

**ATTACHMENT A**  
**Specific Findings of Fact for Conditional Use Permit #5209**

**Approval of Conditional Use Permit: For a project with new construction of over 25,000 square feet.**

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code in that the proposed mixed use project with hotel, office, retail, restaurant, and residential uses are allowed in the CD-5/AD-2 zoning district with a Conditional Use Permit and the requested entitlements. The project will be in compliance with all applicable provisions of the Zoning Code except for the Variances requested.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district in that the project proposes a mix of commercial and residential uses. These uses are allowed in the CD-5/AD-2 zoning district with the requested entitlements. The required conditions will ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.*
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*  
**See Attachment D.**
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use in that 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program for the project.*
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program for the project.*

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection in that the mixed-use project with hotel, office, retail, restaurant, and residential uses 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 features are in character with other development in the vicinity. The landmark Constance Hotel will be renovated and preserved in accordance with the Secretary of the Interior's Standards. The hotel addition is designed to be compatible with the existing historic structures on the property. The design characteristics of the project will be reviewed in the Design Review process to ensure compliance with the applicable design guidelines.*

**Approval of Conditional Use Permit: To establish a Lodging-Hotel use.**

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 Lodging-Hotel use is allowed in the CD-5/AD-2 zoning district with a Conditional Use Permit and the requested entitlements. The hotel would meet all applicable development standards including the off-street parking requirement.*
8. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district in that the Lodging-Hotel use is allowed in the CD-5/AD-2 zoning district with the requested entitlements. The required conditions will ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.*
9. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*  
**See attachment D.**
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 in that the Lodging-Hotel use 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program 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* in that in that the Lodging-Hotel use 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program 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* in that 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 features are in character with other development in the vicinity. The landmark Constance Hotel will be renovated and preserved in accordance with the Secretary of the Interior's Standards. The hotel addition is designed to be compatible with the existing historic structures on the property. 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: For a project with new construction over 15,000 square feet in the Transit Oriented Development (TOD) Area.**

13. *The project consists of a use or mix of uses, that encourage transit use and is oriented toward the transit user.* The project ground floor retail, restaurant, and hotel uses. Many visitors and employees may 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 Bl., S. Lake Ave., and S. Mentor Ave. The project has been designed to comply with the reduced number or 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 Bl., S. Lake Ave., and S. Mentor Ave. The project has been designed to comply with the reduced number or 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 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* in that the proposed Transit-Oriented Development, which is a mixed-use project with hotel, office, retail, restaurant, and residential uses, is allowed in the CD-5/AD-2 zoning district with a Conditional Use Permit and the requested entitlements. The project will be in compliance with all applicable provisions of the Zoning Code except for the Variances requested.
17. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district* in that the proposed Transit-Oriented Development, which is a mixed-use project with hotel, office, retail, restaurant, and residential uses, is allowed in the CD-5/AD-2 zoning district and the Transit Oriented Development Area. The required conditions will ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.
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 D.**
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* in that 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program 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* in that 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program 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 in that 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 features 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: For Shared Parking.**

22. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code in that the proposed Shared Parking among different uses on the property is allowed in the CD-5/AD-2 zoning district with a Minor Conditional Use Permit and the requested entitlements.*

23. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district in that the proposed Shared Parking for the mixed-use project is allowed in the CD-5/AD-2 zoning district and in the Transit Oriented Development Area. The required conditions will ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.*

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 D.**

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 in that the Shared Parking 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program 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 in that the Shared Parking and 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program 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* in that the project and the Shared Parking and the project are 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 features 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.
28. *The spaces to be provided would be available as long as the uses requiring the spaces lawfully exist* in that the project will provide on-site parking spaces in both development phases would be located in permanent parking structures on the property. The project will supplement the parking spaces with additional parking spaces at 2 N. Lake Avenue that will be under a lease agreement to be filed at the County Recorder.
29. *The quality and efficiency of the parking utilization would equal or exceed the level that is otherwise required* in that for Phase 1, the project proposes to provide 125 parking spaces on-site and an additional 90 parking spaces off-site at the parking structure at 2 N. Lake Avenue, for a total of 215 spaces. For phase 2, the project proposes to provide a total of 445 parking spaces on-site and up to an additional 65 spaces off-site at the parking structure at 2 N. Lake Avenue, for a total of 510 spaces. The project's proposed provision of off-street parking for both phases is consistent with the shared parking analysis of the Final Transportation Study.

