

ATTACHMENT 2

SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #5804, STACK HEIGHT VARIANCE, AND WALL AND GATE HEIGHT MINOR VARIANCES

Conditional Use Permit: To Allow the Upgrading of a Major Utility

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of the Zoning Code.* The operation of a major utility, such as a power-generating plant is permitted subject to approval of a Conditional Use Permit in the IG-SP2-AD2 (General Industrial, South Fair Oaks Specific Plan, Alcohol Density Overlay) and IG-SP2-HL56 (General Industrial, South Fair Oaks Specific Plan, 56-Foot Height Limit Overlay) zoning districts where the Glenarm Power Plant site is located.

The City constructed the Glenarm power plant in 1907 to provide electricity to its residents. As the demand for power increased, the City's power plant expanded to include the Broadway Plant. The Pasadena Water and Power (PWP) proposes to replace one existing steam-generating Unit B-3 with a new combined-cycle, gas-fueled turbine of equivalent size (71-megawatt) unit GT-5. The new GT-5 unit will be installed, together with ancillary site improvements, including a 125-foot exhaust stack, construction of a new one-story, 15-foot high, 3,850-square-foot modular building to serve as a control room support in the interior of the approximately 6.5-acre Glenarm power plant site. The proposed upgrading of equipment and facilities will not result in the enlargement or expansion of the power plant site. The proposed new modular building complies with all applicable provisions of the Zoning Code with respect to building setbacks, height, parking and loading space. The operation of the power plant will be conducted in accordance with the City's regulations and ordinances that ensure compatibility and protection of properties in the area from adverse impacts.

2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The Zoning Code allows the Major Utility use in the South Fair Oaks Specific Plan through the approval of a Conditional Use Permit. The Major Utility is conditionally permitted by the Zoning Code following the review of potential impacts on the surrounding area. The project's impacts on the environment have been analyzed in an Environmental Impact Report (EIR). The EIR analysis determined that the proposed project would result in significant and unavoidable impacts related to Greenhouse Gas Emissions and Land Use and Planning. The California Environmental Quality Act (CEQA) provides that the approving agency (the City) may adopt a Statement of Overriding Consideration upon finding that the benefits derived from the project outweigh the impacts.

As conditioned, the construction and operation of the new Unit GT-5 and related ancillary structures and equipment will institute mitigation measures and not result in any significant impacts on adjacent uses. As conditioned, the use complies with all applicable Zoning Code and the South Fair Oaks Specific Plan requirements. All other impacts were found to be less than significant or less than significant with mitigation measures. In a public meeting on December 12, 2012, the Planning Commission and the public reviewed and provided

comments on the DEIR. Responses to the comments have been prepared and are attached to the Final EIR document.

3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The proposed upgrading of the Major Utility use is consistent with the Specific Plan designation of the General Plan Land Use Element/Diagram. The project furthers the following General Plan objectives and policies: Objective 13 (Adequate Services), which calls to provide adequate support for businesses and institutions that serve the needs of Pasadena's diverse residents and families, Objective 18 (Improved Environment), which calls to improve the quality of the environment for Pasadena and the region, Policy 18.1 (Air Quality: Improve the air quality in Pasadena and in the region), Policy 7.4 (Infrastructure Improvements), which fosters continued implementation of capital improvements which will maintain or rehabilitate infrastructure. The proposed project supports the City's commitment to provide power supply that is reliable, cost-effective and environmentally responsible.

The project is an implementing action called for in the 2011 updated Integrated Resources Plan (IRP). The IRP reconfigures the City's electricity portfolio that necessitates replacing existing ageing and inefficient Unit B-3 with a new combined-cycle gas turbine generator that uses local natural gas and equipped with more advanced air pollution control system. The project furthermore reinforces the City's commitment to the United Nations Urban Environmental Accords Action 3 – Climate Change, towards the 25% reduction goal in greenhouse gas emissions from utility-supplied energy.

