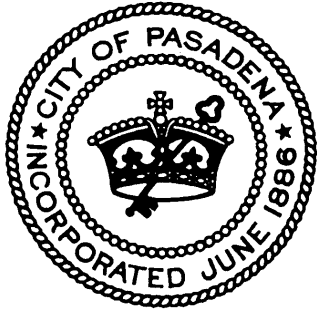


**ATTACHMENT F  
CITY COUNCIL REPORT AND ATTACHMENTS  
(CONDITIONAL USE PERMIT #5209), DECEMBER 13, 2010**



# Agenda Report

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**DATE:** DECEMBER 13, 2010

**FROM:** PLANNING DEPARTMENT

**SUBJECT:** APPEAL OF CONDITIONAL USE PERMIT #5209 AND OTHER LAND USE ENTITLEMENTS, PRIVATE TREE REMOVAL, FINAL ENVIRONMENTAL IMPACT REPORT, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE COLORADO AT LAKE MIXED-USE PROJECT AT 880-940 E. COLORADO BOULEVARD WITH SHARED PARKING AT 2 N. LAKE AVENUE

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## **RECOMMENDATION**

It is recommended that the City Council at the close of the public hearing take the following actions:

1. Adopt the resolution certifying the Final Environmental Impact Report (FEIR) and adopting environmental findings in accordance with the California Environmental Quality Act (CEQA) for the Colorado at Lake Project.
2. Adopt the resolution adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Alternative 3 – Hotel Option Project.
3. Approve the Findings of Fact (Attachment A), with the Conditions of Approval (Attachment B), the Scope of Development (Attachment C), and the Compliance with the General Plan and Specific Plan (Attachment D), for the Alternative 3 – Hotel Option Project.
4. Approve the Conditional Use Permit for a new non-residential project that exceeds 25,000 square feet (Attachment A).
5. Approve the Conditional Use Permit to establish a Lodging (Hotel) Use in the CD-5 zoning district.
6. Approve the Minor Conditional Use Permit for a new project that exceeds 15,000 square feet in the Transit-Oriented District (Attachment A).
7. Approve the Minor Conditional Use Permit for Shared Parking (Attachment A).

8. Approve the Minor Conditional Use Permit for Tandem Parking (Attachment A).
9. Approve the Minor Conditional Use Permit for Valet Parking (Attachment A).
10. Approve the Variance for a reduction in the number of required loading spaces (Attachment A).
11. Approve the Variance for the reductions in the required dimensional requirements for loading spaces (Attachment A).
12. Approve the Private Tree Removal Application (Attachment A).

## **EXECUTIVE SUMMARY**

### **Project Proposal**

The applicant, Park Place Commercial LP, is requesting approval of a mixed-use project on a 1.95-acre site at 880-940 E. Colorado Boulevard, bounded by E. Colorado Boulevard, S. Lake Avenue, and S. Mentor Avenue. Specifically, the applicant requests approval of the "Alternative 3—Reduce Development to 90% of Project--Hospitality Option", which is an environmentally superior alternative that was analyzed in both the Draft and Final Environmental Impact Reports (EIRs). This alternative was selected by the applicant for approval after public comments were received that expressed a desire for the original project to reduce environmental impacts on historic resources and traffic. The project under review by the Council is herein referred to as the "Alternative 3 – Hotel Option Project," or simply as the "Project." This project proposes to preserve and rehabilitate all historic buildings and the courtyard on the site. It also eliminates the significant street intersection impact at the corner of Lake Avenue and Walnut Street. For a detailed summary of the components of the Project, see Attachment C.

The Project would be constructed in two phases:

- Phase 1 - Renovation and re-use of the Constance Hotel building and historic one-story buildings with hotel, restaurant, and retail uses; and construction of an above-grade parking garage with 125 spaces (completion in 2012).
- Phase 2 - Construction of a rear addition to the hotel including five residential units; and construction of a new office building with restaurant and retail uses and a subterranean parking garage with 320 spaces (completion in 2014).

The full Project would include: 156 hotel rooms; five residential condominium units; a new office building with six occupied floors; and retail and restaurant uses. The total square footage of the completed development is 231,711 square feet. (Currently, the total square footage of all existing buildings on the site is 101,646 square feet). The Project would also satisfy a portion of the required

parking with a shared parking arrangement at the existing parking garage at 2 N. Lake Avenue, which currently serves a large office building.

#### Land Use Entitlements Required for the Project

The Project requires several land use entitlements including Conditional Use Permits, Minor Conditional Use Permits, two Variances for loading, and Private Tree Removal of three protected trees. The recommended findings for approval are included in Attachment A. The Project meets the majority of the development standards of the Zoning Code, including height, floor area ratio, setbacks, and parking requirements. The Variances for loading are requested due to the unique conditions on the property, which include historic buildings that will be retained and preserved and constraints regarding driveway configurations and street frontages on the site. The Project also requires concept and final design approval by the Design Commission, including approval of Height Averaging, which would occur under separate application at a future public hearing.

#### Environmental Impact Report (EIR) and Statement of Overriding Considerations (SOC)

A draft and final EIR were prepared by the City that analyzed the environmental impacts of the original project and four different project alternatives, including the proposed Project. Although substantial environmental impacts would be reduced in the Project, it would still result in significant unavoidable impacts on: Air Quality (during the construction period only); and Transportation and Circulation (three street segments on Mentor Avenue, but no intersection impacts). Therefore, the Project requires a Statement of Overriding Conditions (SOC) for approval. All other impacts were found to be less than significant with mitigation measures incorporated.

Staff recommends approval of the SOC because the Project meets the required findings for the land use entitlements and it complies with many policies and objectives of the Central District Specific Plan and the General Plan (Attachment D).

