearance of building mass; provide a public-use pedestrian paseo that links the subject building to the Arcade building, an

established pedestrian retail and dining destination with historic architectural features; and provide commercial off-street parking for public use.

29. *The additional floor area allows development that would otherwise be economically infeasible.* The ten percent increase FAR increase allows for the project to provide benefits associated with the project that would not be possible to achieve with the standard maximum allowable floor area ratios (2.0 and 3.0, respectively) for the site. The financial impact of the additional floor area results in a more comprehensive development that provides greater building setbacks and step-backs to reduce the appearance of building mass; provide a public-use pedestrian paseo that links the subject building to the Arcade building, an established pedestrian retail and dining destination with historic architectural features; and provide commercial off-street parking for public use. The economic infeasibility of the project without the FAR increase of ten percent is documented by the Keyser Marston financial analysis dated August 25, 2008.
30. *The additional floor area will not be injurious to adjacent properties or uses, or detrimental to environmental quality, quality of life, or health, safety, and welfare of the public.* The project the commercial parking use will be compatible with existing development in the vicinity. With the approval of the requested entitlements the conditions of approval, the project will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. A Final EIR determined that two unavoidable significant traffic segment impacts on El Molino Avenue would occur from the project; and therefore a Statement of Overriding Considerations (Attachment C) has been adopted for the project. The Final EIR determined that all other potentially significant environmental impacts, including impacts from temporary construction of the project, can be adequately addressed with mitigation measures that are incorporated as conditions of approval for the project.
31. *The additional floor area will promote superior design solutions and allow for public amenities that enhance the property and its surroundings.* The additional floor area results results in a more comprehensive development that provides greater building setbacks and step-backs to reduce the appearance of building mass; provide a public-use pedestrian paseo that links the subject building to the Arcade building, an established pedestrian retail and dining destination with historic architectural features; and provide commercial off-street parking for public use.
32. *The additional floor area is consistent with the objectives and policies of the Central District Specific Plan and the General Plan.*

See **Attachment F**.

**Approval of Private Tree Removal of One Protected Specimen Tree**  
**[Erythrina caffra (Kaffirboom Coral) – 25'-height x 35'-spread x 27"-**  
**diameter at breast height**

33. *The present condition of the tree is such that it is not reasonably likely to survive.* A tree report was prepared by Charles Elliot, Landscape Architect (Registration No. CA4502). The report indicates that the tree has a weak crotch condition at the base. This condition is likely to worsen over the coming years as the overhanging lateral branches continue to grow and gain girth. The added weight of these branches will continue to weaken this architectural defect and eventually cause the tree to split down the middle. Additionally, there are several girdling roots evident above ground. This could explain certain areas of die back already present in the tree, which will likely worsen over time as these roots continue to grow and choke off the root structure. The tree is heavily scarred in several areas. These weak spots on the tree are vulnerable areas for insects and disease to enter the tree, causing eventual deformation, or decline and failure of the tree. The tree is a likely candidate for wind storm damage as it continues to grow laterally. This tree will likely continue to be deformed by die back, limb breakage and an eventual split at the base.
34. *There is an objective feature of the private tree that makes it not suitable for protection as a specimen tree.* The tree contains several large scars which are not only detrimental to the health of the tree, but are unsightly further diminishing the ornamental quality of the tree. While the *Erythrina caffra* tree species is largely considered an ornamental specimen. This particular tree lacks the growth habit and branching structure that would make it a suitable candidate for protection. Its overall appearance is diminished by the previous damage and it poses a potential risk to the public. It is likely that the tree will continue to diminish in appearance and property truing of the dangerous limbs will only add to the overall disfigurement of the tree.
35. *There is a substantial hardship to the property owner in the enjoyment and use of the real property if the injury or removal of the private tree is not permitted.* The tree is located in the interior of the subject property. The extensive excavation for the below grade public and private parking structure will require the removal of all site trees and will be replaced as part of the project's new landscape plan. To not allow the project to construct the underground parking garage in order to retain the tree would be substantial hardship to the use of the real property because it could not accommodate a reasonable development that is typical of other large commercial and mixed-use developments in the vicinity.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR ADJUSTMENT PERMIT #11612**  
**AND CONDITIONAL USE PERMIT #5317**