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.* The upgrading of the Major Utility use will operate within the existing Glenarm Power Plant site, as a replacement for the existing less efficient and ageing Unit B-3 located in the Broadway Plant site. The potential impacts of the project has been analyzed in an Environmental Impact Report (EIR), which determined that the proposed project would result in significant and unavoidable impacts related to Greenhouse Gas Emissions and Land Use and Planning. CEQA provides that the approving agency (the City) may adopt a Statement of Overriding Consideration upon finding that the benefits derived from the project outweigh the impacts.

The project as proposed would not rehabilitate the historic Glenarm Building, so that the impacts associated with its rehabilitation no longer exist. All other impacts were found to be less than significant or less than significant with mitigation measures. In a public meeting on December 12, 2012, the Planning Commission and the public reviewed and provided comments on the Draft EIR. Responses to the comments have been prepared and are attached to the Final EIR document. As conditioned, the use complies with all applicable Zoning Code and South Fair Oaks Specific Plan requirements. Conditions of Approval are also included to ensure the project will not be detrimental to the health, safety and general welfare of the persons residing or working in the surrounding area.

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.* The proposed project is small in scope in relation to the existing facilities on the site. The project

is intended to meet various objectives of the Integrated Resources Plan, while confining the power-generating operations within the existing site. Included in the site improvements is the installation of a 10-foot high solid wall and additional landscaping along the Fair Oaks Avenue frontage to screen the plant operations from public view, and to provide security to both the plant facilities as well as the surrounding properties. Access to the plant site is restricted to the State Street frontage, which will also be secured by a security gate and continuous monitoring (surveillance) mechanism. As conditioned, the major utility use complies with all applicable Zoning Code and South Fair Oaks Specific Plan requirements. Conditions of Approval are also included to ensure the project will not be detrimental or injurious to the surrounding area, or to the general welfare of the City.

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The surrounding area is fully developed with commercial, industrial uses that are compatible with the General Industrial designation of the zoning district. Blair High School, located to the east and across the MTA/Gold Line Right-of-Way from the Broadway Plant site, is within a Public, Semi-Public (PS) zoning district. The project site has been operating as a major utility use since 1907, and there has been no major incidence of harm or hazard to the surrounding uses. The project scale is consistent with the character of the surrounding uses.

Variance – To allow 125-foot tall exhaust stack to exceed the 56-foot height limit

7. *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.* The Glenarm Power plant site has been operating as a power-generating plant since 1907. As a major utility use, the power plant site is subject to strict operational and design requirements by state and federal agencies that do not apply to other parcels in the same zoning district. The 125-foot height of the proposed additional exhaust stack is necessary to comply with the air quality parameters prescribed by the Southern California Air Quality Management District (SCAQMD). The Glenarm power plant site is unique in that there are no other power-generating plants or industrial uses of similar scale in the zoning district. There are four other existing stacks that already exceed the 56-foot height limit, which were permitted with the approval of a height variance on July 31, 2002. Since the surrounding area is primarily industrial and commercial in character, the proposed height will not negatively impact nor will it be out of scale with the surrounding developments.
8. *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.* One of the alternatives analyzed in the EIR is the “No Project/No Action: Continuation of Existing Practices,” which assumes that the subject site would remain in its existing state. Under this alternative, the existing steam-generating Unit B-3 would not be decommissioned, and would continue to operate as it currently does on an intermittent and as-needed basis, where the PWP would continue to purchase its contractual entitlement of coal-fired power from the market or the Intermountain Power Project (IPP) facility. The “No project” alternative would not achieve the underlying project purpose of increasing reliability of local power generation, or any of the associated project objectives, such as: providing the City’s residents and businesses with more reliable power that is cost-effective and environmentally-responsible. Replacing one of the existing steam-generating units (Unit B-3) with a more efficient, more reliable natural-gas generator is an implementing project of

the City's Integrated Resources Plan. Granting the height variance is necessary for the power plant to be used in providing reliable electricity to City customers. Without the increased stack height, the proposed project would not be able to move forward.

9. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The proposed deviation from the 56-foot height limit is necessary to achieve the air quality levels prescribed by the national, regional and local air quality regulatory agencies. It is a necessary component of the new Unit GT-5 that is equipped with more advanced air pollution control mechanism. The proposed stack is designed to reduce the pollutant concentrations on the ground, thus, protecting the surrounding area. The proposed 125-foot stack is not out of scale with the current power plant scale, will not change the existing use or visual character of the project site.
10. *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 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.* The project is consistent with both the Zoning Code and General Plan. The majority of surrounding properties include a mix of commercial and industrial developments that are consistent with the Industrial zoning designation of the site. Granting the height variance for the exhaust stack is in conformance with the General Plan Objective 18 (Improved Environment) and Policies 18.1 (Air Quality) and 18.3 (Energy Efficiency), and Goal 3 (Greater Use of Energy from Alternative Sources) of the Energy Element.

A key feature of the Preferred Resource Plan presented in the Integrated Resource Plan (IRP) is the replacement of existing inefficient local generating units at PWP's power plant with a new and more efficient generating unit equipped with more advanced air pollution control system. The proposed project, which includes the 125-foot exhaust stack will help further the General Plan goals, objectives and policies by directly supporting attainment of the IRP policy objectives and benchmarks.

11. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* The cost to the applicant of complying with the city's development standards has not been considered a factor at any time throughout the review of this application. Complying with mandatory regulations for the design and construction of exhaust stacks associated with electric generating units is the primary reason for the requested height variance.

Minor Variance – To allow a 1042-foot tall wall along Fair Oaks Avenue frontage, where the wall height limit is four feet when in front of a structure

12. *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.* The subject site has been operating as power generating plant since 1907. The operation of a power plant is subject to federal, regional and local utility regulatory agencies, which require enhanced security measures for the facilities within the power plant site. However, State regulations (Title 8, Division 1, Chapter 4, Subchapter 5 (Electrical Safety Orders) Group 2 (High

Voltage Electrical Safety Orders), Section 2812.1(a) of the California Code of Regulations) requires that the height of an enclosure for electrical installations shall not be less than eight feet. The proposed 1042-foot high wall along the Fair Oaks Avenue frontage is one way of maintaining security of the plant site because of sensitive and critical use that needs to be secured. The existing development consists of high-value capital investments that are expected to generate continuous and reliable power supply to the City's residents and businesses.

The proposed wall is also necessary to screen from public view the plant operations that consist of massive installations, such as: four turbines (Units GT-1 through GT-4) and their respective 125-foot tall exhaust stacks, tanks, utility pipes, and others. These components of the plant site are unique to the site, and are not found in other properties in the same zoning district.

13. *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.* Approval of the Variance to allow a wall height to exceed the four-foot height limit (when in front of a building) is necessary to allow the power plant to secure the facilities and utilities at the subject site. The existing development consists of high-value capital investments that are expected to generate continuous and reliable power supply to the City's residents and businesses. Any security weakness that could possibly cause disruption of power supply in the City could result in significant and unreasonable property loss or unnecessary hardship to PWP and the City.
14. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The purposes of the proposed 1042-foot high wall along the Fair Oaks Avenue frontage are to screen the plant operations from public view, and to provide an enhanced security measure for a sensitive use (power generation) that serves the City's residents and businesses. The separation of the plant operations from the public and surrounding properties that the wall provides will not be detrimental or injurious to these surrounding properties and developments, nor to the public health, safety or general welfare.
15. *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 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.* The proposed 1042-foot tall wall along the Fair Oaks Avenue frontage will exceed the four-foot height limit in the subject zoning district; however, the wall height is necessary to screen the plant operations from public view, as well as to provide enhanced security to the plant site. The proposal is consistent with the goals of the South Fair Oaks Specific Plan area to support the enhancement of local businesses and to create an attractive physical environment for businesses in the specific plan area.
16. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* The cost to the applicant of complying with the city's development standards has not been considered a factor at any time throughout the review of this application. Compliance with federal, regional and local regulatory agencies' requirements

for enhanced security measures is the primary reason for the minor variance to allow a 10-12-foot high wall.