**Approval of Minor Conditional Use Permit: for Valet Parking.**

30. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code* in that the Valet Parking is allowed for a mixed-use project with hotel, office, retail, restaurant, and residential uses in the CD-5/AD-2 zoning district with a Minor Conditional Use Permit.
31. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district* in that the Valet Parking for the mixed-use project with hotel, office, retail, restaurant, and residential uses, is allowed in the CD-5/AD-2 zoning district and the Transit Oriented Development

Area. The required conditions will ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.

32. *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 D.**

33. *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 in that the Valet Parking and 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program for the project.*
34. *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 in that the Valet Parking and 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program for the project.*
35. *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 in that Valet Parking and project are 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 features 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: For tandem parking.**

36. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code in that the proposed Tandem Parking for a mixed-use project with hotel, office, retail, restaurant, and residential uses, is allowed in the CD-5/AD-2 zoning district with a Minor Conditional Use Permit.*
37. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district in that the proposed Tandem Parking for a mixed-use project with hotel, office, retail, restaurant, and residential uses, is allowed in the CD-5/AD-2 zoning district and the Transit Oriented Development Area. The required conditions will ensure the project's compatibility in the vicinity and safety to surrounding businesses, residents, institutional uses, and historic properties.*
38. *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 D.**
39. *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 in that 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 Tandem Parking and 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program for the project.*
40. *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 in that the Tandem Parking and 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 unavoidable significant transportation and traffic (three street segments) impacts and impacts on air quality (during construction would occur from the project; and therefore a Statement of Overriding Considerations 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 in the Mitigation Monitoring and Reporting Program for the project.*
41. *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* in that the Tandem Parking and project are 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 features 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 Variance: For a reduction in the number of required loading spaces.**

42. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district* in the project will retain and renovate the historic Constance Hotel structure and landmark-eligible one-story buildings that front E. Colorado Bl. These building cover approximately 20 percent of the project site. In order to retain the historic integrity of these buildings, the project proposes to preserve them without relocation or subterranean excavation beneath them for parking. Further, the project proposes substantial open space and distance between the new construction and historic structures in order to minimize any aesthetic impacts on historic resources and to provide an appropriate design solution (e.g., site plan, vehicular ingress/egress, parking, etc.) for the infill development project. The existing historic buildings on the property are a unique condition of the property that generally doesn't exist on other properties in the CD-5 zoning district. Also, the Central District Specific Plan discourages driveways with vehicular access from Colorado Bl. This results in the placement of all driveways for project be located off the other streets, which further influences the design of the site and the loading spaces.
43. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship* in that in order to provide the total of nine required loading spaces for the project on a site which includes permanent, historic structures that are proposed for preservation, as well as limited driveway access from the streets for vehicles, the new construction would require extraordinary design features such as unusual construction methods, heights for overhead clearances, and/or physical modifications to the existing historic buildings. The provision of the four loading spaces on the east and west sides of the property (2 each) results in an efficient loading plan. Otherwise, excessive loading spaces and activities on the site could potentially conflict with vehicular and pedestrian circulation. Therefore, the reduction in the required number of loading spaces from nine to four is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.
44. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare* in that with the conditions of approval, loading demands for the project can be achieved by with the proposed four loading spaces (2 loading spaces

in each phase) without being detrimental or injurious to property or improvements in the vicinity of the subject site

45. *Granting the application is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district in that the approval of the Variance would not constitute a grant of special privilege existing site plan and historic structures on the property. See Attachment D.*
46. Cost to the applicant of strict compliance with the regulation should not be the primary reason for granting the Variance because the cost to the applicant has not been considered the primary factor at any time throughout the review of this application.

**Approval of Variance: For reductions in loading space dimensional requirements, turning radius, and configuration of loading spaces.**

