

CONDITIONS OF APPROVAL – DESIDERIO PLANNED DEVELOPMENT

I. GENERAL CONDITIONS FOR DESIDERIO PARK AND DESIDERIO HOMES

1. **Conformance with Plans.** The site/floor/elevation plans submitted for building permits shall substantially conform to the plans submitted with this application except as modified herein. Plans shall be submitted for review and approval by the Planning Director prior to the issuance of any project building/grading/foundation permits.
2. **Call for Review.** The Planning & Community Development Director, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions herein may be modified or new conditions applied to reduce any unforeseen impacts during the construction or operation of the use.
3. **Hours of Construction.** Construction and demolition activities shall be limited to between the hours of 7 am to 7 pm Monday through Friday and from 8 am to 5 pm on Saturdays. No construction or demolition activities shall occur on Sundays or holidays.
4. **Noise Regulations.** The applicant shall adhere to the City's noise regulations in accordance with Section 9.36 of the Pasadena Municipal Code.
5. **Other City Requirements.** The applicant or successor in interest shall comply with the applicable code requirements of the Zoning Code and all other City Departments.
6. **Mitigation Measures.** The applicant or successor in interest shall comply with all of the mitigation measures of the Environmental Impact Report.

Cultural Resources

- (3.1-1) Prior to issuance of a certificate of occupancy for the project, the City shall install commemorative signage in locations visible from the public right of way that identifies the Desiderio USARC as an historic resource eligible for listing on the National Register of Historic Places.
- (3.1-2) Prior to issuance of a demolition permit, the City shall retain for its records the Architectural Recordation and photo documentation prepared by the Army for the Desiderio USARC site and accepted by SHPO. The Architectural Recordation and photo documentation shall remain on file with the City. Acceptance of these documents will satisfy the requirements of Section 106.
- (3.1-3) All grading activities and surface modifications must be confined to only those areas of absolute necessity to reduce any form of impact on unrecorded (buried) cultural resources that may exist within the confines of the project site. In the event that previously undetected archaeological, paleontological, and/or historical resources are found during construction, activity in the immediate area of the find shall stop and a qualified archaeologist or paleontologist, as applicable, shall be contacted to evaluate the resource(s). If the find is determined to be a historical or unique archaeological resource, as defined by CEQA, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation shall be provided. Construction work may continue on other

parts of the construction site while historical/archaeological mitigation takes place, pursuant to State CEQA Guidelines section 15064.5 (f) and Public Resources Code section 21083.2 (i).

- (3.1-4) If human remains are encountered during excavation and grading activities within the project site, the contractor shall stop such activities. In the event of accidental discovery or recognition of any human remains there shall be no further excavation or disturbance of the subject site or any nearby areas reasonably suspected to overlie adjacent human remains and the following steps shall be taken:
- If the remains are of Native American origin, either of the following steps will be taken:
 - The coroner should contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.
 - Implementing or local agencies or authorized representatives should retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:
 - The Native American Heritage Commission is unable to identify a descendent.
 - The descendant identified fails to make a recommendation.
 - The implementing agency or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Hazards and Hazardous Materials

- (3.2-1) Prior to issuance of a demolition permit, the City shall prepare a hazardous materials action plan in coordination with the City Fire Department. The plan shall provide clear direction as to the removal of known hazardous materials on the project site (ACMs, lead, and PCBs). Information included in the plan shall include the party responsible for the removal, applicable state and federal compliance measures, and a plan for disposal of hazardous materials.

Noise

- (3.3-1) When demolition or construction operations occur within 100 feet of occupied residential areas, the construction contractor(s) shall implement appropriate best management practice (BMP) noise reduction measures.
- Two weeks prior to the commencement of demolition or construction, notification shall be provided to surrounding land uses within 1,000 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.
 - Ensure that construction equipment is properly muffled according to industry standards and in good working condition.

- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Schedule high noise-producing construction activities between the hours of 8:00 AM and 5:00 PM to minimize disruption to sensitive uses.
- Place noise blankets around stationary construction noise sources.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

II. DESIDERIO PARK CONDITIONS

7. **Allowed Uses.** Shall be limited to “Park and Recreation Facilities” and other ancillary uses related to the park use as determined by the Zoning Administrator.
8. **Site Plan.** Park layout should generally conform with the site plan submitted to the Planning Commission and City Council for public hearing. Any future modifications or additions that are deemed to not comply with the approved site plan shall require approval of a new Conditional Use Permit application.
9. **Parking.** A minimum of ten on-site parking spaces and two handicapped parking spaces shall be provided in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. All parking aisles and parking spaces shall conform to the requirements of Chapter 17.46 (Parking and Loading) of the Pasadena Zoning Code.
10. **National Park Service Sign.** The park shall include and forever maintain a conspicuous sign near the principal point of access to the property that states: “The National Park Service, U.S. Department of the Interior, donated this land to the City of Pasadena for public recreational use through the Federal Lands to Parks Program.”

III. DESIDERIO HOMES CONDITIONS

11. **Allowed Uses.** The site shall be limited to single-family residential uses and other accessory uses related to the single family residential uses as determined by the Zoning Administrator.
12. **Maximum Number of Units.** The maximum number of dwelling units shall not exceed nine units.
13. **Unit Size.** All units shall be a maximum of 1,260 square feet.
14. **Building Height.** Lots 1, 4, 5, and 9 shall be limited to one-story and 14 feet in height. Lots 2, 3, 6, 7 and 8 shall be limited to two stories and 23 feet in height. All garages and accessory structures shall be limited to one-story and 12 feet in height.

15. **Floor Area Ratio.** The floor area ratio (FAR) of the overall site shall not exceed 29.5%. The individual lots shall have a maximum FAR of 31%.
16. **Maximum Lot Coverage.** The lot coverage of the overall site shall not exceed 25%. The individual lots shall have a maximum lot coverage of 32%.
17. **Setbacks.**
 - a. The front setback of each unit to the property line in the center of the courtyard shall be a minimum of 30 feet.
 - b. The rear setbacks from the homes to the rear property line shall be a minimum of 45 feet.
 - c. Setbacks from the detached garages to the rear property lines shall be a minimum of 12 feet for Lot 9, a minimum of 15 feet for Lots 1, 2, 3 and 4 and a minimum of 16 feet for Lots 5, 6, 7, and 8.
 - d. The side setbacks shall be a minimum of 5 feet for all lots.
18. **Parking.** A minimum of two covered parking spaces shall be provided for each unit in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. All parking areas shall conform to the requirements of Chapter 17.46 (Parking and Loading) of the Pasadena Zoning Code.
19. **Fences.** Fences will be allowed up to six feet in height around the perimeter of the project site. Each Lot will be allowed to have fences up to six feet in height on the side property lines and across the rear of the property contiguous with the garage. No fences shall be permitted to block the driveway easements. No fences will be permitted in the front yards in the courtyard.
20. **Temporary Fencing.** Temporary construction fencing shall be permitted during the duration of the demolition and construction of buildings on site.
21. **Design Review.** Design review for new construction and building alterations shall be in conformance with Table 6-3 of Section 17.61.030 (Design Review) of the Zoning Code. Projects up to 25,000 square feet of new construction shall be subject to review by the Planning Director.
22. **Landscape Review.** The final landscape plans shall be submitted for review and approval by the Planning Director. Compliance with the tree protection ordinance will be monitored through the approved landscape plan depicting replacement trees during the design review phase of the Planned Development Plan implementation.
23. **Refuse Facilities.** If the development includes a common trash enclosure area, it shall be provided in accordance with the requirements of Section 17.40.120 (Refuse Storage Facilities) of the Pasadena Municipal Code. Deliveries and trash pickup shall not occur between the hours of 7:00 p.m. and 7:00 a.m. daily.
24. **Mechanical Equipment.** No mechanical equipment shall be permitted on any roof unless property screened, and located in an enclosure designed to be architecturally compatible with the building.
25. **Condition Monitoring.** The project shall comply with all conditions of approval, and is subject to Condition Monitoring. Required fees for monitoring and inspections shall be paid

on or after the effective date of this permit, but prior to the issuance of any building permit. Contact the Code Compliance Staff at (626) 744-4633 to verify the fees and to schedule an inspection appointment time. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required fees prior to the stipulations in this condition may result in revocation proceedings of this land use entitlement.