Minor Variance – To allow a 10-foot tall security gate across State Street, where the wall height limit is six feet when not in front of a structure

17. *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.* The subject site has been operating as power generating plant since 1907. The operation of a power plant is subject to federal, regional and local utility regulatory agencies, which require enhanced security measures for the facilities within the site. However, State regulations (Title 8, Division 1, Chapter 4, Subchapter 5 (Electrical Safety Orders) Group 2 (High Voltage Electrical Safety Orders), Section 2812.1(a) of the California Code of Regulations) requires that the height of an enclosure for electrical installations shall not be less than eight feet. The proposed 10-foot tall security gate across State Street is one way of enhancing the security, aside from the access control mechanisms that monitor the entrance and exit of plant personnel and outside parties, such as deliveries of fuel, material supplies and contractor services. The plant operations and the conduct of its daily operations are unique to the site, and are not found in other properties in the same zoning district.
18. *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.* Approval of the Variance to allow a security gate height to exceed the six-foot height limit (when not in front of a building) is necessary to allow the power plant to secure the facilities and utilities at the subject site. The existing development consist of high-value capital investments that are expected to generate continuous and reliable power supply to the City's residents and businesses. Any security weakness that could possibly cause disruption of power supply in the City could result in significant and unreasonable property loss or unnecessary hardship to the PWP and the City.
19. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The purpose of the proposed 10-foot high security gate across East State Street is to provide an enhanced security measure against unwanted intrusion into the plant site. The separation of the plant operations from the public and surrounding properties that the gate provides will not be detrimental or injurious to these surrounding properties and developments, nor to the public health, safety or general welfare.
20. *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 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.* The proposed 10-foot tall gate across East State Street will exceed the six-foot height limit in the subject zoning district; however, the wall height is necessary to provide enhanced security to the plant site. The proposal is consistent with the goals of the South Fair Oaks Specific Plan area to support the enhancement of local businesses in the specific plan area.

21. *Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.* The cost to the applicant of complying with the city's development standards has not been considered a factor at any time throughout the review of this application. Compliance with federal, regional and local regulatory agencies' requirements for enhanced security measures is the primary reason for the minor variance to allow a 10-foot high security gate across State Street.

ATTACHMENT 3

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #5804, STACK HEIGHT VARIANCE, AND WALL AND GATE HEIGHT MINOR VARIANCES

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

General

1. The site plan, floor plan, and building elevations submitted for building permits shall substantially conform to plans submitted with this application and stamped, "Received at Hearing, dated April 8, 2013" except as modified herein.
2. The applicant, or successor in interest, shall meet the applicable code requirements of the Zoning Code and of all other City Departments at all times.
3. The final decision letter and conditions of approval shall be incorporated in the building plans submitted for building plan check.
4. The project shall adhere to the City regulations governing hours of construction, noise levels generated by construction and mechanical equipment, and the allowed level of ambient noise as specified in Chapter 9.36 of the Pasadena Municipal Code.
5. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing before the Planning Commission and City Council. These conditions may be modified or new conditions added to reduce any impacts of the use. The City Council may revoke the Conditional Use Permit if sufficient cause is given.
6. Removal of any trees shall be subject to review and approval of the Urban Forest Advisory Committee.
7. The proposed project, Activity Number **PLN2012-00158**, is subject to the City's Condition Monitoring Program and Mitigation Measures Monitoring Program. Condition Monitoring and Mitigation Measures Monitoring are required for your project. Contact Planning Case Manager Annabella Atendido at (626) 744-6707 to schedule an inspection appointment.

