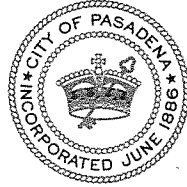


**ATTACHMENT G
DECISION OF THE BOARD OF ZONING APPEALS FOR
CONDITIONAL USE PERMIT #6222**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

March 6, 2015

Spirit of the Sage; Project Soliton; Hugh Bowles
c/o Craig Sherman, APC,
1901 First Avenue, No.219
San Diego, CA. 92101

**Subject: Conditional Use Permit #6222
3420, 3500, 4401 and 4500 Arroyo Seco Road
Council District #1**

PLN2014-00418

Spirit of the Sage; Project Soliton; Hugh Bowles:

The **Conditional Use Permit at 3420, 3500, 4401 and 4500 Arroyo Seco Road** was considered by the **Board of Zoning Appeals on March 5, 2015.**

CONDITIONAL USE PERMIT: 1) Conditional Use Permit: To allow the repair and replacement of facilities within the Arroyo Seco Canyon Area that were damaged or destroyed by Station Fire-related events of 2009 to allow for, among other things, increased utilization of surface water rights held by the City. A Conditional Use Permit is required for any recreational improvements within the OS Zoning District; and

2) Tree Removal Request: Acknowledge the Urban Forestry's Advisory Commission decision of November 12, 2014 which allowed a total of 17 protected trees to be removed in order to accommodate the proposed improvements.

At the conclusion of the public hearing, the Board of Zoning Appeals decided to adopt the environmental determination of a Mitigated Negative Declaration. A motion was made to approve the Conditional Use Permit that resulted in a unanimous vote by all four members present. As a result, action was taken to approve the Conditional Use Permit along with the findings in Attachment A and the conditions in Attachment B.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Planning Director can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued to completion prior to the expiration of this approval. It should be noted that the time frame

within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

You are hereby notified that, pursuant to Pasadena Municipal Code Section 17.72.060, the decision made by the Board of Zoning Appeals is final and is not subject to further appeal. However, a member of the City Council may stay the decision and request that it be called up for further review by the City Council. In addition, Section 17.72.040.E allows any CEQA (California Environmental Quality Act) document or decision that is approved to be appealed to the City Council. A request for a call for review of this decision or an appeal of the CEQA decision to the City Council shall be within ten days. The last day to request for a call for review or to file an appeal of the CEQA determination is **Monday, March 16, 2015**. Without any call-up or appeal, the effective date will be **Tuesday, March 17, 2015**. The regular Appeal fee is \$272.95. The Appeal fee for Non-profit Community-based organizations pre-registered with Neighborhood Connections is 136.48.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the call up deadline has expired with the understanding that should this decision be called up an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval) shall be incorporated into the plans submitted for building permits.

An Initial Environmental Study has been prepared for the project by BonTerra Psomas in compliance with the California Environmental Quality Act (CEQA). The Initial Study was available for public review and comment from October 9, 2014 through November 8, 2014. The Initial Study determined there could be significant impacts related to Cultural Resources, Hazards and Hazardous Materials, Noise, Transportation, Biological Resources, and Recreation but through the incorporation of mitigation measures, these impacts would be reduced to less than significant levels. Impacts to all other study areas were found to be less than significant. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have therefore been prepared for the project.

For further information regarding this case please contact **Jose Daniel Jimenez** at **(626) 744-7137**.

Sincerely,



Kelvin Parker
Zoning Administrator

Enclosures: Attachment A, Attachment B, Attachment C, Attachment D (site map)

xc: Gary Takara, City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Jon Pollard, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6222

Conditional Use Permit: To Allow Improvements within OS Zoned Property.