IV. PUBLIC WORKS – DESIDERIO PARK AND DESIDERIO HOMES

- 26. Desiderio Park.** In order to provide for better traffic movement, improvements consisting of concrete curb, gutter, sidewalk, curb ramp, and other work necessary to construct a 15-foot radius curb at the northeast corner of Arroyo Boulevard and Westminster Drive shall be constructed for Parcel B-2. These improvements shall include the relocation and upgrading of affected catch basin, street lights, and various utilities. In addition, the portion of cross-gutter and/or spandrel area affected by the upgraded curb return shall be reconstructed, and the curb ramp in accordance with Standard Plan S-414 shall be reconstructed. An approximately 150 feet long of curb and gutter, 5-foot wide sidewalk, and 5-foot wide parkway on the north side of Westminster Drive fronting Parcel B-2 to match the existing condition on the east side of the street shall be constructed.
- 27. Desiderio Homes.** A 15-ft radius curb and gutter, with a 10-ft wide concrete sidewalk shall be constructed at the northeast corner of Westminster Drive and California Terrace, fronting Parcel A. In addition, the land to provide a 25-foot radius property line corner rounding and necessary to facilitate the abovementioned improvements shall be dedicated to the City. The dedication shall be shown on the final map for the subsequent subdivision of Parcel A.
- 28. Desiderio Park and Desiderio Homes.** All proposed drive approaches shall be constructed 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.
- 29. Desiderio Homes.** The proposed development shall connect to the public sewer with one or more new six-inch diameter house sewers laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer “means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer.” The section of house sewers within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.

In addition, each individual lot or parcel of land from the subsequent subdivision of Parcel A shall be separately connected to the public sewer by a method approved by the Department of Public Works.

- 30. Desiderio Park and Desiderio Homes.** If drainage patterns are altered, the applicant shall provide an approved method of controlling storm water runoff. Approval shall be made by both the Planning and Community Department and the Department of Public Works prior to issuance of a grading or building permit for this site.

- 31. Desiderio Homes.** If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. This drain shall discharge to the street at an approved angle in a cast iron curb drain or an approved curb outlet. The construction of the grate drain shall be completed prior to the issuance of Certificate of Occupancy for Parcel A.
- 32. Desiderio Park and Desiderio Homes.** The applicant shall plant and maintain, for a period of three years, a maximum of three (3) (one fronting Parcel A and two fronting Parcel B-2) officially designated street trees per the City approved master street tree plan (Quercus Suber, Cork Oak) on the subject frontage, and install and maintain an irrigation system for the trees. Location(s) will be finalized in the field by the Department of Public Works. 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.

In addition, the applicant may be required to remove one existing tree and replace in kind. This requirement will be subject to further field evaluation by the Parks and Natural Resources (PNR) Division.

Tree(s) must meet the City's tree stock standards, be inspected by the City, and be planted according to the details provided by the Parks and Natural Resources (PNR) Division. PNR can be reached at (626) 744-3846. The tree(s) shall be approved by the Forestry Supervisor prior to the issuance of a Certificate of Occupancy. All new tree(s) shall be maintained by either an existing or a new irrigation system constructed by the applicant.

The applicant shall also submit a tree establishment deposit to guarantee the new tree(s) for a minimum of 90 calendar days. The maintenance within the establishment period shall consist of watering the new tree(s); the removal of weeds; the adjustment to grade of any trees that settle; and any other operations needed to assure normal tree growth. The applicant shall replace any tree(s) which, for any reason, die or are damaged under its care. The 90-day tree establishment period shall commence on the day that the Certificate of Occupancy is issued. Said deposit may be included as part of the construction guarantee if applicable, and is subject to partial refund or additional billing.

- 33. Desiderio Park and Desiderio Homes.** The existing street lighting system along Westminster Drive is substandard (or non-existent). In order to improve pedestrian and traffic safety, the applicant shall install a maximum of three (3) new street lights (one maximum fronting Parcel A and two maximum fronting Parcel B-2) on or near the frontage of the property along Westminster Drive, including conduits, conductors, electrical service (if necessary), pull boxes, and miscellaneous appurtenant work. The type and hardware shall conform to current policies approved by the City Council, and the location(s) shall be as approved by the Department of Public Works.

The applicant is responsible for the design, preparation of plans and specifications, and the construction of all required street light(s). Plans for the improvements shall be prepared by a civil engineer, registered in the State of California. Upon submission of improvement plans to the Departments 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. In addition, there is

possibly considerable lead-time for the materials required for street light construction. In order to avoid delays in the development schedule, the applicant shall coordinate with this office at 626-744-4195 regarding this street light condition at least five (5) months in advance of the anticipated issuance of Certificates of Occupancy.