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

**General**

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans submitted and stamped "Received at Hearing (future City Council hearing), except as modified herein.
2. This approval is for:
  - 1) Adjustment Permit for: the building to exceed the maximum allowable Floor Area Ratio (FAR) in the subject 3.0 FAR District; the building to exceed the maximum allowable height in the 50-foot and 35-foot Height Districts; the building to not be constructed at the property line on E. Colorado Bl. and S. El Molino Ave.; and for the project to provide two loading spaces instead of five.
  - 2) Floor Area Ratio Increase of 10 percent.
  - 3) Conditional Use Permit for a non-residential project that exceeds 25,000 square feet.
  - 4) Minor Conditional Use Permit to for a new development project in the Transit-Oriented District.
  - 5) Minor Conditional Use Permit to establish a commercial parking facility.
  - 6) Private Tree Removal of one protected specimen *Ethrythrina Caffra* (Coral tree).
3. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing before the Hearing Officer. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
4. The applicant or successor in interest shall meet all of the mitigation measures of the Environmental Impact Report, outlined in Attachment B, Mitigation Monitoring Reporting Program.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.

7. The project, Case No. PLN2007-00297, is subject to the City's Condition Monitoring Program and Mitigation Monitoring Program and is also subject to Final Zoning inspection. Condition monitoring and mitigation monitoring are required for your project. Under the Condition Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. The Final Zoning Inspection will occur at the completion of the project. The approved Mitigation Measures identified in the Mitigation Monitoring Reporting Program will also be monitored by the Code Compliance staff. The project is required to receive approval in the Final Zoning Inspection and shall comply with all construction-related Mitigations, program Mitigations, and other related Mitigations that are required prior to the issuance of a Certificate of Occupancy for the building and the parking garage. Required monitoring fees for inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

### **Planning Division**

8. The project shall comply with all provisions of the Zoning Code, except for the approved Adjustments.
9. The project shall provide a total of 522 parking spaces for the project.
10. One hundred fifty-five (155) of the parking spaces shall be available for public parking. These spaces shall not be used by employees of the building. The spaces shall be clearly identified and separate from the parking for the employees of the office uses. Their specific locations shall be reviewed and approved by the Zoning Administrator prior to issuance of a building permit.
11. Three hundred and sixty-seven (367) of the parking spaces shall be used for the employees and visitors of the tenants of the building. The separation of customer /visitor parking shall comply with the requirements of 17.46.020 (Table 4-5) of the Zoning Code. For an office use, 15 percent of the spaces shall be reserved for customers, and 85 percent of the spaces shall be reserved for employees. For other non-residential uses (e.g., retail), 80 percent of the spaces shall be reserved for customers, and 20 percent of the spaces shall be reserved for employees. All visitor/customer spaces shall be clearly marked for their respective uses. The final separation and identification of parking spaces shall be reviewed and approved by the Zoning Administrator prior to issuance of a Certificate of Occupancy for the project.