### **BACKGROUND**

#### Entitlement Process and Appeals

The applicant submitted the application for land use entitlements in February 2009. The draft EIR was prepared, and then circulated for a 45-day public review period from July 29, 2010 to September 12, 2010. The Hearing Officer certified the Final EIR, adopted the SOC, and approved the Project at a public hearing on October 20, 2010. The Pasadena Coalition for Responsible Development (Coalition) appealed the Hearing Officer's decision on November 1, 2010. The Board of Zoning Appeals affirmed with a 4-1 vote the Hearing Officer's decision of approval and made minor revisions to the SOC at a public hearing on November 17, 2010. The Coalition appealed the BZA decision of approval on November 29, 2010.

### Appeal by Pasadena Coalition for Responsible Development

The appeal application addresses two subjects: 1) traffic and transportation in the Final EIR; and 2) the content of the fiscal analysis that was used to support the one of the six statements (concerning the potential improvement of social and economic conditions with new jobs, revenue, and taxes) in the Statement of Overriding Considerations.

The appellant's transportation consultant (OEG, Inc.) asserts in a November 29, 2010 letter (included in the appeal application) that elements of the Project and the alternatives were not clearly explained and/or analyzed in the Final EIR. OEG also asserts that the Project has a shortage of parking spaces, and therefore there is a significant impact on transportation and traffic that was not analyzed in the Final EIR. The City's Department of Transportation (DOT), in consultation with the traffic consultant who prepared the transportation and parking analysis, has responded to the specific comments of the OEG and the appellant in a memorandum dated December 6, 2010 (Attachment G). In summary, the DOT has carefully reviewed OEG's comments and has affirmed that the methodology used in the EIR's traffic and parking analyses is correct, and that the information in the traffic study and in the Final EIR is accurately presented. Further, even with the differing opinions previously presented by the OEG to the Hearing Officer and the Board of Zoning Appeals concerning methodology and trip and transit reduction factors, staff concludes that these differences are minor, and they would not result in any substantial impacts to transportation, circulation, or parking as a result of the Project.

The appellant also disputes the accuracy of the Illustrative Fiscal Revenue Analysis in the December 16, 2009 memorandum prepared by CB Richard Ellis (Attachment H). The Analysis estimates that the project expected to create 630 temporary construction jobs, 750 new permanent jobs, a payroll of approximately \$32 million, and also indirect and induced employment and economic benefits. These benefits were cited in Statement No. 4 (one of six statements) in the Statement of Overriding Considerations, which was approved by the Hearing Officer and the Board of Zoning Appeals.

The analysis and conclusions of the CB Richard Ellis report have been reviewed and determined to be reasonable in a December 7, 2010 memorandum from Keyser Marston Associates, Inc. (Attachment F) The Project would result in a net gain of approximately 130,000 square feet of new commercial floor area on the site, including the introduction of a new hotel use which is unique to the Lake Avenue and East Colorado business corridors. Based on the amount of this new development in the Central District, it is likely that substantial economic benefit will result from the Project.

Further, the Project's benefits cited in the SOC are diverse and not limited to economic development. They also include: historic preservation of a landmark commercial building and other landmark eligible buildings; revitalizing the site

with viable, pedestrian-friendly uses; new development that is consistent with the Mobility Element and the Transit-Oriented District and enhances the Lake Avenue office corridor; and an energy-efficient and environmentally conscious development with re-use of existing buildings and LEED-certified new construction.

## **ANALYSIS AND STAFF RECOMMENDATION**

### **1- Conditional Use Permit for a new non-residential project over 25,000 square feet**

A Conditional Use Permit (CUP) is required for new non-residential projects that exceed 25,000 square feet. The Project includes a total of 140,023 square feet of new non-residential construction, which is comprised primarily of a new office building with six floors at the corner of E. Colorado Boulevard and S Lake Avenue. The total square footage of uses on the property (including retained buildings) is 231,711 square feet, which includes the re-occupation of the landmark Constance Hotel and retention of the existing one-story historic commercial buildings.

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, preservation of historic structures on the site, pedestrian orientation to the streets and sidewalks, and the public-use open spaces are in character with other development in the vicinity. The CD-5 (Lake Avenue) subdistrict is intended to support Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping.

### **2 – Conditional Use Permit to establish a Lodging (Hotel) Use in the CD-5 zoning district**

A Conditional Use Permit is required to establish a lodging (hotel or motel) use in the CD-5 zoning district. The Project would renovate and restore the existing, vacant, landmark Hotel Constance building for use as a boutique hotel. With the rear addition to building, the hotel would have 156 rooms, ground floor retail, and services and amenities including a rooftop swimming pool and ground floor courtyard. The Hotel Constance would be restored in accordance with the *Secretary of the Interior's Standards for Historic Preservation*. The total square footage of the hotel use would be 87,105 square feet. Parking for the hotel use would be provided for guests, customers, and employees in new parking facilities on the premises. The proposed lodging (hotel) use is consistent with the intent of the Central District Specific Plan, which encourages a diverse mix of land uses designed to create the primary business, financial, retailing, and government center of the City.

### 3 - Minor Conditional Use Permit for Transit-Oriented Development

A Minor Conditional Use Permit (MCUP) is required for a new project that exceeds 15,000 square feet in the Central District Transit-Oriented area. Such developments are considered Transit-Oriented Developments (TODs). The development standards of TODs provide for a mixture of commercial, high-density residential, mixed-use, public, and semi-public uses in close proximity to light rail stations, encouraging transit usage in conjunction with a safe and pleasant pedestrian-oriented environment. These standards emphasize intensification of development and reduced reliance on motor vehicles.

The Project includes ground floor retail uses that are oriented toward E. Colorado Boulevard, South Lake Avenue, and S. Mentor Avenue. It has been designed to comply with a reduced number of on-site parking stalls in compliance with the Transit-Oriented Development standards of the Zoning Code. The Project includes bicycle parking for employees and visitors. The site is accessible by users of the Gold Line, with the Lake Avenue Station located less than one-half mile north of the site.