47. *There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district in the project will retain and renovate the historic Constance Hotel structure and landmark-eligible one-story buildings that front E. Colorado Bl. These building cover approximately 20 percent of the project site. In order to retain the historic integrity of these buildings, the project proposes to preserve them without relocation or subterranean excavation beneath them for parking. Further, the project proposes substantial open space and distance between the new construction and historic structures in order to minimize any aesthetic impacts on historic resources and to provide an appropriate design solution (e.g., site plan, vehicular ingress/egress, parking, etc.) for the infill development project. The existing historic buildings on the property are a unique condition of the property that generally doesn't exist on other properties in the CD-5 zoning district. Also, the Central District Specific Plan discourages driveways with vehicular access from Colorado Bl. This results in the placement of all driveways for project be located off the other streets, which further influences the design of the site and the loading spaces.*
48. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship in that in order to provide loading space dimensional requirements for the proposed spaces for the project on the site which includes permanent, historic structures that are proposed for preservation, as well as limited driveway access from the streets for vehicles, the new construction would require extraordinary design features such as unusual construction methods, heights for overhead clearances, and/or physical modifications to the existing historic buildings. The proposed dimensions of the four loading spaces on the east and west sides of the property (2 each) result in an efficient loading plan that is appropriate for the site. Creating larger loading spaces that occupy more of the property, especially on the ground floor, could potentially conflict with vehicular and pedestrian circulation. Therefore, the reductions in dimensional requirements of the loading spaces are*

necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.

49. *Granting the application would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare* in that with the conditions of approval, loading demands for the project can be achieved by with the proposed four loading spaces (2 loading spaces in each phase) with reduced dimensions without being detrimental or injurious to property or improvements in the vicinity of the subject site
50. *Granting the application is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district* in that the approval of the Variance would not constitute a grant of special privilege existing site plan and historic structures on the property. **See Attachment D.**
51. Cost to the applicant of strict compliance with the regulation should not be the primary reason for granting the Variance because the cost to the applicant has not been considered the primary factor at any time throughout the review of this application.

**Approval of Private Tree Removal: For the removal of three protected specimen trees - Eucalyptus sideroxylon (Rosy-red ironbark) [19.4"-dbh x 30'-h; Ficus benjamina (Weeping fig) 20"-dbh x 25'-h; and a multi-trunk Ailanthus altissima (Tree of Heaven) [49.5"-dbh x 40'-h]**

52. *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 trees is not permitted.* The trees are 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 trees 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 CONDITIONAL USE PERMIT #5209**

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 on December 13, 2010, except as modified herein.
2. This application approves: 1) Conditional Use Permit to establish a Lodging-Hotel use in the former Constance Hotel building and in the new hotel addition; 2) Conditional Use Permit for new construction of over 25,000 square feet; 3) Minor Conditional Use Permit for new construction of over 15,000 square feet of commercial development in a Transit Oriented Development area; 4) Minor Conditional Use Permit for shared parking; 5) Minor Conditional Use Permit for tandem parking of up to 75 percent for the non-residential spaces; 6) Minor Conditional Use Permit for valet parking; 7) Variance for a reduction in the number of required loading spaces; 8) Variance for reductions from the required dimensional requirements, turning, radii, and configuration for loading spaces; and 9) Private Tree Removal of three protected trees.
3. For **Phase 1** (hotel establishment; renovation and occupation of existing buildings; and new parking garage construction); the exercise of the right granted under this application must be commenced within **three years** of the effective date of the approval. The Planning Director can grant a one-year extension of your approval.
4. For **Phase 2** (hotel addition with residential units; construction of new commercial building with office, retail, restaurant uses; and construction of subterranean parking garage); the exercise of the right granted under this application must be commenced within **four years** of the effective date of the approval. The Planning Director can grant a one-year extension of your approval.
5. 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.
6. The applicant or successor in interest shall meet all of the mitigation measures of the Environmental Impact Report that are outlined in the Mitigation Monitoring Reporting Program.
7. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
8. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.

9. The project, **Case No. PLN2009-00075** 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**

10. The project shall comply with all provisions of the Zoning Code, except for the approved two Variances approved for Loading Spaces and Loading Dimensional requirements.
11. The project shall provide the following parking spaces: for Phase 1, the project shall provide 125 parking spaces on-site and an additional 90 parking spaces off-site at the parking structure at 2 N. Lake Avenue, for a total of 215 spaces; and for phase 2, the project proposes to provide a total of 445 parking spaces on-site and up to an additional 65 spaces off-site at the parking structure at 2 N. Lake Avenue; for a total of 510 spaces.
12. The project shall provide the following loading spaces: for Phase 1, two, 9'-0" x 18'-0" loading spaces with a minimum 20'-0" turning radius; and for phase 2, two 10'-0" x 20'-0" loading spaces with a minimum 25'-0" turning radius.
13. An employee on the premises shall be available at all times to manage the loading commercial loading activities that occur on the site to ensure adequate vehicular circulation and vehicular and pedestrian safety.
14. The site shall include identification and/or way-finding signage for the public parking spaces on the property.
15. 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.
16. The project requires a minimum of 26 bicycle spaces. The design and location requirements of the bicycles spaces shall comply with P.M.C. 17.46.320.
17. 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.