12. The site shall include identification and/or way-finding signage for the public parking spaces on the property.
13. The City may post way-finding signage directing motorists to the commercial public parking.
14. The City may advertise the public parking in written publications or on the City web site.
15. Businesses located within the Playhouse district may purchase validation for parking at market rate.
16. Hourly and daily rates for the public spaces may not exceed the City's Old Pasadena public parking structures rates by more than 150 percent.
17. The public parking spaces shall be available for public use, at minimum: 6:00 a.m. to midnight, Monday through Thursday; and 6:00 a.m. to 2:00 a.m., Friday through Sunday.
18. The paseo between the Arcade Lane building and E. El Molino Ave. and the plaza on S. El Molino Ave. shall available for passive use by the public during business hours.
19. A minimum of one Electric Recharge Station (including at least one conductive and one inductive charger) for electric vehicles shall be provided on the site.
20. The project requires a minimum of 27 bicycle spaces. The design and location requirements of the bicycles spaces shall comply with P.M.C. 17.46.320.
21. The parking structure entrance should be designed to ensure pedestrian and vehicular safety. Enhancements may include, but are not limited to, openings to protect view corridors, mirrors, signing and striping. Such enhancements shall be reviewed and approved by the Zoning Administrator and Department of Transportation.
22. The underground parking structure and parking spaces shall comply with Section 17.46 (Parking) of the Zoning Code, including ramp grade, vertical clearance, aisle width, parking stall dimensions, double striping and parking stall back-up. A maximum of ten parking stalls may be tandem.
23. If a gate is installed at the parking structure entrance, it shall be set back minimum of 50 feet from the property line.
24. Loading shall not occur on E. Colorado Bl. or S. El Molino Ave. unless loading activities are specifically approved by the Department of Public Works for temporary needs, such as during construction.

25. In order to provide additional loading opportunities, the applicant shall work with the Department of Public works and the Department of Transportation to provide a street loading zone on E. Green St.
26. A final landscape, hardscape, and irrigation plan shall be installed in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. The plan shall include drought-resistant plant materials and/or low volume irrigation. The plan shall be prepared by a licensed landscape architect and shall meet the requirements of Chapter 17.44.
27. The current project must comply with the Water Shortage Procedures Ordinance by submitting a Water Conservation Plan limiting the water consumption to 80% of its originally anticipated amount. The environmental initial study concluded that the project, as submitted, would consume 14,680 gallons per day. The project shall reduce its consumption to a maximum of 11,744 gallons per day. This plan shall be reviewed and approved by the Zoning Administrator prior to issuance of a Building Permit for the project.
28. The project shall comply with all regulations associated with the Level 1 Water Shortage declared by the City Council on July 15, 2009.
29. The project shall adhere to the City's noise regulations as specified in Section 9.36 of the Pasadena Municipal Code.
30. 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 light sources (e.g., bulb) shall be visible from any location off the site. The lighting shall comply with the standards of Section 17.40.080 (Outdoor Lighting) of the Zoning Code.
31. Screening of mechanical equipment shall be provided in accordance with Section 17.40.150 (Screening) of the Zoning Code.
32. The protection, pruning, relocation, and/or removal of any public tree shall be reviewed and approved by the City's Parks and Natural Resources Division.
33. The sale of alcoholic beverages on the premises requires the approval of a separate Conditional Use Permit for alcohol sales.
34. All signage shall be reviewed for compliance with the Zoning Code regulations for signs (Section 17.48).
35. The project shall meet all requirements of the Design Review process.
36. The project shall meet all requirements of the Public Art process.



## **Public Works Department**

37. The applicant shall obtain a license agreement from the City for the installation of any private improvements within the public right-of-way. 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.
38. Colorado Boulevard has an existing 14.5-foot sidewalk. The applicant shall dedicate to the City a 0.5-foot strip of land along the Colorado Boulevard frontage of the subject property, including the land necessary to provide for a 15-foot radius property line corner rounding at the southeast corner of Colorado Boulevard and El Molino Avenue for street purposes. The applicant shall remove and reconstruct the sidewalk to widen from 14.5 feet to 15 feet wide along Colorado Boulevard.
39. The southeast corner of Colorado Boulevard and El Molino Avenue has an existing 15-foot radius curb return. In order to provide for better traffic movement, the applicant shall construct improvements consisting of concrete curb, gutter, sidewalk, curb ramp, and other work necessary to construct a standard 25-foot radius curb at the southeast corner of Colorado Boulevard and El Molino Avenue. Improvements shall include the relocation and upgrading of affected street lights, signals and various utilities.
40. Any public right-of-way improvements that are not required as conditions of approval of this application and are proposed by the developer in the future shall be reviewed by the required City departments for compliance with all required engineering and safety standards under a separate application. Such improvements may include sidewalk and street enhancements on El Molino Avenue (including the establishment of a mid-block pedestrian crossing zone). The review of such improvements may require additional traffic, pedestrian, and engineering studies at the cost of the applicant. In addition, any physical improvements related to the proposal will require funding by the applicant.
41. The pavement in Green Street contains asbestos. If the project requires any excavation in Green Street to reconstruct the local depression on El Molino Avenue, the applicant shall comply with hazardous materials