### 4 - Minor Conditional Use Permit for Shared Parking

A Minor Conditional Use Permit is required to allow for shared parking. The Project proposes to share parking among the hotel, office, retail, restaurant, and residential uses on the site; and also to provide some additional parking spaces at an underutilized parking garage at 2 N. Lake Avenue.

Based on the Project's proposed land uses and gross floor area, 323 off-street parking spaces are required for the Project at completion of Phase 1; and additional 340 spaces are required for the new construction in Phase 2; for a total of 663 parking spaces required for the entire Project at the completion of Phase 2. This requirement includes the mandatory reductions for the Transit Oriented Development.

The Zoning Code allows for a reduction in the number of off-street parking spaces required on any site where the hours of operation allow the shared use of parking spaces to occur without conflict. In the Final Transportation Study, a parking demand study was conducted to analyze the potential for shared parking for the Project. The Study concluded that the maximum number of parking spaces that the project would demand at any time for Phase 1 (hotel and retail development, Summer at 2:00 p.m.) would be 215 spaces; and Phase 2 (hotel and retail plus office development) would be 508 spaces. This estimated demand includes a 10 percent additional buffer of parking spaces to ensure that adequate parking demand will exist for the project.

For Phase 1, the Project would 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.

#### 5 - Minor Conditional Use Permit for Tandem Parking

A Minor Conditional Use Permit is requested to allow the Project to incorporate tandem parking for up to 75 percent of the total off-street non-residential parking, in compliance with the Zoning Code. The majority of the parking spaces for Phase 1 and 2 for the Project are for commercial (hotel, retail, restaurant, and office) uses. A total of eight residential parking spaces (for the five residential units) are proposed in the project. The proposed tandem spaces would be located in both the above-grade and subterranean parking structures on the property. A full-time parking attendant service would manage the parking spaces, which would primarily be used for hotel customers (with on-site valet service) and employees of the office, retail, and restaurant uses on the site. The provision of up to 75 percent tandem parking spaces allows for efficient use and re-development of the site and is consistent with the operations of commercial, hotel, and office developments.

#### 6 - Minor Conditional Use Permit for Valet Parking (on-site)

The Project proposes to provide valet service parking for hotel visitors, customers of the restaurants and/or retail shops, the five residential units, and some employees of the business on-site. For Phase 1 (hotel, retail, restaurant), the Project proposes to provide 125 parking spaces on-site in a surface lot and above-grade parking structure located next to the hotel and behind the one-story retail buildings; and for Phase 2 the Project proposes to provide an additional 320 parking spaces in a subterranean garage under the office building at the corner of E. Colorado Boulevard and S. Lake Avenue; for a total of 445 on-site parking spaces. Access to the site for both parking structures (which will be connected to each other on a subterranean parking level) is from driveways located at the rear of the project site with access from S. Lake Avenue and S. Mentor Avenue. Valet stations would be either on the site, and/or on E. Colorado Boulevard and S. Mentor Avenue (which requires administrative approval of the Public Works and Transportation Departments under a separate application process).

Tandem parking allows for a parking service that enhances the operations of the hotel and other uses on the property and is consistent with other uses in the vicinity of the Central District. It also provides an opportunity for a professional parking operator to conduct parking operations in an efficient. Prior to issuance of a Certificate of Occupancy for any use on the site that proposes to use valet parking, the applicant shall submit a valet parking plan (showing valet operations, location of valet stations, etc.) to the Zoning Administrator for review and approval.



7 - Variance for a reduction in the number of required loading spaces; and  
8 - Variance for reductions in the required dimensional requirements for loading spaces.

One Variance is requested to provide a total of four loading spaces (two loading spaces in each development phase) instead of the nine total loading spaces required by the Zoning Code. A second Variance is requested to deviate from the required dimensional requirements for three of the loading spaces.

The site does not currently have a designated loading space(s) and the existing retail and restaurant uses (a total of 7,564 square feet of gross floor area) do not require loading space under the Zoning Code. In Phase 1, the Project proposes to provide two loading spaces at the rear of the property, adjacent to the above-grade parking structure, near the driveway entrance on Mentor Avenue. In Phase 2, the Project proposes to provide two additional loading spaces at the rear of the property adjacent to the new office building, near the driveway on S. Lake Avenue. The proposed hotel, small-scale retail, restaurant, and office retail uses receive the majority of deliveries in small trucks or vans with short delivery periods. The uses typically do not generate trips by large delivery trucks that will be parked in the loading bays for long periods of time, except when moving activities associated with new tenants occur. It is anticipated that usually at least one loading space will be unoccupied.

The Project proposes to retain and renovate the historic Constance Hotel structure and landmark-eligible one-story buildings that front E. Colorado Boulevard. These buildings 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. The existing historic buildings on the property are a unique condition of the property that generally does not exist on other properties in the CD-5 zoning district. Also, the Central District Specific Plan discourages driveways with vehicular access from Colorado Boulevard. Therefore the driveways for Project are located off the other two streets, which further influences the design of the site and the loading spaces.

9 - Private Tree Removal – For the removal of three protected specimen trees

The site includes a total of 31 trees on the private property. The Project proposes to remove all of the trees on the site. Three of these trees are protected specimens under the City's Tree Protection Ordinance (TPO, P.M.C. 8.52). These are: 1) Eucalyptus sideroxylon (Rosy-red ironbark) [19.4"-dbh x 30'-h; 2) Ficus benjamina (Weeping fig) 20"-dbh x 25'-h; and 3) and a multi-trunk Ailanthus altissima (Tree of Heaven) [49.5"-dbh x 40'-h]. No public or street trees are proposed for removal by the Project.

There would be a substantial hardship to the private property owner in the enjoyment and use of real property if the removal of the trees is not permitted. The trees are located in the interior of the property. The new building construction and the extensive excavation required for the new parking structures requires removal of these three trees to provide adequate parking and open spaces on the property, and to create an appropriate design solution in order to retain the integrity of the remaining landmark Constance Hotel building and landmark-eligible one-story retail buildings on the property. To not allow the Project to construct the parking structures in order to retain the trees would be a substantial hardship to the use of the real property because it could not accommodate a reasonable development that is typical of other commercial and mixed-use developments in the vicinity. The preliminary landscape plan for the Project includes several trees and other landscaping in the proposed courtyard, pedestrian areas, and upper levels that will have aesthetic benefits. The final landscape plan will be reviewed by the Design Commission to ensure that it will compliment the buildings and enhance visual character of the streetscape.