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.* The proposed improvements are permitted subject to the review and approval of a conditional use permit. The proposed project is intended to take a multi-benefit approach to repair/replace facilities that were damaged or destroyed by Station Fire-related events, to increase the utilization of surface water rights held by the City, to improve water quality in the canyon, to improve biological habitats, to restore hydrological function and fish passage, and to improve ecosystem health through multiple enhancement efforts brought undertaken by this proposal. To ensure the project does not negatively impact the surrounding areas, conditions have been recommended through mitigation measures, as well as conditions of the conditional use permit approval.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is zoned Open Space (OS) and has been utilized for open space use. The purpose of the project is to repair as well as enhance existing amenities within the Arroyo Seco Canyon Area. The proposed conditional use permit will allow for the necessary repairs of the existing Water Division facilities, while expanding open space opportunities for members of the public. The OS district is applied to sites with open space and recreational facilities of a landscaped, open character. As such, the location of the proposed use complies with the manner in which the OS district is applied.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The proposed improvements within an OS Zoned property (Arroyo Seco Canyon Area) are consistent with the General Plan, adopted in 1994. The project is a multi-benefit approach for restoring the ecosystem in the Arroyo Seco, enhancing local water resources, and improving recreational experience within the Canyon. The General Plan Land Use Designation Policy 7.4, calls for infrastructure improvements through continued implementation of capital improvements intended to maintain or rehabilitate infrastructure. In addition, the proposed improvements will be consistent with Land Use Element Policy 9.2 which encourages the continued planning for and implementation of plans for the Arroyo, including restoration efforts resulting in natural area for recreational use. In addition, the proposed project is consistent with Land Use Element Policy 9.4 (Adequate Open Space) which encourages the creation of equitable open space throughout the City.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The proposed improvements are intended to increase water quality and supply reliability, and to expand the potential for recreational activities within the Arroyo Seco Canyon Area. These improvements will adhere to all building code requirements, especially the requirements for accessibility. In addition, the proposal will also be required to meet the standards of all respective City departments prior to the issuance of any building permits. Furthermore, conditions of approval have been imposed to reduce any potential impacts resulting from 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.* The proposed improvements are not intended to be obtrusive to the surrounding areas. The project is intended to take a multi-benefit approach to repair/replace water facilities that were damaged or destroyed by Station Fire-related events, to increase the utilization of surface water rights held by the City, to improve water quality in the canyon, to improve biological habitats, to restore hydrological function and fish passage, and to improve ecosystem health through multiple enhancement efforts bring undertaken by this proposal. These improvements will be required to adhere to all requirements, including but not limited to, compliance with the building code. The proposal will also be required to meet all mitigation measures and conditions as imposed herein by all respective City departments, as well as state agencies prior to the issuance of building permits (ex. Building, Water, Zoning etc.).
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The proposed improvements are mostly repairs to existing facility. The new percolation ponds will be in close proximity to existing ponds and will replace a parking lot, thereby improving the aesthetic value of the area. The proposed recreational amenities and public restroom proposed as part of the project will be of a size, style and scale that will be compatible to the natural surroundings. The physical features of the recreational amenities will not be a design feature of primary focus, but will be subordinate to the trees, vegetation, streambed, and mountainous terrain. The new public restroom located at the base of the foothill will not encroach into any scenic vistas. Lastly, the exterior finish of the restroom will have features matching the surrounding natural environment.

Tree Removal: To allow a total of 17 protected trees to be removed in order to accommodate the proposed improvements

7. The applicable finding for removal of the protected tree in accordance with the provisions of the Pasadena Municipal Code §8.52.070 and 8.52.075 (Tree Protection Ordinance) is as follows:

P.M.C. §8.52.075(A)(6): the project, as defined in Section 17.12.020, includes a landscape design plan that emphasizes a tree canopy that is sustainable over the long term by adhering to the replacement matrix adopted by resolution of the city council and included in the associated administrative guidelines in that the proposed project is capable of accommodating the required number of replacement trees, based on the administrative guidelines replacement matrix to allow the removal of 17 protected trees consisting of 13 white alders; one Coast Live Oak, and three Arroyo Willows. In addition, a Biological Monitor will review all possible alternative methods to protect as many trees where it is deemed possible. Lastly, On November 12, 2014, the City's Urban Forestry Advisory Committee (UFAC) unanimously approved the request to remove the 17 protected trees.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6222