(Hazmat) removal conditions and requirements of the Department of Public Works. An environmental certified contractor will be required for any pavement removal in the street.

42. Colorado Boulevard is a concrete street. Any excavations in the street require that full panels (existing construction joint to existing construction joint) be removed and reconstructed per City of Pasadena Drawing No. 4250.
43. The applicant shall construct public improvements along the frontages of the subject property in accordance with Pasadena Playhouse Specific Plan. The improvements include installing street furnishings, such as street lights, trash receptacles and tree grates, planting street trees, landscaping, and other necessary related work. For additional information on the specific plan requirements, visit the Community Planning and Development Department's website at <http://www.ci.pasadena.ca.us/planning/deptorg/commplng/GenPlan/sp.asp>.
44. Excavations in the street for utility connections will require that the street be restored between extreme excavations and in rectangular sections per Standard Plan S-416.
45. The proposed drive approach shall be constructed in accordance with Standard Drawing No. S-403, and shall not exceed the maximum width allowed. The existing gutter shall be cut as near the flow line and the paving shall not be disturbed.
46. The proposed building is shown to be constructed on the property lines of the street. Any above grade utility services including shut off valves, fire water connection fittings, roof drains, etc. shall not encroach into the public right of way.
47. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
48. The proposed development shall connect to the public sewer by a method approved by the Department of Public Works. The sewer connection shall be six-inch diameter vitrified clay or cast iron pipe with a minimum slope of two percent.
49. Any connections to the existing City storm drain system in El Molino Avenue will require the approval of the Department of Public Works.

Reference City of Pasadena Drawing No. K-622 for existing storm drain conditions.

50. Any connections to the existing County storm drain system in Green Street that may be required in the reconstruction of the local depression on El Molino Avenue will require the approval of the Los Angeles County Department of Public Works and the City Department of Public Works.
51. If drainage patterns are altered, the applicant shall provide an approved method of controlling storm water runoff. Approval shall be made by the Planning and Development Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
52. The applicant shall restore and re-paint all existing metal street light and traffic signal poles, along the Colorado Boulevard and El Molino Avenue frontages of the subject property in a manner acceptable to the Department of Public Works. In addition, the painting specifications shall be per the Playhouse District Specific Plans. The cost of the street light and traffic signal pole restoration and painting is the applicant's responsibility.
53. If the existing street lighting system along the project frontages is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including conduits, conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works.
54. The relocation of three trees on El Molino Avenue was approved by the Urban Forestry Advisory Committee on March 2, 2009. The applicant shall coordinate with Darya Barar of the City's Parks and Natural Resources Division, (626) 744-3846, to arrange the relocation activity.
55. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$20,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. 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.

56. 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 deposit, 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.

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

a) Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)

In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$5,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.

b) 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.

c) 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>.

d) 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.