#### Staff Recommendation

Staff recommends approval of the Alternative 3 – Hotel Option Project as requested by the applicant. The Project has several components that would enhance the site and the Central District, including: historic preservation of structures and buildings; establishment of new office, retail, restaurant, and residential development and employment opportunities; local commercial and retail benefits of new employees associated with the new development; and open spaces and pedestrian-oriented design along the three adjacent streets.

The General Plan encourages the protection of historic and cultural resources. The historic preservation component of the Project is multi-faced. It includes restoration and revitalization of the landmark Hotel Constance building. It also includes the complete exterior restoration of the facades of the adjacent, landmark-eligible commercial buildings on E. Colorado Boulevard, which are currently covered by decades of non-historic storefront alterations that will be removed during the first phase of development. The Project would restore and enhance the historic courtyard adjacent to the hotel tower for use as an open space amenity. The Project provides a unique opportunity expand historic preservation of significant commercial buildings eastward on Colorado Boulevard at a prominent intersection located outside of City's established historic districts.

Environmental mitigation measures and conditions of approval are recommended to mitigate potential impacts of the Project and to ensure the Project's compatibility with the surrounding mixed-use and commercial development. The Project requests several entitlements that require approval prior to additional review by the Design Commission. The staff has reviewed the Project for compliance with all of the findings required for entitlements, including consistency with the policies, goals, and objectives of the General Plan and Central District Specific Plan, as shown in Attachment D.

Staff recommends, and the applicant has agreed to, adoption of an additional condition as follows:

**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.

**FISCAL IMPACT**

The cost of the Project reviews and permits will be paid to the City by the applicant. The Project will generate income to the City.

## CONCLUSION

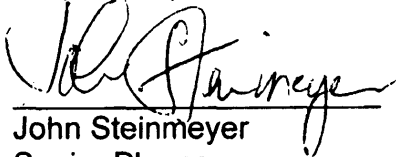
Staff recommends approval of all entitlements with recommended conditions, the EIR, and the Statement of Overriding considerations. The Project includes historic preservation of existing buildings, pedestrian-oriented and transit-oriented development, economic benefit, and an appropriate mix of compatible uses for the site. The design will continue to be developed and refined in the design review process.

Respectfully submitted,



Steve Mermell  
Assistant City Manager

Prepared by:



John Steinmeyer  
Senior Planner

Approved by:



Michael Beck  
City Manager

Attachments:

- A. Findings of Fact
- B. Conditions of Approval
- C. Scope of Work of the Project
- D. Compliance of the Project with Goals, Policies, and Objectives of the General Plan and the Central District Specific Plan
- E. Department of Transportation Memorandum of December 7, 2010
- F. Keyser Marston Associates, Inc. Memorandum of December 7, 2010
- G. CBRE Illustrative Fiscal Revenue Analysis of December 16, 2009
- H. CBRE Response to Comments on Analysis Dated October 19, 2010
- I. Application materials (plans, elevations, applications)

**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 is site is accessible by users of the Gold Line. The project will include on-site bicycle parking spaces for cyclists that work and visit the site.

16. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code* 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 benamina (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) or 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.

**Attachment C**  
**Scope of Work of the Project**

**TABLE VI-5  
Alternative 3  
Area Summary at Buildout  
Hotel Option**

<b>USE</b>	<b>UNITS (Rooms/Units)</b>	<b>AREA (Sq. Ft.)</b>	<b>PARKING (Spaces)</b>
<b>PHASE 1</b>			
EXISTING CONVERTED USES			
Hotel rooms	136	64,725	
Restaurant		2,564	
Retail		5,000	
OUTDOOR AREAS			
Outdoor Seating		2,530	
<b>SUBTOTAL</b>		<b>74,819</b>	<b>215</b>
EXISTING RETAINED USES			
Bank/Office		24,885	
Retail		3,649	
Restaurant		5,000	
<b>SUBTOTAL</b>		<b>33,534</b>	
<b>PHASE 1 SUBTOTAL</b>	<b>136</b>	<b>108,353</b>	
EXISTING USES TO BE DEMOLISHED			
Retail		(2,362)	
<b>PHASE 1 NET SUBTOTAL</b>	<b>136</b>	<b>105,991</b>	<b>215</b>
<b>PHASE 2</b>			
NEW USES			
Hotel Addition	20	22,380	
Residential	5	7,400	
Office		69,720	
Restaurants		13,000	
Retail		9,905	
Bank		8,010	
Internal Circulation		20,358	
<b>SUBTOTAL</b>	<b>156/5</b>	<b>150,773</b>	<b>295</b>
OUTDOOR AREAS			
Paseo, Roof Deck		7,972	
Outdoor Seating		2,726	
<b>SUBTOTAL</b>		<b>10,698</b>	
<b>PHASE 2 SUBTOTAL</b>		<b>161,471</b>	<b>295</b>
EXISTING USES TO BE DEMOLISHED			
Bank		(24,885)	
<b>PHASE 2 NET SUBTOTAL</b>		<b>136,586</b>	
<b>PROJECT TOTAL</b>	<b>156/5</b>	<b>242,577</b>	<b>510</b>

SOURCE: RTKL Architects.

NOTE: This table summarizes phasing programs, uses, parking and breakdowns provided in Tables VI-1 and VI-3. See associated footnotes not shown here.

**Attachment D**  
**Applicable General Plan Policies and Central District Specific Plan Objectives**

There are broad areas of compliance that are applicable to the Project, which are summarized immediately below. The project complies with specific Policies, Objectives, and Guidelines of the Central District Specific Plan and the General Plan, respectively, which are listed after the summary.