- 34. Desiderio Homes.** The subsequent developer for Parcel A is responsible for design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by an engineer, registered in the State of California. Upon submission of improvement plans to the Public Works and Transportation Department 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 to the department for the work. Civil engineering plans must be submitted to the Department of Public Works for approval of the public right-of-way improvements. Plans submitted to the Building Department do not satisfy this requirement.
- 35. Desiderio Homes.** 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 subsequent developer for Parcel A shall place a \$10,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/ resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
- 36. Desiderio Homes.** Prior to the start of construction or the issuance of any permits, the subsequent developer for Parcel A 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://cityofpasadena.net/PermitCenter/Plans_Submittal_Checklists/. 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 WATCH Manual, current Edition. If the public right-of-way occupation requires a diagram that is not a part of the WATCH Manual, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval.

In addition, prior to the start of construction or the issuance of any permits, the applicant shall conduct a field meeting with an inspector from Department of Public Works for review and approval of construction staging, parking, delivery and storage

of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

37. Desiderio Homes. The applicant's engineer shall be required to set boundary monuments on the proposed subdivision per Pasadena Municipal Code, Section 16.24.060, and furnish to the City a set of original field notes.

38. Desiderio Homes. Upon submission of the final parcel map to the City for approval by the City Council, the applicant shall supply the City with the final map and a deposit (based on the current General Fee Schedule) to cover the cost of processing the final map. The applicant shall complete all required conditions before City's approval, or provide a Letter of Credit or cash deposit to cover all unfinished public improvements as quantified in an approved cost estimate. Currently, the County of Los Angeles Department of Public Works is utilizing the computer to update and digitize the countywide landbase. It is required that the applicant's engineer submit a map in digital format with the final Mylar map to the County of Los Angeles Department of Public Works for recordation and to the City of Pasadena Department of Public Works for incorporation into its GIS landbase map. The City of Pasadena's GIS Coordinate System must be used for the digital file. The applicant's engineer shall contact the City to obtain information on the City's GIS Coordinate System prior to preparation of the digital file.

39. Desiderio Homes. 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.

40. Desiderio Park and Desiderio Homes. In addition to the above conditions, the requirements of the following ordinances shall apply to the proposed parcel map and any subsequent subdivision:

a. Sewer Facility Charge - Chapter 4.53 of the PMC

The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. 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.

b. 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 is available at the city webpage at: http://www.ci.pasadena.ca.us/PublicWorks/Engineering_Division/
The Residential Impact Fee is based on the current Taxes, Fees and Charges Schedule (http://www.ci.pasadena.ca.us/Finance/Fees_and_Tax_Schedules/) and will be calculated and collected at the time of Building Permit Issuance.

The building plans shall include, preferably on the title sheet, a summary of all living units to capture the number of different units; number of bedrooms in each unit; and types of units (Regular, Workforce housing, Skilled nursing unit, Student housing, Residential care facility for the elderly, Affordable Housing). The definitions on the different types of units are available in the abovementioned Residential Impact Fee Information Packet as well as in the Pasadena Municipal Code.

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

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

d. 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.

e. 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://cityofpasadena.net/PermitCenter/Plans_Submittal_Checklists/

f. 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://cityofpasadena.net/PermitCenter/Plans_Submittal_Checklists/ and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- i. 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.
- ii. Monthly reports must be submitted throughout the duration of the project.
- iii. 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.

V. FIRE DEPARTMENT

- 41. Building and Fire Codes.** All new and existing building upgrades shall comply with the requirements of California Building Code (CBC) and California Fire Code (CFC) and Pasadena Municipal Code.

VI. DEPARTMENT OF TRANSPORTATION

- 42. Parking.** In accordance with Chapter 17, Section 50.160 (K.) of the Pasadena Municipal Code, City Permits for overnight parking on City streets will not be issued to future tenants at this address. The applicant shall advise future occupants of the unavailability of on-street overnight parking permits.
- 43. Construction Staging & Traffic Management.** Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging & Traffic Management Plan to the Department of Public Works for review and approval. This plan shall show the impact of the various construction stages on the public right-of-way including street occupations, parking space relocation agreements, closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. Permitted hours for construction may be limited due to construction activities bordering the project site.