**Transportation Department**

58. The project shall pay the newly established Traffic Reduction and Transportation Improvement Fee (TR-TIF) for net new developments. Effective July 1, 2008, the fee for office use per square foot is \$3.84/ sf and for retail use per square foot is \$8.89/ sf. The fee was calculated based on the net new square feet of office with credit given to the demolition of the existing retail space. **Fee: \$27,548.64\***. *\*The amount of the TR-TIF is subject to change based upon the final scope at the time of project approval. This payment shall be made at Window #8 in the Permit Center located at 175 N Garfield Ave, Pasadena CA 91109.*

59. The project applicant shall fund the purchase and installation of two traffic monitoring stations on El Molino Avenue between Colorado Boulevard and Playhouse Alley as part of the implementation of the Citywide Traffic Monitoring Program. This fund shall be collected by the Department of Transportation prior to the issuance of the first permit for construction. **Amount: \$5,000\*\*.** *\*\* The applicant shall make this payment payable to the City of Pasadena and delivered to the Department of Transportation office, attention: Conrad Viana at 221 E. Walnut Street, Suite 210, Pasadena, CA 91101.*

60. The project shall provide a plan for a Transportation Systems Management Program (TSM). The TSM Program shall be reviewed and approved by the Department of Transportation prior to the issuance of the first permit for construction (demolition, foundation, grading, or building) and shall be reviewed and approved annually for the life of the project. The TSM Program may include but is not limited to the following strategies and conditions:

- a. Pay parking for employees
- b. Guaranteed Ride Home
- c. Transit pass and vanpool fare subsidies
- d. Private vanpool operations
- e. Bikeway linkages to established routes
- f. Reduced-parking fees for non-solo drivers
- g. Provisions of a certified Employee Transportation Coordinator
- h. Provide a Vanpool Loading area equal to 10% of number of employees. A passenger loading area for vanpool vehicles shall be provided on-site. At a minimum the loading area shall be of sufficient size to accommodate the number of waiting vehicles equivalent, in feet, to 10% of the number of vanpool spaces.
- i. Connecting Sidewalks. Designated pedestrian sidewalks or paths shall be provided on the development site between the external pedestrian system and each building in the development.
- j. Bus Stop Improvements. Capital improvements, including bus pullouts, bus pads, and right-of-way for bus shelters are required as mitigation measures.

Upon submittal of a TSM Program for review and approval, the owner/developer shall place a **\$1,916\* deposit** with the Department of Transportation prior to the issuance of the first permit for construction. This deposit is subject to a refund or additional billing in the event that the deposit amount is not sufficient to cover the cost of the review. The developer shall pay an annual Transportation Demand Management (TDM) status report review fee of **\$403.74\*** in compliance with the requirements of the Trip Reduction Ordinance.

In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for TRO/ TDM Plan requirements so that trip reduction considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. Please contact Judi Masuda, TDM Planner at (626) 744-4111 to arrange a pre-design meeting to finalize the TDM Plan requirements for the project. \* Based on the Current General Fee Schedule. Fees are subject to change.

61. The following intersection improvements shall be constructed prior to the issuance of the Certificate of Occupancy:

- Prohibit left-turn movements at the northbound and southbound approaches on El Molino Avenue at the Colorado Boulevard intersection
- Install a left-turn pocket at the northbound approach on El Molino Avenue at the Union Street intersection
- Re-stripe the northbound and southbound approaches on El Molino Avenue to accommodate the installation of the northbound left-turn pocket
- Modify the traffic signal at the El Molino Avenue/Union Street intersection to provide northbound left-turn phasing
- Install a left-turn pocket at the southbound approach on El Molino Avenue at the Green Street intersection
- Re-stripe the northbound and southbound approaches on El Molino Avenue to accommodate the installation of the southbound left-turn pocket
- Modify the traffic signal at the El Molino Avenue/ Green Street intersection to provide southbound left-turn phasing

Plans shall be submitted and approved by the Departments of Public Works and Transportation prior to the issuance of the first permit of construction (demolition, foundation, grading, or building) to address the above conditions.