18. 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.
19. If a gate is installed at the parking structure entrance, it shall be set back minimum of 50 feet from the property line.
20. If the project proposes commercial loading or loading of hotel customers, luggage, or other equipment on the street, the applicant shall obtain all necessary permits and meet the requirements of the Public Works and Transportation Departments.
21. Prior to issuance of a Certificate of Occupancy for the completion of each development phase, the applicant or successor shall submit to the Zoning Administrator a parking loading plan showing the distribution of parking and loading spaces by use, location, and method of access. The plan shall illustrate that the parking and loading plan will facilitate efficient use of the parking and loading facilities, contribute to the efficient vehicular circulation on the site, and ensure pedestrian safety.
22. 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 low-volume irrigation where practicable. The plan shall be prepared by a licensed landscape architect and shall meet the requirements of Chapter 17.44.
23. 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.
24. The project shall comply with all regulations associated with the Level 1 Water Shortage declared by the City Council on July 15, 2009.
25. The project shall adhere to the City's noise regulations as specified in Section 9.36 of the Pasadena Municipal Code.
26. 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.
27. Screening of mechanical equipment shall be provided in accordance with Section 17.40.150 (Screening) of the Zoning Code.

28. 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.
29. The sale of alcoholic beverages on the premises requires the approval of a separate Conditional Use Permit for alcohol sales.
30. All signage shall be reviewed for compliance with the Zoning Code regulations for signs (Section 17.48).
31. The project shall meet all requirements of the Design Review process.
32. The project shall meet all requirements of the Public Art process.
33. Prior to issuance of a Certificate of Occupancy of Phase 1 of the project, the applicant or successor shall record with the County of Los Angeles either: 1) a lot tie of all existing lots on the property under single ownership (filed at County); or 2) a Subdivision Map combining all lots on the project site into one single parcel.

#### **Public Works Department**

34. The applicant shall submit a building plan for review and approval by the Departments of Public Works and Transportation that identifies the on-site locations for valet parking (including pick-up/drop-off of passengers and loading/unloading of luggage), as well as the specified hours of operation for valet parking on Mentor Avenue (including pick-up/drop-off of passengers and loading/unloading of luggage). No 24- hour valet parking permit shall be issued on Colorado Boulevard, Mentor Avenue or Lake Avenue. (Applicable to both Phases).
35. The width of the existing drive approach on Mentor Avenue exceeds maximum 26 feet allowed in accordance with Section 17.46.150 of the Pasadena Municipal Code. The proposed design shall take into consideration to provide sufficient sight distance for the protection of pedestrians. Structural columns at Mentor Avenue driveway must be set back a minimum of 10 feet behind the property line. Dimension for total driveway width must be approved by both Department of Public Works and Department of Transportation. (Applicable to Phase 1)
36. No private improvements may be placed within the public right-of-way, including, but not limited to, soldier beams, tie-backs, utility conduits and decorative sidewalk. Private improvements may only be placed in the public right-of-way by submitting a license agreement, which must be approved by City Council. 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 before any permits are granted. An approved license agreement will allow the applicant to install and maintain the private improvements within the public right-of-way with conditions.

A license agreement for shoring requires 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. (Applicable to both Phases)