Planning Division

8. The approval of this Conditional Use Permit authorizes the installation of a new combined-cycle, natural gas-fueled power-generating unit GT-5, and related components of the Glenarm Plant Re-powering Project.
9. The height of the Once-Through Steam Generator (OTSG) stack shall not exceed 125 feet. The proposed exhaust stack will match the height, color, texture and general appearance of the existing stacks, and will not detract from the existing visual character of the plant site. To the extent feasible, direct the filter house of the proposed new Unit GT-5 facing away from the South Fair Oaks Avenue frontage to minimize its visual impact.

10. The height of the wall along the South Fair Oaks Avenue frontage shall not exceed 10~~12~~ feet. A final wall plan shall be submitted to the Zoning Administrator for review and approval prior to issuance of a separate building permit for this wall.
11. A final landscape plan relating to the 10~~12~~-foot wall along the South Fair Oaks Avenue frontage shall be submitted to the Zoning Administrator for review and approval prior to issuance of a building permit for the wall. Details of the landscaping plan shall include but not limited to: protection of existing trees, placement of new or enhanced planting materials in front of the wall, list of plant materials, irrigation, etc.
12. Removal of any tree(s) shall be subject to review and approval of the Urban Forestry Advisory Committee (UFAC);
13. The two driveways on South Fair Oaks Avenue shall meet the visibility corridor requirements of the Zoning Code Section 17.46.170 (Driveway Visibility).
14. The height of the security gate across East State Street shall not exceed ten feet. A final gate plan shall be submitted to the Zoning Administrator for review and approval prior to issuance of a separate building permit for this gate. The plan shall include a site plan and elevations with dimensions, and information including but not limited to: material, narrative description of how the gate will operate (whether manned or unmanned access control), etc.
15. A final site plan shall be submitted to the Director of Planning & Community Development Department ~~Zoning Administrator~~ for review and approval prior to issuance of building permits for the construction of the new 3,850-square-foot modular building that will serve as the consolidated control room. The modular building shall be set back from the wall to the maximum extent feasible to the satisfaction of the Director of Planning & Community Development Department.
16. The facility shall be accessible only by authorized PWP staff, authorized third party contractors, and affected agencies' authorized personnel for the operations and regular maintenance of the facility. The facility shall not be open to the public at any other time.
17. PWP shall prepare a mothballing plan for the Glenarm Building to preserve the existing character-defining features in place while the Glenarm Building remained unoccupied. The mothballing plan is to be based on the National Park Technical Preservation Services publication Brief 31 Mothballing Historic Buildings. The mothballing plan shall be implemented prior to the issuance of a Certificate of Occupancy of the new modular building to the satisfaction of the Director of Planning & Community Development Department.

Department of Public Works - applying only to the construction, renovation, and parking elements of the subject Conditional Use Permit

18. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, without cutting the asphalt pavement along the subject frontage prior to the issuance of a Certificate of Occupancy. Sawcutting shall be done along the flowline.

19. There are existing storm drain and sewer facilities within the subject property which are currently maintained by the applicant. The applicant shall either continue to maintain those facilities or relocate them from within the private property to the public right-of-way on South Fair Oaks Avenue and on East State Street. There are sleeves previously installed under the MTA right-of-way for future extensions of any relocated pipes between the east and west end of East State Street. Prior to the relocation work, the applicant shall submit design plans to the Department of Public Works and MTA for review and approval. All costs associated with the relocation work shall be the responsibility of the applicant.
20. The applicant shall plant and maintain, for a period of three years, ~~a maximum of one~~ (1) *lagerstroemia indica*, (Crape Myrtle) on the East Glenarm Street frontage. Location will be finalized in the field by the Department of Public Works. Tree(s) must meet the City's tree stock standards, be inspected by the City, and be planted according to the details provided by the Parks and Natural Resources (PNR) Division. PNR can be reached at (626) 744-3846. The tree(s) shall be approved by the Forestry Supervisor prior to the issuance of a Certificate of Occupancy. All new tree(s) shall be maintained by either an existing or a new irrigation system constructed by the applicant.