62. Based on the City's street segment significance criteria the net increase in ADT volumes for El Molino Avenue between Colorado Boulevard and Playhouse Alley, requires both physical (e.g., roadway improvements, traffic signal upgrades, etc.) and soft mitigation measures (e.g., transportation demand management measures). The project trips from all four scenarios are expected to significantly impact El Molino Street, a de-emphasized street, by increasing the traffic between 10.4% and 12.3%.

The 2004 General Plan Mobility Element defines de-emphasized streets as “routes where efforts will be made to limit future increases in traffic. No transportation capital or operational improvements to increase traffic capacity will be implemented on these corridors.” DOT has determined that there are no feasible mitigation measures to reduce the impacts of the project on El Molino Street to below levels of significance. Significant impacts will remain. If the project is expected to be entitled by overriding considerations, DOT recommends that the following mitigation measures be considered as project conditions:

- Contribute funds toward a pedestrian safety study in the vicinity of the project. The plan will study measures such as mid-block signals, curb extensions, pedestrian countdown signals, etc to improve walking safety and convenience to and from parking structures/businesses in the area.
- Provide pedestrian lighting to and from the project to the nearest transit stops within a quarter mile radius
- Offer unbundled parking option with lease
- Contribute funds to the Pasadena ARTS program
- Provide Metro Corporate Transit Passes to employees of this project site

63.A site/ circulation plan for the parking structure must be reviewed and approved by the Department of Transportation prior to the issuance of the first permit for construction (i.e. demolition, foundation, grading, or building) that will indicate how this concern is to be resolved. The plan shall be drawn to a 1"=20' or 1"=40' scale. For the ramp leading to the subterranean parking level, measures should be taken to alert the incoming and outgoing vehicles at both ends of the driveway with devices (such as concave mirrors, warning lights, gate arms, etc.) to warn of oncoming traffic.

64.Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging & Traffic Management Plan to the Department of Transportation for review and approval. This plan shall show the impact of the various construction stages on the public right-of-way including street occupations, parking space relocation agreements, closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. Permitted hours for construction may be limited due to construction activities bordering the project site.

65.The building plans shall identify existing street furniture (street lights, benches, trash receptacles, etc.) and existing painted curb designations fronting this project.

66.Existing on-street parking conditions fronting this project should be maintained.



## **Water and Power Department, Power Division**

67. Customer shall provide a transformer room / vault if the electrical service is over 200 Amps single-phase or over 100 Amps three-phase. The number and size of the transformer room / vault varies according to the size of the electrical service.
68. Any required transformer room / vault located within a building structure shall be rated for 4-hour fire separation and meet all local Building & Fire Department requirements related to room ventilation and alarming.
69. Customer shall be responsible for the maintenance of the transformer room / vault, provide protection for the equipment in the transformer room / vault, and allow access to the transformer room / vault at all times to Department personnel and vehicles in accordance with the Department Electric Service Requirements Regulation 21.
70. Department shall install concrete-encased primary service laterals to the property line. The number and location of the service laterals varies according to the size of the electrical service.
71. Customer shall pick-up new primary service laterals at the property line and install concrete-encased conduits to transformer room / vault within the development area. The number and location of the conduits varies according to the size of the electrical service.
72. Customer shall install transformer room / vault, service equipment, and secondary service conduits within the development area.
73. Department shall install electrical service transformers, cables, and meters.
74. All Department installation costs shall be paid by the Customer and are included in the cost estimate below.
75. Customer must identify and notify the Department of any conflict with existing overhead lines / poles and maintain existing ingress / egress access for overhead lines / poles. Proper clearances between the proposed structure and overhead lines / poles must be maintained.
76. Customer must identify and notify the Department if there is any underground electrical conduit within the proposed development area in conflict with the construction.
77. Customer shall provide Department all easements necessary for Department to access electrical service equipment.