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

1. The site/floor plans submitted for building permit (if applicable) and/or future development shall substantially conform to the site/floor plans stamped "Received at Hearing January 7, 2015," except as modified herein.
2. This approval authorizes the improvements within the Arroyo Seco Area, which include: 1) Naturalize the Arroyo Seco streambed; 2) Remove exposed portions of existing infrastructure designed for sediment removal; 3) Restore and improve the intake facilities; 4) Expand recharge operations by creating additional spreading basins; 5) Reduced barriers to fish passage; 6) Enhance recreational facilities; 7) Build a new restroom facility; and 8) Improve stormwater quality through a smaller decomposed granite parking lot.
3. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
4. Pursuant to Chapter 17.61.040.J (Post-Approval Procedures) of the Zoning Code, the Zoning Administrator can call for a review of the approved conditions if it can be reasonably shown that there are grounds for revocation or modification of this Conditional Use Permit. These conditions may be modified or new conditions may be added to reduce any impacts of the use.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit, except as allowed by Section 17.64.050 (Changes to an Approved Project) of the Zoning Code.
7. The applicant or successor in interest shall retain a Mitigation Monitoring Coordinator (Mitigation Coordinator) with experience on large construction projects to serve as a liaison to between the development/construction team and the City. The Mitigation Coordinator will monitor the implementation of the Mitigation Monitoring and Reporting Program as specified in the project Environmental Impact Report or Mitigated Negative Declaration, and prepare and submit written weekly reports to the Condition/Mitigation Monitoring Coordinator of the City of Pasadena. The format of the written reports is subject to approval by the Code Compliance Manager.
8. The proposed project, Planning Activity Number **PLN2014-00418**, is subject to the City's Conditions/Mitigation Monitoring Program. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the conditions of approval. The Condition/Mitigation Monitoring inspection will occur during the term of the project, and in some circumstances inspections will occur during the term of the project. The Final Zoning Inspection will occur at the completion of the project. Required monitoring fees for setup and inspections shall be paid on or after the effective date of this permit, but prior to the approval of a building permit or if no building permit is required, prior to the approval of a code compliance certificate. 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 fee prior to initiating your approved land use entitlement may result in revocation of this entitlement.

Planning Division

9. The applicant or successor in interest shall meet all of the mitigation measures of the Mitigated Negative Declaration.
10. Trees shall be replaced utilizing the 2010 City Council adopted Tree Replacement Matrix. Review of said plan shall be provided prior to the issuance of any building permits from the City.
11. Landscaping and irrigation 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. Said 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.
12. Temporary protective fencing shall be provided around all trees that will be impacted by construction and shall extend to the dripline of the trees.
13. The project shall adhere to the City regulations governing hours of construction, noise levels generated by construction and mechanical equipment, and the allowed level of ambient noise as specified in Chapter 9.36 of the Pasadena Municipal Code.

Department of Public Works

14. In response to the proposed tree removal/tree planting on this project, an Urban Forestry Advisory Committee (UFAC) meeting is scheduled for November 12, 2014. Contact Darya Barar, Parks & Natural Resources, at 626-744-3846, or via email at: dbarar@cityofpasadena.net for more information.
15. In addition to the above condition, the requirements of the following ordinance may apply to the proposed project:
 - a. 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 support of the Urban Forestry Advisory Committee (UFAC).
16. The new pre-fabricated public restroom in area 3 – JPL East Parking Lot is equipped with a lift station and a forced pipe connecting to a new sewer line that JPL will install in the utility duct of the JPL Bridge. The JPL sewer pipe will be connected to the existing JPL sewer system west of the bridge. It is the responsibility of Pasadena Water & Power Department – Water Division to maintain the proposed sewer lift/pump station.
17. The proposed forced pipe shall be called out as “forced house sewer lateral”. It is the responsibility of Pasadena Water & Power Department – Water Division to maintain the proposed forced pipe from the east of the east bridge abutment to the new public restroom.