**Economic Development**

The Central District (CD) has been targeted for growth with development of projects with substantial floor area that are compatible with the downtown character of the area. The subject project is a comprehensive development with a combination of hotel, office, retail, restaurant, and residential uses multiple economic development benefits. The project will create substantial employment. The employees in the development will use the services (retail, restaurant, etc.) in the vicinity and strengthen the business activity in the vicinity. The retail uses will draw additional customers the site and enhance and enhance the commercial character of E. Colorado Boulevard and N. and S. Lake Avenue. The new building construction, new hotel use, historic preservation and associated uses will create commercial vitality on a prominent corner site that is currently underutilized. The new construction will provide a substantial tax increment to the City.

**Transit-Oriented Development**

The project is located in a Transit-Oriented Development (TOD) area as defined in the Zoning Code in which employees and visitors to the new building can utilize mass transit modes (MTA Gold Line, ARTs bus service, MTA bus service) to access the site. City plans target the Central District for substantial new building floor area to take advantage of mass transit. In addition, the project provides on-site bicycle storage facilities for cyclists.

**Historic Preservation**

The project proposes to renovate, restore, and preserve the existing Landmark Constance Hotel and landmark-eligible one-story commercial storefronts on the property in accordance with the Secretary of the Interior's Standards. These historic structures would be occupied with viable commercial (hotel, retail, restaurant, and residential uses, which is consistent with the development an re-use of older and historic buildings in Central District. The historic buildings would be sensitively integrated into the redevelopment of the property. The new construction, parking, paving, and landscaping would be compatible with and complement the historic structures and the project would enhance the prominent site at the intersection of E. Colorado Boulevard and S. Lake Avenue.

**Specific Policies, Goals, Objectives, Guidelines:**

**General Plan Policies:**

1.1 and 10.1 – Targeted Development Areas: Geographical areas have been identified where the bulk of future economic development is to occur.

1.2 – Specific Plans: For identified target development areas, a principal implementation tool, utilize Specific Plans containing development standards, distribution of land uses, infrastructure requirements and implementation measures.

1.3 and 10.2 - Transit-Oriented and Pedestrian-Oriented Development: Within targeted development areas, cluster development near light rail stations and along major transportation corridors thereby creating transit-oriented development “nodes” and encouraging pedestrian access.

5.7 – Enhanced Environment: Development should be shaped to improve the environment for the public; it should support the distinctiveness of the locality and region as well as the special characteristics of the existing fabric of the site’s immediate surroundings.

5.10 – Spatial Attributes: Promote development that creates and enhances positive spatial attributes of major public streets, open spaces, cityscape and mountain sight lines and important “gateways” into the City.

6.2 – Protection of Historic and Cultural Resources

10.3 - Business Expansion and Growth.

10.6 – New Businesses

10.9 – Healthy Business Community.

10.10 - Regional Center.

11.2 - Employment Diversity.

11.7 – Increase jobs.

12.1 - Encourage Retail Tax.

Central District Specific Plan Objectives:

1.2 – Expanded visitor and tourism activity

1.5 – Sites for expansion and attraction of new establishments and projects

4.1 – A wide range of diversified employment opportunities.

11 – Provide economic opportunity.

12 – Diversify downtown economy.

13 – Encourage business retention.

14 – Promote job growth.

15 – Maintain fiscal health



**Attachment E**  
**Department of Transportation Memorandum of December 7, 2010**

**MEMORANDUM - CITY OF PASADENA**  
**DEPARTMENT OF TRANSPORTATION**

**DATE:** December 7, 2010

**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** Mike Bagheri *MB*  
Transportation Planning and Development Manager

**RE:** Appeal of Conditional Use Permit #5209- 880-940 East Colorado Blvd -  
Response to OEG Traffic Consultant's comments

Below please find DOT's responses to Appellant's Traffic Consultant, OEG, Inc., comments, dated November 29, 2010, for the proposed mixed-use project at 880-940 East Colorado Boulevard with shared parking at 2 N. Lake Avenue.

**Response to Traffic-Related Comments, dated November 29, 2010**

**OEG Comment 1**

We feel that the document that the Board based their approval on is flawed and did not provide the necessary documentation to support their approval on. This letter summarizes these concerns more specifically.

In our review of the supporting documents found on the City's website for the project, we found that the project traffic and parking analysis for Alternative 3 does not represent that project description being considered by the decision makers and that there is not sufficient parking supply to meet the parking demands of the project.

**DOT Response to Comment 1**

The preferred project alternative considered by the decision makers has been fully analyzed. The appellant argues that the project description considered by the decision makers was not evaluated, and that the parking supply requirements to meet the parking demands are not sufficient.

The project being considered by the decision makers is accurately described in the "Alternative Option 1: Reduced Development – Hospitality" analysis in the final traffic impact and parking analysis found in Appendix I. "Alternative Option 1: Reduced Development – Hospitality" fully discussed the project's impact to the street network, which is identified as "Alternative 3 Hotel Option" in the Final EIR (pages VI-24-58).

**Denver Miller, Zoning Administrator**  
**880 East Colorado Blvd – CUP #5209**  
**December 7, 2010**  
**Page 2**

The appellant is referring to Alternative Option 3: Reverse Engineered Alternatives (3A and 3B) found in the traffic and parking analysis, which does not represent the project description being considered by the decision makers.

**OEG Comment 2**

The description of the project analyzed in the traffic study is significantly less than project that the Board of Appeals approved.

**DOT Response to Comment 2**

The "Final" Traffic Study found in Appendix I analyzed 5 project scopes and their associated impacts to the street network:

- Original project as proposed
- Alternative Option 1: Reduced Development – Hospitality
- Alternative Option 2: Reduced Development – Residential
- Alternative Option 3A: Reverse-Engineered Alternative
- Alternative Option 3B: Reverse-Engineered Alternative

The project alternative approved by the Board of Appeals, identified as "Alternative 3 Hotel Option" in the Final EIR, is identical to the project fully analyzed as Alternative Option 1: Reduced Development – Hospitality in the "Final" Traffic Study found in Appendix I.