78. Customer installed distributed generation resources that will be interconnected to the Pasadena Electric Distribution System shall be installed in accordance with the Department Distributed Generation Interconnection Requirements Regulation 23. In addition, all Customer installed solar photovoltaic (PV) resources shall meet all of the requirements of both the local Building & Fire Department and the Pasadena Solar Initiative and Rebate Program.
79. In order to determine the specific requirements of the electrical service for this project, the following items will need to be included in the submittal drawing set (2 sets of electrical plans required): service size & voltage, main service disconnect, scaled site plan, elevation plan, proposed transformer room / vault location, electrical meter / panel location, single-line diagram, load calculation, and proposed construction schedule.
80. Total estimated fee for providing electrical service to this development is \$200,000. This estimate does not include the cost of the electrical infrastructure within the development area. In addition, this estimate does not include Department costs related to the modification of existing Department electric infrastructure that may be required in order to provide electric service that shall be paid by the Customer. A firm total cost estimate shall be provided to the Customer after the Submittal Drawing Set has been provided to the Department. The Department estimate and comments are valid for ninety (90) days.
81. All comments are preliminary and are based on the limited description provided. Please arrange a meeting with Utility Service Planning personnel for further information and detailed requirements at (626) 744-4495.

**ATTACHMENT C**  
**Comprehensive Water Conservation Plan (CWCP)**

On April 13, 2009, the City Council adopted the CWCP. As a long-term goal, the CWCP presupposes an initial target of reducing per-capita potable water consumption 10% by 2015 and 20% by 2020. Whereas PWP's past water conservation programs relied heavily on indoor efficiency, the CWCP reflects an emphasis on:

- Using price signals in rate design to encourage conservation;
- Increased emphasis on outdoor water efficiency; and
- Maximizing efficiencies related to new construction.

**Water Waste Prohibition and Water Shortage Plan (WWP/WSP) Ordinance**

In addition, effective July 4, 2009, new water shortage procedures took effect in Pasadena through revisions to PMC Section 13.10. The revisions take a three-pronged approach to ensuring a more effective and meaningful response to the City's water supply challenges: (1) specific instances of conspicuous water waste will be prohibited permanently; (2) if the Council determines that a water shortage exists, additional restrictions will be invoked depending on which level of shortage is declared; and (3) warnings and fines will enforce the permanent water waste prohibitions and any additional water shortage restrictions. On July 4, 2009, the following permanent prohibitions on water waste took effect, and will apply to the Project.

- No watering outdoors between 9 a.m. and 6 p.m. except with a hand-held container or hose with a shut-off nozzle, or for very short periods when adjusting a sprinkler system.
- No watering during periods of rain.
- No excessive water flow or runoff onto pavement, gutters or ditches from watering or irrigating landscapes or vegetation of any kind.

- No washing down paved surfaces unless for safety or sanitation, in which case a bucket, hose with a shut-off nozzle, cleaning machine that recycles water or low-volume/high-pressure water broom must be used.
- All property owners must fix leaks, breaks or malfunctions when they find them or within seven days of receiving a notice from PWP.
- Fountains and water features must have re-circulating water systems.
- Vehicles must be washed with hand-held buckets and/or hoses equipped with water shut-off nozzles (does not apply to commercial car washes).
- Restaurants may not serve drinking water unless by request and must use water-saving dish-wash spray valves.
- No installation of non-recirculating water systems at new commercial car washes and laundries. Effective July 1, 2010, all commercial car washes must have re-circulating water systems or secure city waivers.
- Hotels and motels must give guests the option to decline changing of daily bed linens and towels.
- No installation of single-pass cooling systems in buildings requesting new water service.  
(<http://cityofpasadena.net/waterandpower/watershortage/WaterWaste%20ProhibitionsPR.pdf>.)

### **Water Efficient Landscape Ordinance**

Pursuant to the requirements of Article 10.8 of the Government Code ("Water Conservation in Landscaping Act," Govt. Code §§ 65591 et. seq.), City staff has been working on drafting a Water Efficient Landscape Ordinance, modeled after the Department of Water Resources model ordinance. The model ordinance limits irrigation of certain new and existing landscaped area to a calculated amount of water. This water limit is determined by a mathematical formula based on the size of the landscaped area, type of plant material, regional climate, and other variables. Staff has taken the model ordinance and preliminary ideas/issues for local implementation to the Environmental Advisory Commission, the Design Commission, and the Planning Commission. Staff anticipates taking the ordinance to the City Council for possible adoption before the end of 2009.