18. The future connection to existing City sewer main on west side of the west bridge abutment shall be done by JPL. Maintenance of the sewer main west of the east bridge abutment shall be performed by JPL. Prior to the connection, plans shall be submitted to Pasadena Department of Public Works for review and approval. Permits for construction shall be obtained from Pasadena Department of Public Works. This requirement shall be indicated on Area 3A – Piping Plan, Key Note # 8 on sheet 26.
19. The existing ingress/egress easement across the bridge shall be revised to include public utilities purposes for the maintenance and repair/replacement of the new sewer line. The applicant shall be responsible for all the costs required to complete the easement revision. The easement revision document and processing fee shall be submitted to this office for review and approval; and it shall be executed before the construction of the new sewer line.

Fire Department

20. Access roads shall comply with the requirements of CFC Section 503. Minimum width of 20 feet. All building construction, including restroom shall comply with the provisions of CBC Chapter 7A for non-combustible material.

**ATTACHMENT C
MITIGATION MEASURES FOR CONDITIONAL USE PERMIT #6222**



**City of Pasadena
Planning Division
175 N. Garfield Avenue
Pasadena, California 91101-1704**

PROPOSED MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: Arroyo Seco Canyon Project

PROJECT APPLICANT: Pasadena Water and Power

PROJECT CONTACT PERSON: Gary Takara

ADDRESS: 150 South Los Robles Avenue, Suite 200, Pasadena, California 91101

TELEPHONE: (626) 744-3729

PROJECT LOCATION: 3420, 3500, 4401 and 4500 Arroyo Seco Road, north of the intersection of Windsor Avenue and Ventura Street
City of Pasadena
County of Los Angeles
State of California

PROJECT DESCRIPTION:

The City of Pasadena, Water and Power Department is proposing to repair and replace facilities within the Arroyo Seco Canyon Area that were damaged or destroyed by Station Fire-related events of 2009. The improvements will also allow the increased utilization of existing surface water rights held by the City, and will improve water quality in the canyon; improve biological habitats; restore hydrological function and fish passage; and improve ecosystem health through the following enhancements:

- 1) Naturalize the Arroyo Seco streambed;
- 2) Remove exposed portions of existing infrastructure designed for sediment removal;
- 3) Restore and improve the intake facilities;
- 4) Expand recharge operations by creating additional spreading basins;
- 5) Reduced barriers to fish passage;
- 6) Enhance recreational facilities;
- 7) Build a new restroom facility; and
- 8) Improve stormwater quality through a smaller decomposed granite parking lot.

FINDING

On the basis of the initial study on file in the Planning & Community Development Department Office:

The proposed project COULD NOT have a significant effect on the environment.

The proposed project COULD have a significant effect on the environment, however there will not be a significant effect in this case because the mitigation measures described in the attached Mitigation Monitoring Program.

The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Completed by: Kristin Starbird
Title: CEQA Project Manager
Date: November 13, 2014

Reviewed By: John Bellas
Title: Environmental Coordinator
Date: November 13, 2014

PUBLIC REVIEW PERIOD: October 9, 2014 through November 8, 2014
COMMENTS RECEIVED ON DRAFT: Yes No
INITIAL STUDY REVISED: Yes No

MITIGATION MONITORING AND REPORTING PROGRAM
Conditional Use Permit #6222
3420, 3500, 4401 and 4500 Arroyo Seco Road

This Mitigation Monitoring and Reporting Program (MMRP) for Conditional Use Permit #6222, located at 3420, 3500, 4401 and 4500 Arroyo Seco Road, has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 *et seq.*), the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097) and the City of Pasadena CEQA Guidelines. A master copy of this MMRP shall be kept in the office of the Zoning Administrator and shall be available for viewing upon request. A copy also will be available at the office of the Condition/Mitigation Monitoring Coordinator.