**OEG Comment 3**

The project results in a shortage of 49 spaces that was not addressed in the FEIR. This is a significant project impact that was not identified in the FEIR.

**DOT Response to Comment 3**

The parking analysis for the project of which the Board of Appeals took action is provided in the final traffic impact and parking analysis found in Appendix I as Alternative Option 1: Reduced Development – Hospitality (page 149). As stated in the analysis, and reiterated in the Final EIR (page VI-48), the Phase 1 shared parking analysis determined that there would be a peak parking demand of 195 spaces. In order to have an efficient parking supply between 5-15% greater than the peak parking demand, it was determined that 215 spaces would be required during the peak parking period. For Phase 1, the additional 20 spaces would allow 10% more spaces during the peak parking period than what would be required. The peak parking demand of 195 spaces is 90% of the 215 spaces provided.

The Phase 2 shared parking analysis determined that there would be a peak parking demand of 458 spaces. In order to have an efficient parking supply between 5-15% greater than the peak parking demand, it was determined that the project shall provide 510 spaces (445 spaces on-site and 65 spaces off-site at the parking structure at 2 North Lake Avenue) during the peak parking period. For Phase 2, the additional 52

**Denver Miller, Zoning Administrator**  
**880 East Colorado Blvd – CUP #5209**  
**December 7, 2010**  
**Page 3**

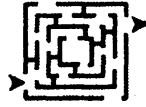
spaces would allow 11% more spaces during the peak parking period than what would be required. The peak parking demand of 458 spaces is 90% of the 510 spaces provided.

With at least 10% more parking provided than the peak parking demand for each phase, the parking supply requirements would result in an efficient parking operation. Increasing the peak parking demand by 5-15%, described as "buffers", is supported in the American Planning Association document Planning and Urban Design Standards, as stated by the appellant.

If you have any questions, please do not hesitate to contact me.

C: Theresa Fuentes, City Attorney's Office  
Frederick C. Dock, Director of Transportation  
John Poindexter, Planning Manager, Planning Department  
John Steinmeyer, Senior Planner, Planning Department

**Attachment F**  
**Keyser Marston Associates, Inc. Memorandum of December 7, 2010**



KEYSER MARSTON ASSOCIATES  
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

MEMORANDUM

ADVISORS IN  
REAL ESTATE  
REDEVELOPMENT  
AFFORDABLE HOUSING  
ECONOMIC DEVELOPMENT

SAN FRANCISCO  
A. JERRY KEYSER  
TIMOTHY C. KELLY  
KATE EARLE FUNK  
DEBBIE M. KERN  
ROBERT J. WELHAMORE  
RIED E. KAWAHARA

LOS ANGELES  
KATHLEEN H. HEAD  
JAMES A. RABE  
PAUL C. ANDERSON  
GREGORY D. SOO-HOO  
KEVIN E. ENGSTROM  
JULIE L. ROMLEY  
DENISE BICKERSTAFF

SAN DIEGO  
GERALD M. TRIMBLE  
PAUL C. MARRA

**To:** Dave Klug, Redevelopment Manager  
City of Pasadena

**From:** Kevin Engstrom

**Date:** December 7, 2010

**Subject:** Park Place Fiscal Analysis Review

Pursuant to your request, Keyser Marston Associates, Inc. (KMA) reviewed the "Response to Comments on CBRE Illustrative Fiscal Revenue Analysis for Park Place Development in Pasadena, California" memo prepared by CBRE Consulting dated October 19, 2010 (CBRE Report). The CBRE Report responds to comments received on their December 16, 2009 analysis (Original Analysis) evaluating the same project. To this end, the CBRE Report indicates the comments did not take issue with a number of assumptions and findings in the Original Analysis. However, there were four analytical assumptions that derived comments. These included:

1. Payroll Estimates
2. Net New Sales Tax Revenue Potential
3. Hotel Employees
4. Hotel Operating Parameters

For each of these comments, KMA reviewed the assumptions set forth in the CBRE Report.

**Payroll Estimates**

CBRE utilized data from the U.S. Department of Labor, Bureau of Labor Statistics to estimate the total payroll from the project. As KMA understands the situation, the specific tenancies and business that will occupy the project have not been identified. Given the uncertainty regarding the tenancies, the utilization of this data source as the basis for projecting payroll is not unreasonable.

**To:** Dave Klug, City of Pasadena  
**Subject:** Park Place Fiscal Analysis Review

December 7, 2010  
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### **Net New Sales Tax Revenue Potential**

The Original Analysis did not assume the transfer of sales from existing retail establishments in the City. Typically, when a new retail center is developed it is assumed that some of the sales generated by the project would have been captured by existing retailers in the City. The magnitude of this transfer depends on the type of tenants in the project and existing competition in the market area. Given that the tenants in the project are unknown, the magnitude of this impact is difficult to estimate. However, it is unlikely that there would be no transfer of sales. The revised CBRE Report indicates that a 50% transfer factor for the taxable sales would reduce the project's fiscal impact by 5%. This revised estimate is not unreasonable.

### **Hotel Employees**

The Original Analysis and the CBRE Report estimate the number of employees assuming an "industry standard" of one employee per room. The CBRE Report indicates the hotel will be a boutique property; however, the level of service and "star" quality are not specified. The level of service or "star" level of a hotel will determine the staffing needs. Typically, limited service, two and three-star hotels will have much lower employee ratios than full-service, three and four-star hotels. Based on industry standards, a reasonable range for this hotel would be between 0.5 and one employee per room. The CBRE projections are at the upper end of this range.