37. In order to accommodate Americans with Disabilities Act (ADA) compliant curb ramps, the applicant shall dedicate to the City the land necessary to provide a 15-foot radius property line corner rounding at the southeast corner of Colorado Boulevard and Lake Avenue. Additionally, the applicant shall dedicate to the City a 3-foot strip of land along the Lake Avenue frontage of the project for sidewalk purposes, to provide a 15-foot wide sidewalk on Lake Avenue. The applicant shall be responsible for all the costs required to complete the dedications. In addition, the applicant shall reconstruct the entire 15-ft wide concrete sidewalk per Standard Drawing S-421, on Lake Avenue fronting the subject property. The dedications must be approved by City Council prior to the issuance of a Certificate of Occupancy. (To be completed by Phase 2)
38. Excavations for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations. Colorado Boulevard and Lake Avenue are constructed with concrete pavement, and any excavation in these streets will require reconstruction of full concrete pavement panels. (To be completed by Phase 2)
39. Mentor Avenue was resurfaced by the City in 2010. Where utility cuts are made, the developer shall be responsible to reconstruct the street section to City standards. In order to mitigate the effects of the anticipated number of utility cuts needed for the new development, the applicant will be required to restore, per Pasadena Standard Drawing S-416, the a minimum half width of Mentor Avenue along the frontage of the subject property and 150 feet to the south side. (To be completed by Phase 1)
40. The applicant shall construct standard curb ramps at the southwest corner of Colorado Boulevard and Mentor Avenue (To be completed by Phase 1); and the southeast corner of Colorado Boulevard and Lake Avenue (To be completed by Phase 2) per Standard Drawing No. S-414, including relocating affected traffic signals, pull boxes and other utilities.
41. All proposed new drive approaches shall be in accordance with Standard Drawing No. S-403. The existing gutter shall be cut as near the flow line and the paving shall not be disturbed. (Applicable to both Phases)
42. The applicant shall reconstruct all damaged concrete sidewalk on Colorado Boulevard, and on Mentor Avenue, per requirements from Department of Public Works. (To be completed by Phase 1)
43. The existing crosswalks at Lake Avenue and Colorado Boulevard consist of integrally colored concrete. Any excavation in these crosswalks will require the restoration of colored concrete to match existing paving. (To be completed by Phase 2)
44. The applicant shall re-stripe all traffic lanes along the Colorado Boulevard, Lake Avenue and Mentor Avenue frontages of the property, including the south and east legs of the Colorado Boulevard and Lake Avenue crosswalk; and the west and south legs of the Colorado Boulevard and Mentor Avenue crosswalk. (Applicable to both Phases)

The applicant shall construct public improvements along the frontages of the subject property in accordance with the Lake Avenue Subdistrict of the Central District



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, please visit the Community Planning and Development Department's website at <http://www.ci.pasadena.ca.us/planning/deptorg/commplng/GenPlan/sp.asp>.  
(To be completed by Phase 2)

45. The proposed development shall connect to the public sewer with new sewers consisting of one or more six-inch diameter vitrified clay or cast iron pipe laid at a minimum slope of two percent. The sewer shall meet City Standards as determined by the Department of Public Works. (Applicable to both Phases)
46. 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. (Applicable and proportionate to each Phase)
47. Any connection to the storm drain system in Lake Avenue, including connections to comply with the SUSMP requirements, will require approval from the Department of Public Works. (Applicable to both Phases)
48. In order to improve pedestrian and traffic safety, the applicant shall install a maximum of three (3) Type I in-fill street lights on or near the frontage of the property on Colorado Boulevard. 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 cost of the street lights is the applicant's responsibility. (To be completed by Phase 1)
49. The applicant shall relocate/salvage a maximum of three (3) existing street lights on or near the property on Colorado Boulevard to achieve equal street light spacing hence improving the street light performance and uniformity. The work 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 cost of the street lights relocation/salvage is the applicant's responsibility. (To be completed by Phase 1)
50. The applicant shall restore and re-paint all existing metal street light poles, traffic signal poles and traffic signal controller cabinet(s), along the Colorado Boulevard, Mentor Avenue and Lake Avenue frontages of the subject property in a manner acceptable to the Department of Public Works. The cost of the street light pole and traffic signal pole/equipment restoration and painting is the applicant's responsibility. (Applicable to both Phases)
51. If the existing street lighting system along the project frontage is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including conduit(s), conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements and receives the approval of the Department of Public Works. (Applicable to both Phases)

52. All tree removals shown on the plans are subject to the approval of the Urban Forestry Advisory Committee. (Applicable to both Phases)
53. The applicant shall plant and maintain, for a period of three years, a maximum of ten (10) officially designated street trees per the City approved master street tree plan on the subject frontages and install and permanently maintain an irrigation system for the trees. Locations will be finalized in the field by the Department of Public Works. Trees must meet the City's tree stock standards, be inspected by the City, and be planted according to the details provided by the Parks and Natural Resources Division. The trees shall be approved by the Forestry Supervisor prior to the issuance of a Certificate of Occupancy. 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. (Applicable to both Phases)
54. The applicant is responsible for design, preparation of plans and specifications, and construction of all required public improvements. Plans for all improvements in the public right-of-way shall be prepared by an engineer, registered in the State of California. Upon submission of improvement plans to the Department of Public Works for checking, the applicant will be required to place a deposit with the department to cover the cost of plan checking and construction inspection of the improvements. The amount of deposit will be determined when the plans are submitted and will be based upon the estimated cost for the Department to do the work. (Applicable to both Phases)
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 (To be split equally by each phase) with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
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 and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other

public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. (Applicable to both Phases)

57. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits. (Applicable to both Phases)

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

- 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.
- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)  
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$20,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC  
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the approval of the Urban Forestry Advisory Committee.
- Stormwater Management and Discharge Control Ordinance – Chapter 8.70 of the PMC  
This project is subject to the requirements of the City's Storm Water and Urban Runoff Control Regulation Ordinance which implements the requirements of the Regional Water Quality Control Board's Standard Urban Storm Water Mitigation Plan (SUSMP). Prior to the issuance of any demolition, grading or construction permits for this project, the developer shall submit a detailed plan indicating the method of SUSMP compliance. Information on the SUSMP requirements can be obtained from the Permit Center's webpage at: <http://www.cityofpasadena.net/permitcenter/plansubreq/cndord.asp>.

- o 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. Transportation Demand Management Plan. All phases of the project are subject to the City's Transportation Demand Management (TDM)/ Trip Reduction Ordinance (TRO) requirements. The purpose of the trip reduction requirement is to reduce the demand for automobile commute trips by ensuring that the design of major nonresidential developments projects accommodates facilities for alternative modes of transportation. A TDM plan shall be completed to address the project's programs to promote alternative modes of transportation **prior to the issuance of the first permit for construction per phase (foundation, demolition, grading, or building) and shall meet the following requirements:**

- a. Carpool and Vanpool Parking. A minimum of 10% of the employee parking spaces shall be reserved for and designated as preferential parking for carpool and vanpool vehicles. Such parking area shall be in a location more convenient to the place of employment than parking spaces for single occupant vehicles, and shall be located as close as practical to the employees' entrances.
- b. Bicycle Parking. Bicycle parking shall be provided on-site in compliance with Section 17.46.320 (Bicycle Parking Standards). In addition, the bicycle parking shall be located near the employee entrance and shall be conveniently accessible from the external circulation system.
- c. Transportation Demand Management Program Plan. A Transportation Demand Management Program ("TDM") Plan shall be submitted which

complies with Chapter 10.64 of the Municipal Code (Transportation Management Program).

The owner/ developer shall place a **\$1,916\* deposit** with the Department of Transportation **prior to the issuance of the first permit for construction (foundation, demolition, grading, or building) per phase.** This deposit is subject to a partial 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.

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 Senior 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.

59. Hours for construction traffic (delivery trucks or haul trucks) shall be restricted to the hours between 9:00 AM to 3:00 PM to limit peak hour traffic conflict along Lake Avenue, Colorado Boulevard, and Mentor Avenue, unless otherwise approved by the Departments of Public Works and the Department of Transportation.
60. Construction staging shall not block any lanes of traffic along the project frontage at Lake Avenue, Colorado Boulevard, and Mentor Avenue.
61. The City will not issue on-street overnight parking permits to the future residents of this project. The applicant shall disclose this information to future tenants of the unavailability of on-street overnight parking permits.

**Phase 1 Project Conditions prior to issuance of the Building Permit**

62. The applicant shall contribute funds to the Neighborhood Traffic Management Capital Improvement Program Fund Number 75210 prior to the issuance of the Building Permit. This recommendation is in line with the objectives of the street segment thresholds to protect residential neighborhoods from intrusion of traffic intended to and from commercial projects. However, significant impacts will remain. **Amount: \$50,000\*\***

63. The applicant shall fund the purchase and installation of two traffic monitoring stations for Mentor Avenue north of Colorado Boulevard and Mentor Avenue south of Colorado Boulevard as part of the development and implementation of the Citywide Traffic Monitoring Program prior to the issuance of the Building Permit. **Amount: \$5,000\*\***

*\*\* The applicant shall make these 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.*

64. A formal recorded parking agreement between the applicant and the off-site parking provider shall be submitted to the City's Planning Department and Department of Transportation prior to the issuance of the first permit for construction (foundation, demolition, grading, or building). The parking agreement shall indicate the number of parking spaces to be leased to the applicant, and any time constraints to access those parking spaces, if any.