The applicant, City of Pasadena, Water and Power Department, has submitted a Conditional Use Permit application to allow the repair and replacement of facilities within the Arroyo Seco Canyon Area that were damaged or destroyed by Station Fire-related events of 2009. The improvements will also allow the increased utilization of existing surface water rights held by the City, and will improve water quality in the canyon; improve biological habitats; restore hydrological function and fish passage; and improve ecosystem health through the following enhancements:

- 1) Naturalize the Arroyo Seco streambed;
- 2) Remove exposed portions of existing infrastructure designed for sediment removal;
- 3) Restore and improve the intake facilities;
- 4) Expand recharge operations by creating additional spreading basins;
- 5) Reduced barriers to fish passage;
- 6) Enhance recreational facilities;
- 7) Build a new restroom facility; and
- 8) Improve stormwater quality through a smaller decomposed granite parking lot.

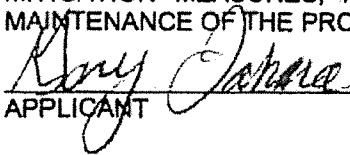
This MMRP includes mitigation measures in the Mitigation Monitoring and Reporting Matrix on the following pages that correspond to the final Mitigated Negative Declaration (MND) for the project. The matrix lists each mitigation measure or series of mitigation measures by environmental topic. For each mitigation measure, the frequency of monitoring and the responsible monitoring entity is identified. Mitigation measures may be shown in submittals and may be checked only once, or they may require monitoring periodically during and/or after construction. Once a mitigation measure is complete, the responsible monitoring entity shall date and initial the corresponding cell, and indicate how effective the mitigation measure was.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) forfeiture of security bonds or other guarantees; (6) revocation of permits or other entitlements.

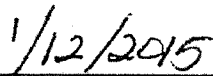
Monitoring Program Cost:

I HEREBY AGREE TO PAY THE CITY MONITORING FEES, AND IMPLEMENT THESE MITIGATION MEASURES, AT A MINIMUM, IN THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE PROJECT.

APPLICANT



DATE



Mitigation Monitoring and Reporting Program Matrix
Conditional Use Permit #6222
3420, 3500, 4401 and 4500 Arroyo Seco Road