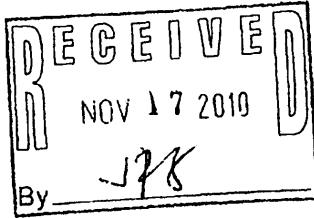
### **Hotel Operating Parameters**

According to the CBRE Report, PKF Consulting (PKF) prepared the operating projections for the hotel. Within the hotel industry, PKF is a respected consultant that has prepared numerous hotel market analyses and appraisals within Southern California. Based on the PKF estimates, the hotel's Average Daily Rate (ADR) is projected to be \$142 and the occupancy level is 72%, for a Revenue per Available Room (RevPAR) of \$106. According to PKF's "Trends in the Hotel Industry - September 2010", the year to date ADR for all Pasadena hotels is \$145 and the occupancy level is 72.4%. The average RevPAR in the City is \$105, which is 6% higher than 2009. Assuming PKF prepared the market projections and the hotel is a higher quality boutique property, then the CBRE Report's operating parameters do not appear unreasonable.

We hope this review is helpful and are available to discuss the above at your convenience.

**Attachment G**  
**CBRE Illustrative Fiscal Revenue Analysis of December 16, 2009**





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## MEMORANDUM

To: Sam Chung, Singpoli Pacifica

From: Ross S. Selvidge, Ph.D., CB Richard Ellis

Date: December 16, 2009

Subject: Illustrative Fiscal Revenue Analysis of Proposed Park Place Development in Pasadena California

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At your request, CB Richard Ellis has conducted a preliminary analysis of the prospective fiscal revenues that would be generated by your proposed Park Place development (Project) at the southeast corner of Colorado Boulevard and Lake Avenue in Pasadena, California.

The project will be developed in three phases. Particular tenants for the Project have not yet been identified. The market conditions at the time of the completion of each phase will determine specific operating characteristics of the occupants that will operate in the Project. Nevertheless, through the use of generic characteristics of the types of tenants that will occupy the Project it is possible to illustrate the scale of the annual fiscal revenues that will be generated.

The figures presented are net of the current estimated fiscal revenues that are being produced by the existing improvements on the site. The actual tenants that ultimately occupy the project may produce more or less fiscal revenues in the categories indicated. All of the impact figures in the analysis are in terms of 2009 dollars.

### SUMMARY FINDINGS

Upon completion of all three phases and occupancy by the categories of tenants intended, it is estimated that the Project will generate net new fiscal revenues in the range of the following:

**Park Place  
Fiscal Revenues**

<b>One-Time Revenues</b>	
City of Pasadena	\$4,001,000
Pasadena Unified School District	\$44,000
<b>Annual Revenues</b>	
City of Pasadena	
General Fund	\$712,000
Other	1,303,000
	<u>\$2,015,000</u>
Other Jurisdictions	\$537,000

The construction of the Project is expected to create approximately 630 construction jobs. It is estimated that there will be in the range of 750 new jobs created when the project is completed and in full operation with a payroll of nearly \$32 million. The indirect and induced employment impacts of the Project in Los Angeles County outside of the Project are estimated at over 520 additional jobs and a payroll of nearly \$24 million.

A more detailed tabulation of these findings is presented in Exhibit 1.

**ANALYTIC APPROACH**

The specifications of the Project, the development cost projections, the types of tenants that would occupy the space, and the operating characteristics of the hotel were provided by Singpoli Pacifica. Industry standard factors were used for the operating characteristics of the other as yet to be identified occupants of the Project. Tax and fee structures of the City of Pasadena and Los Angeles County were utilized. The indirect and induced impacts were computed based on factors provided by IMPLAN. To the extent the specifications of the Project change materially, the actual fiscal revenues may differ materially from these estimates.

To produce net new (instead of gross) revenue projections, the existing square footage of development on site was deducted from the square footage of the proposed Project before the appropriate fiscal factors were applied. Details of the project specifications and fiscal factors are presented in Appendix A1 and A2.

**ONE-TIME CONSTRUCTION IMPACT**

The one-time construction impact is based on the \$76 million estimated development cost of the Project as well as the net new square footage added to the site. Details of these impacts are presented in Appendix A3.

Exhibit 1  
Park Place Pasadena  
Summary

<b>Employees</b>	
Number On-Site	749
Payroll	\$31,551,000
Annual Local Spending	1,703,000

<b>Pasadena Revenues</b>	
<b>One-Time</b>	
Construction Tax	\$1,468,000
Public Art Tax	153,000
Transportation Fee	711,000
Sewer Connection Fee	64,000
Building Permits and Fees	1,605,000
<b>Total</b>	<b>\$4,001,000</b>
<b>Annual</b>	
<b>General Fund</b>	
Property Tax	\$177,000
Sales Tax	148,000
Business License Tax	32,000
Utility Tax & SLATS	73,000
Transient Occupancy Tax	282,000
<b>Subtotal</b>	<b>\$712,000</b>
<b>Other Transient Occupancy Tax</b>	
Pasadena Center Operating Co	423,000
Tourism BID	168,000
<b>Total</b>	<b>\$1,303,000</b>

<b>Other Jurisdictions</b>	
<b>One-Time Impact Fee</b>	
Pasadena Unified School District	\$44,000
<b>Annual (Property Tax)</b>	
Pasadena Unified School District	\$260,000
Pasadena City College	43,000
Los Angeles County	234,000
<b>Total</b>	<b>\$537,000</b>

<b>Indirect and Induced Impact (L.A. County)</b>	
Additional Jobs	519
Additional Payroll	\$23,897,000

Sources: L.A. County, City of Pasadena, CBRE Consulting, ICSC



On the estimated \$76 million construction cost, Pasadena will levy a construction tax of 1.92%, a public art fee of 0.20% and building permits and fees of approximately 2.10%. This will total approximately \$4.0 million.

Pasadena will levy sewer connection fees and traffic impact fees based on the physical characteristics of the different uses added. The total sewer fees for the Project are estimated at \$64,000. The total traffic impact fees for the Project are estimated at \$711,000. The Constance Hotel property was most recently in a residential use. Consequently, the five proposed condominium units will not constitute net new residential units.