65. The Mentor Avenue driveway shall be designed to provide unimpeded vehicular access at all times. DOT recommends that, at minimum, three unrestricted lanes be provided to serve vehicular traffic to and from Mentor Avenue. Appropriate overhead signage, and on-site signage and striping shall be installed to reduce on-site driver confusion and decision-making.

66. A site plan which resolves the issues stated in Condition 65 shall be submitted to DOT for review and approval prior to issuance of any building permit. Considering that non-conforming ATMs can not be relocated, the Mentor driveway width should not exceed 50 feet to minimize impact on pedestrians.

67. For the bus zone at the southeast corner of the Lake Avenue/ Colorado Boulevard intersection, the following conditions shall apply:

- a. The applicant shall provide funds for a new bench, solar trash container, and bus stop signage prior to the issuance of the Building Permit. **Fee:\$7,000.00**
- b. Bus zone shall be a minimum of 130' wide at this very heavily used transit stop location.
- c. No new trees shall be located within the bus zone to prevent interference with ADA guidelines, boarding/alighting, and other pedestrian accessibility.
- d. The existing bus shelter shall be retained in the zone at all times.
- e. Existing transit operations of the transit stop shall be maintained during and after construction at all times.

## **Phase 2 Project Conditions prior to issuance of the Building Permit**

68. The project shall pay the Traffic Reduction and Transportation Improvement Fee (TR-TIF) prior to the issuance of the Building Permit. **Fee: \$441,224.94\***

*\*This calculated 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.*

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

69. **Water Mains:** Pasadena Water and Power (PWP), Water Division, can serve water to this project. There is a 20-inch water main in Colorado Boulevard approximately 18 ½ feet north of the south property line of Colorado Boulevard and an 8-inch water main in Mentor Avenue approximately 21-25 feet east of the west property line of Mentor Avenue. There is also a 12-inch water main in Lake Avenue 16 feet west of the east property line of Lake Avenue. The applicant is advised to consult the Pasadena Water Division to discuss any new services and/or abandonment.  
**(NOTE: Pasadena Water Service Rate Ordinance is applied to new services tapped off the main closest to the parcel when installed in the street under normal conditions and standard methods).**
70. **Moratoriums:** Verify with Pasadena Public Works Department regarding any construction moratorium affecting this project.
71. **Water Pressure:** The approximate water pressure range for this project is 55-60 psi (pounds per square inch).
72. **Water Service:** Currently, there are several water services to this site. Existing and new water services will be reviewed when final building plans are submitted. Any service abandonment shall be at the distribution main. PWP will install any new service at the Pasadena Water Service Rate Ordinance in effect at the time of application and installation.
73. **Fire Flow and Fire Hydrants:** The Pasadena Fire Department (PFD) has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer. If you would like to request fire flow test information for your site, please contact Sandra Elvey at (626) 744-7907.
74. **Cross Connections:** All city cross-connection prevention policies must be adhered to. All water services serving the project shall be protected by an approved backflow prevention assembly. Water lines are not permitted to cross lot lines to serve adjoining lots. If you have additional questions, please contact Richard Thompson at (626) 744-4299.
75. **Landscaping and Irrigation:** Provide plans showing backflow protection to the Water Division for review and approval.

**76. Indemnification:**

1. Applicant agrees to indemnify and hold harmless the City, the City Council, its advisory agencies, boards or commissions, officers, contractors, employees, and consultants (collectively, the "City") from:

(a) any and all awards or judgments for attorneys' fees, damages or costs entered against the City arising out of any action challenging, attacking, or otherwise seeking to set aside, void, or annul any approvals issued in connection with Applicant's application(s) for entitlement, if approved by the City, or any action taken to provide the related environmental clearance(s) under the California Environmental Quality Act ("CEQA") by the City; and

(b) any and all costs or fees incurred in any additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document such as an environmental impact report or application for entitlement, if made necessary by any such action defined under 1(a) above, and should the Applicant desire to pursue such additional investigation or study.

2. The City shall have the right not to participate in the defense of any action set-forth in 1(a) above, except that the City agrees to reasonably cooperate with Applicant in the defense of any such action.

3. Applicant's indemnification of the City as set-forth herein shall remain in full force and effect throughout all stages of any action defined under 1(a) above, including any and all appeals of any lower court judgments, and until such time as any such action is deemed final under California law.