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
Impact 1 – Biological Resources				
<p>MM BIO-1 A Biological Monitor shall be on site during vegetation clearing activities in Project work areas (i.e., areas of disturbance). Prior to the start of activities, the Biological Monitor shall confirm that the limits of Project work areas are clearly marked. In addition, the Biological Monitor shall conduct a pre-clearing sweep of the Project work area and shall flush and/or move common and unlisted special status wildlife to nearby suitable habitat outside the Project work area to the extent practicable. The Biological Monitor shall also be familiar with least Bell's vireo and shall conduct pre-clearing non-protocol surveys for this species while onsite. If a least Bell's vireo or other State of federally listed species is detected, work activity within 200 feet of the occupied habitat detected will be temporarily halted and the City will consult with the USFWS and CDFW. With authorization from these agencies, which may include a 'take' permit, the project will proceed in accordance with conditions developed in the consultation. Conditions will include avoidance and minimization measures to prevent or minimize impacts on the listed species(s) occurring on or adjacent to the site.</p>	<p>The construction limits shall be marked and pre-clearing non-protocol surveys for the least Bell's vireo and pre-clearing sweep conducted prior to the start of construction; monitoring shall occur throughout vegetation clearing activities</p>	<p>Department of Planning and Community Development</p>		
<p>MM BIO-2 Project construction shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods approved by the U.S.</p>	<p>Pre-construction nesting survey, if required, prior to the start of construction</p>	<p>Department of Planning and Community Development</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to protect active bird/raptor nests. To the maximum extent feasible, vegetation removal shall occur during the non-breeding season for nesting birds (generally late September to early March) and nesting raptors (generally early July to late January) to avoid impacts to nesting birds and raptors. If the Project requires that work be initiated during the breeding season for nesting birds (March 1–September 30) and nesting raptors (February 1–June 30), in order to avoid direct impacts on active nests, a pre-construction survey shall be conducted by a qualified Biologist for nesting birds and/or raptors within 3 days prior to clearing of any vegetation and/or any work near existing structures (i.e., within 300 feet for nesting birds and within 500 feet for nesting raptors). If the Biologist does not find any active nests within or immediately adjacent to the impact areas, the vegetation clearing/construction work shall be allowed to proceed. If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to</p>	<p>and monitoring of active nests during construction depending on the species.</p>			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established within a buffer around any occupied nest (the buffer shall be 100–300 feet for nesting birds and 300–500 feet for nesting raptors), unless otherwise determined by a qualified Biologist and (2) access and surveying shall be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified Biologist. Encroachment into the buffer area around a known nest shall only be allowed if the Biologist determines that the proposed activity would not disturb the nest occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest or the nest has failed.</p>				
<p>MM BIO-3 A Biological Monitor shall conduct a pre-construction bat habitat assessment of buildings and trees marked for potential removal. Potential for roosting shall be categorized by 1) potential for solitary roost sites 2) potential for colonial roost sites (10 bats or more). If the potential for colonial roosting is determined, those trees shall not be removed during the bat maternity roost season (March 1 – July 31). Trees potentially supporting colonial roosts outside of maternity roost season, and trees potentially supporting solitary roosts may be removed via a two-step removal process, whereby some level of disturbance (such as trimming of lower branches) (at the direction of the Biological Monitor) is applied to the tree on day one to allow bats to escape during the</p>	<p>Pre-construction bat habitat assessment prior to the start of construction</p>	<p>Department of Planning and Community Development</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>darker hours, and the roost tree shall be removed two days later (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal). When feasible, trees will be dropped slowly and a Biological Monitor will monitor the activity. If buildings are determined to be occupied, one-way exclusionary devices will be placed over bat access points and left in place for two nights prior to building removal.</p>				
<p>MM BIO-4 Prior to habitat disturbing activities of any Project component, a detailed restoration program shall be developed and implemented for any special status vegetation type identified within the Project disturbance limits that is removed. These special status vegetation types shall be restored within the project disturbance limits at a ratio of not less than 1:1, or as agreed to by the City of Pasadena in consultation with the CDFW. If the 1:1 ratio cannot be achieved within the project disturbance limits, then the balance shall be achieved by identifying additional areas for restoration or conservation within the Arroyo Seco or adjacent watersheds. Restoration shall consist of seeding and container plantings of appropriate species. A Restoration Program shall be submitted to the City of Pasadena for review by a qualified Biologist and approval by the resource agencies (USACE, RWQCB, CDFW) prior to issuance of grading permits. The Restoration Program shall include, at a minimum, the following elements:</p> <p>a. Responsibilities and qualifications of the personnel to implement and supervise the</p>	<p>Prepare restoration program prior to resource agency permits/ agreements and implementation of permit conditions during construction</p>	<p>Department of Planning and Community Development</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>plan. The responsibilities of the landowner, specialists, and maintenance personnel that will supervise and implement the plan shall be specified.</p> <p>b. Site selection. The site(s) for mitigation shall be determined in coordination with the City of Pasadena and the resource agencies. Restoration required outside the Project disturbance limits shall be located in dedicated open space areas (i.e. preserved in perpetuity as open space) and shall be contiguous with other natural open space areas.</p> <p>c. Site preparation and planting implementation. The site preparation shall include (1) protection of existing native species; (2) trash and invasive non-natives removal; (3) native species salvage and reuse (i.e., duff); (4) soil treatments (i.e., imprinting, decompacting); (5) erosion-control measures (i.e., rice or willow wattles); and (6) native seed mix application and plantings.</p> <p>d. Schedule. Establishment of restoration/revegetation sites shall be conducted between October 1 and January 30. Seeding and planting of container plants shall take place immediately after preparation of the restoration sites.</p> <p>e. Maintenance plan/guidelines. The maintenance plan shall include (1) invasive non-natives control, (2) herbivory control, (3) trash removal, (4) irrigation system maintenance, (5) maintenance training, and (6) replacement seeding and/or planting.</p> <p>f. Monitoring Plan. The monitoring plan shall include (1)</p>				