The applicant shall guarantee the establishment of the new tree for a minimum of 90 calendar days. The maintenance within the establishment period shall consist of watering the new tree(s); the removal of weeds; the adjustment to grade of any trees that settle; and any other operations needed to assure normal tree growth. The applicant shall replace any tree(s) which, for any reason, die or are damaged under its care. The 90-day tree establishment period shall commence on the day that the Certificate of Occupancy is issued.

21. 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 Work Area Traffic Control Handbook (WATCH). If the public right-of-way occupation requires a diagram that is not a part of the WATCH manual, 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.

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

22. 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.
23. The final location of the 10-foot-tall security and visual screening wall along South Fair Oaks Avenue shall be reviewed and approved by the Department of Public Works, to allow for the protection of existing trees in this area.
24. 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.

Department of Public Works – applying to the Street Closure (without vacation) of State Street:

25. The proposed security gate shall have a minimum of 20 feet wide opening. The gate shall be equipped with continuous surveillance system and a call button to enable requests from any affected agencies that need to gain access to the closed area for maintenance purposes. The gate shall have the ability to be opened electronically upon immediate request at all times. In the case of power failure during disaster or emergency, the gate shall be switched to and remain in manual mode during the activation period of the City's Emergency Operation Center and/or until the restoration of power.
26. All private improvements in East State Street, including the proposed security gate, shall be constructed with a minimum of 40 feet setback, measuring from the back of the existing sidewalk on South Fair Oaks Avenue.
27. In order to comply with the Americans with Disabilities Act (ADA) standards, PWP shall reconstruct the intersection of East State Street and South Fair Oaks Avenue in one of the following ways:
 - a. Remove the existing curb returns at the northeast and the southeast corners, and reconstruct the intersection as a private drive approach in accordance with Standard Plan S-403 and to the satisfaction of the City Engineer. The improvements shall consist of the construction of concrete curb, gutter, sidewalk, standard drive approach, and other necessary work. Improvements shall also include the relocation and upgrading of affected street lights, signals and various utilities.

- b. Extend the existing curbs by 5 or 6 feet on both sides of State Street to construct two new curb bulb-outs or chokers. Construct new curb ramps at the northeast and the southeast corners in accordance with Standard Plan S-414. Install proper traffic signage per requirements of Department of Transportation.

PWP is responsible for the design, preparation of plans and specifications, and construction of all the above required public improvements. The plans shall be prepared by a registered civil engineer and submitted to the Department of Public Works for review and approval.

28. PWP shall be responsible for the maintenance of all improvements within the proposed closure area in East State Street. Said improvements include pavement, sidewalk, trees, and all street light facilities. The street light facilities may either be removed and salvaged to the Department of Public Works or they may remain in place. If they remain, the street lights will be removed from the department inventory so that Public Works is not responsible for their energy consumption and PWP shall be responsible for all associated maintenance costs.

~~28. The final location of the 12-foot tall security and visual screening wall along South Fair Oaks Avenue shall be reviewed and approved by the Department of Public Works, to allow for the protection of existing trees in this area.~~

Metropolitan Transportation Authority (MTA)

29. The proposed security gate installed by Pasadena Water and Power (PWP) shall be continuously monitored by PWP staff 24 hours a day and seven days a week. MTA staff with proper agency identification shall be able to access the MTA ROW without delay, through the control intercom or key pad on both sides of the security gate. In addition, Pasadena Fire Department shall be allowed emergency access to the MTA ROW without delay at all times.
30. MTA may install a locked pedestrian gate near the existing drive approach at the east end of current East State Street cul-de-sac for emergency access purpose. The area fronting the vicinity of the pedestrian gate shall be kept clear for access at all times, by means of proper signage.
31. PWP shall remove all existing vines on the fence and other vegetation near its ground to ensure clear access to the pedestrian gate, as well as the area within ten feet on each side of the gate for the required visibility. The area shall be maintained free of said overgrowth by PWP on a regular and continuous basis.