## **MWD Allocation and City Water Rate Restructuring**

As of July 1, 2009, the Metropolitan Water District (from which the City receives approximately 65% of its water supply) will have decreased the City's base water allocation by 10% and charge the City a penalty rate for any water over that base allocation. The City will still be able to purchase the amount it previously needed from MWD, but will have to pay more for that same amount.<sup>1</sup> On June 22, 2009, City Council approved a rate increase to cover the cost of the expected surcharges by MWD.<sup>2</sup>

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<sup>1</sup> <http://cityofpasadena.net/waterandpower/YourWater/WaterRates/default.asp>

<sup>2</sup> [http://www.cityofpasadena.net/councilagendas/2009%20agendas/Jun\\_22\\_09/6C.pdf](http://www.cityofpasadena.net/councilagendas/2009%20agendas/Jun_22_09/6C.pdf).

**ATTACHMENT D**  
**Zoning Analysis of Applicable Development Standards**

With the exception of the requested Adjustments, the project complies with the remainder of the applicable development standards, including:

- Setbacks for side (east) and rear (south) yards – No side or rear are required; zero setbacks are proposed in these locations.
- Project Parking and Transit-Oriented Development – The office square footage is 145,422 square feet, which requires three parking spaces per 1,000 square feet plus a reduction of 25 percent in the Transit-Oriented Development (TOD) area. This results in a maximum number of 328 parking spaces for the office use; and 328 office parking spaces are proposed. The retail square footage is 14,407 square feet, which requires three parking spaces per 1,000 square feet plus a reduction of ten percent in the TOD area. This results in a maximum number of 39 parking spaces of the retail use; and 39 retail parking spaces are required. Therefore, the total number of parking spaces for the new floor area on the property is 367.
- Public Parking – In addition to the required parking, the project proposes a total of 155 commercial public parking spaces in the garage. These spaces would not be used by the office or retail tenants. They would be available for local shoppers and visitors to the Playhouse District. There is no required TOD reduction for commercial parking spaces. However, the establishment of a commercial parking use requires a Minor Conditional Use Permit, which is analyzed below.
- Parking/Vehicular Access – The dimensions and other requirements for the driveways, aisle, ramps, parking spaces, and vertical clearances comply with the applicable standards.
- Electronic Vehicle Charging Station – Based on a total of 532 parking spaces required, the Zoning Code requires that one EV station is included in the project. One EV station is proposed on the first level of the garage.
- Bicycle Parking – The Zoning Code requires that new developments provide bicycle parking stalls. For this project, five percent of the proposed 522 parking spaces equals 26 bicycle spaces. These stalls are proposed on the first floor of the subterranean parking garage. Some spaces are also required to be located near the ground floor retail uses.
- Pedestrian-Oriented Ground Floor Uses – In the Central District, the ground floor along the E. Colorado Bl. and S. El Molino Ave. shall be limited to pedestrian-oriented uses for at least 50 percent of a building's

street frontage; the remaining 50 percent may contain uses otherwise permitted and/or accommodate pedestrian and vehicular access. The project meets this requirement.

- Ground Floor Building Height – In the Central District, the minimum height of the ground floor for a new non-residential building is 15 feet. The project proposes a ground floor height of 17 feet.
- Trip Reduction Requirements – New non-residential projects exceeding 75,000 square feet are required to provide reserved carpooling spaces for employees, loading areas for van pools, and other potential improvements in accordance with Section 17.46.290. The proposed parking plan complies with some of these requirements and can be modified with some revisions to meet all requirements without a Variance.