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>site preparation and implementation activities; (2) performance criteria as approved by the City of Pasadena and resource agencies; (3) long-term monitoring requirements and methods to determine compliance with performance criteria; (4) goals and methods of site maintenance (e.g., weed removal, erosion control); (5) preparation of regular progress reports to document site progress; and (6) preparation of annual reports which shall be submitted to the City of Pasadena and resources agencies for three to five years. The monitoring shall be conducted for three to five years, depending upon the performance standard requirements for the vegetation type at the mitigation site.</p> <p>g. Long-term preservation. Long-term preservation of the restoration site shall be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.</p> <p>h. Performance standards will be identified and will apply for each special status vegetation type. Revegetation shall be considered successful at three years if the percent cover and species diversity of the restored and/or created habitat areas are similar to percent cover and species diversity of adjacent existing habitats, as determined by quantitative testing of existing, restored, and created habitat areas.</p> <p>In addition, earth-moving equipment shall avoid maneuvering in areas outside the construction limits in order to avoid disturbing adjacent habitats. Prior to grading, the construction limits shall be identified on the grading plan and</p>				

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
established at the Project site with appropriate staking and flagging materials. The Contractor shall submit a letter to the City of Pasadena verifying that the construction limits have been staked and flagged at the Project site.				
<p>MM BIO-5 Mitigation for the loss of jurisdictional resources shall be negotiated with the resource agencies during the regulatory permitting process (see RR BIO-1) and shall ensure that mitigation to compensate for permanent impacts on jurisdictional resources is equivalent or superior to biological functions and values impacted by the Project. Potential mitigation options may include: (1) removal of exotic species from the Arroyo Seco Canyon or Hahamongna Watershed Park or elsewhere within the Arroyo Seco or adjacent watersheds; (2) payment to a mitigation bank or regional riparian enhancement program (e.g., invasive plant or wildlife species removal); and/or (3) restoration of riparian habitat, including qualifying vegetation and trees, either on site or off site at a ratio of no less than 1:1, determined through consultation with the USACE, the RWQCB, and the CDFW. The restoration plan shall detail the methodology and performance standards, which shall be prepared in accordance with requirements specified in permits/agreements issued by the USACE, the RWQCB, and the CDFW.</p>	Prepare restoration program prior to resource agency permits/agreements and implementation of permit conditions during construction	Department of Planning and Community Development		
<p>MM BIO-6 A team of qualified specialists in hydrology and plant and wildlife biology will monitor the Arroyo Seco stream and associated riparian habitat from the intake structure (i.e. diversion point) downstream to Devil's Gate Dam. The extent of</p>	Monitoring prior to use of new diversion structure and quarterly thereafter for 5 years	Department of Planning and Community Development		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>the riparian habitat, including aquatic habitat, will be defined based on field observations during the initial site visit. Monitoring will begin with an initial baseline assessment to be conducted within six months prior to start of increased diversions. Thereafter, monitoring shall continue quarterly for a duration of five years. Data will be gathered at fixed points along the stream, and general descriptive notes and photos will be taken of the entire stretch. Data will include surface flow measurements; subsurface hydrology, surface water extent mapping; vegetation mapping; a vegetation health assessment; active channel location mapping; and a plant and wildlife habitat suitability assessment (including protocol surveys if warranted and necessary to determine presence or absence of species). Data from four quarterly visits will be compiled in an annual report. The initial report will include a summary of available biological and hydrological historic data for the site. Annual reports will also include U.S. Geological Survey (USGS) stream gauge data from the Arroyo Seco (upstream of the Project site) and City of Pasadena data on diversion amounts within the year. These reports will consider all potential contributing factors, including precipitation and hydrologic conditions, flows from other managed tributaries, as well as potential maintenance and sediment removal activities behind the Devil's Gate Dam, and focus the reports on that which is attributable to the project to the maximum extent feasible. Annual reports will conclude with an assessment on the effects of increased diversion and will</p>				