The Pasadena Unified School District (PUSD) will levy an impact fee of \$0.36 per square foot of new commercial development. This will total approximately \$44,000.

#### PROPERTY TAX

The Los Angeles County assessor will increase the assessed value of the site by the amount of the construction cost of the new improvements plus an additional factor. That factor is likely to be in the range of 10%. Consequently it is assumed that the project will increase the assessed value by approximately \$84 million.

The City of Pasadena General Fund will annually receive 21.09% of the one percent General Levy. This will initially amount to approximately \$177,000.

PUSD will initially receive approximately \$166,000 from the General Levy and \$93,000 for debt service on school facilities bonds. Pasadena City College will initially receive approximately \$28,000 from the General Levy and \$15,000 for debt service on college facilities bonds. The Los Angeles County General Fund will initially receive approximately \$234,000 from the General Levy. These computations are presented in Appendix A4.

#### SALES TAX

The net new sales tax generated by the Project would be equal to the tax generated by the taxable sales in the Project less the tax from the existing taxable sales on site. Information on the amount of existing taxable sales on site is not available. Utilizing reasonable levels of sales for the existing retailers on site, CBRE estimated the amount of sales tax that may reasonably be expected to be generated at the present time. CBRE also estimated the amount of taxable sales that may reasonably be expected from retailers at the Project upon completion.

As indicated in Appendix A5, it is estimated that the Project may produce in the range of \$14.8 million net new taxable retail sales upon completion. This would produce approximately \$148,000 in annual sales tax revenue for Pasadena.

#### UTILITY RELATED AND BUSINESS LICENSE TAX

Based on reasonable levels of per unit electric power and other utility consumption by the net new improvements on site, the total utility expenditures subject to tax were estimated.

Pasadena levies a combined 15% tax on electric power consumption in excess of 1,000 kW per month and approximately 8% on other utilities. Combining the projected utilization and tax rates, the Project is expected to generate approximately \$73,000 in annual tax from the utility consumption.

Pasadena charges a business license tax on each employee and commercial property square footage. The new employees that will be located on site are expected to generate approximately \$30,000 annually in employee based tax and an additional \$1,800 based on the new commercial square footage added. These computations are presented in Appendix A6.

#### **TRANSIENT OCCUPANCY TAX**

Pasadena levies a transient occupancy tax (TOT) on hotel room charges. The total tax is 15.00% on all room charges. The tax receipts are allocated as follows: 4.84% to the General Fund, 7.27% to the Pasadena Center Operating Company (PCOC) for various purposes relating to the Convention Center, and 2.89% to the tourism based business improvement district (BID) for the promotion of tourism in Pasadena.

Based on the projections of hotel operations, it is estimated that the General Fund would annually receive approximately \$282,000 from the TOT. It is estimated that the PCOC and the Tourism BID would annually receive approximately \$433,000 and \$168,000 respectively from the TOT. These computations are presented in Appendix A6.

#### **ECONOMIC IMPACT**

The economic impact of the Project will extend beyond the site itself as the new businesses and employees in the Project engage in commerce with other businesses off-site. These are known as indirect and induced impacts.

A regional econometric model known as IMPLAN is utilized to estimate those indirect and induced impacts for a particular geographic area based on the characteristics of a project. IMPLAN factors were applied to the characteristics of the Project to produce estimates for the indirect and induced impacts of the Project on Los Angeles County. Based on that analysis, it is estimated that the project will produce approximately 520 new jobs with a payroll of \$23.9 million from indirect and induced economic activity in Los Angeles County. These computations are presented in Appendix A7, A8 and A9.

Employees tend to make a certain amount of retail purchases in the vicinity of their workplace. Based on surveys of employee expenditures published by the International Council of Shopping Centers (ICSC), it is estimated that employees will spend in the range of \$1.7 million on incidental purchases (lunches, etc). This computation is presented in Appendix A7. Some of these purchases will be made at the Project.

Exhibit A1  
Park Place Pasadena  
Project Specifications

Site	1.95		85,136		8		NET CHANGE	
	Acres	Square Feet	Parcels	Rooms or Units	Sq Ft	Rooms or Units	Sq Ft	Rooms or Units
<b>Improvements</b>								
<b>Constance</b>								
Residential	142	63,418	0	0	0	0	0	0
Hotel	0	0	136	63,418	0	0	0	0
Retail	0	357	0	200	0	0	0	0
Restaurant	0	2,397	0	2,681	0	0	0	0
Subtotal	142	66,172	136	66,299	0	0	0	0
<b>Existing Retail/Office</b>								
Office	0	0	0	0	0	0	0	0
Bank	0	25,709	0	0	0	0	0	0
Retail	0	5,450	0	0	0	0	0	0
Restaurant	0	2,000	0	0	0	0	0	0
Subtotal	0	33,159	0	0	0	0	0	0
<b>New Hotel</b>								
Hotel	0	0	20	15,588	0	0	0	0
Residential	0	0	5	7,794	0	0	0	0
Retail	0	0	0	0	0	0	0	0
Restaurant	0	0	0	0	0	0	0	0
Subtotal	0	0	25	23,382	0	0	0	0
<b>New Office Retail</b>								
Office	0	0	0	103,410	0	0	0	0
Bank	0	0	0	7,560	0	0	0	0
Retail	0	0	0	14,200	0	0	0	0
Restaurant	0	0	0	30,490	0	0	0	0
Subtotal	0	0	0	155,660	0	0	0	0
<b>Combined</b>								
Residential	142	63,418	5	7,794	(137)	(137)	(55,624)	(137)
Hotel	0	0	156	79,006	156	156	79,006	156
Retail	0	5,807	0	14,400	0	0	8,593	0
Restaurant	0	4,397	0	33,171	0	0	28,774	0
Office	0	0	0	103,410	0	0	103,410	0
Bank	0	25,709	0	7,560	0	0	(18,149)	0
Total	142	99,331	161	245,341	19	19	146,010	19

Source: Singpoli Pacific