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>provide recommendations for corrective actions, if deemed necessary to avoid or reduce downstream impacts attributable to the Project. Reports will be submitted to the City of Pasadena for review and approval of recommended corrective measures, if any. Alternatively, if the City chooses not to take corrective measures, the City may mitigate for any loss of vegetation at a minimum 1:1 replacement ratio. The City shall only be required to mitigate for those impacts attributable to the City's increased diversions. Replacement vegetation shall be in kind; shall be equal to or greater than biological value prior to diversion; and shall be located within the Arroyo Seco watershed. Vegetation replacement shall mitigate for plant and wildlife impacts of the impacted community. Re-vegetated riparian communities within Area 1 established as part of the Project may potentially qualify towards credit for reduced flow impacts, if credit is available.</p>				
<p>MM BIO-7 Prior to commencement of construction activities, trees not expected to be impacted by construction shall be enclosed by barriers such as chain link fencing or orange snow fencing. At a minimum, the barriers will be placed at the outer canopy of each tree to be protected in place, and no grade changes will be made within the barriers without prior approval by the City. During Project construction, a biological monitor will be periodically present to record the number of trees actually impacted. If project construction can avoid impacting oak trees, the number of replacement trees will be reduced accordingly.</p>	<p>Tree fencing prior to the start of construction and periodic monitoring during construction</p>	<p>Department of Planning and Community Development</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
Impact 2 – Cultural Resources				
<p>MM CUL-1 Prior to the start of construction activities in Areas 1 and 2, the cast concrete baluster railing of Bridge No. 2 shall be protected from construction activities that include the movement of heavy and large motor vehicles and machinery over it to gain access to Areas 1 and 2. Each baluster railing, from the bridge deck to the top of the railing, shall be clad with solid plywood panels, with a minimum thickness of ¾ inches (or equally effective measures shall be installed) to protect against unintentional impacts from passing over the bridge. The plywood barriers shall be secured without damaging the balusters or railing. The design and construction (and eventual removal) of the protective barriers at Bridge No. 2 shall be prepared in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The plans for the temporary barriers shall be reviewed by an architectural historian, historic architect, and structural or civil engineer who has experience with the physical components of historic bridges. A qualified architectural historian (who meets the Secretary of Interior's Professional Qualification Standards) shall be retained to monitor the proposed installation and removal of the protective barriers on Bridge No. 2, prior to construction. An installation/construction/repair methodology to protect the historic resources shall be developed prior to construction activities to ensure that the protective measures adequately safeguard Bridge No. 2. A pre-construction and a post-</p>	<p>Preparation of bridge protection plan prior to start of construction and survey and monitoring prior, during and after installation/construction and removal of bridge protection</p>	<p>Building Division</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>construction survey shall be prepared to ensure that adverse effects or significant impacts have not occurred to the bridge. The installation/ construction methodology and post-construction survey shall be submitted to the City of Pasadena Department of Planning – Historic Preservation.</p>				
<p>MM CUL-2 Prior to commencement of construction activities within Areas 1 and 2, the design and construction (and eventual removal) of the temporary bridge over Bridge No. 3 shall be prepared in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The plans for temporary bridge shall be reviewed by an architectural historian, historic architect, and structural or civil engineer who has experience with the physical components of historic bridges and stone walls. A qualified architectural historian (who meets the Secretary of Interior's Professional Qualification Standards) shall be retained to monitor the proposed installation/construction and removal plan documents for the temporary bridge on Bridge No. 3, prior to the start of construction activities. A pre-construction and a post-construction survey shall be prepared to ensure that adverse effects or significant impacts have not occurred to the bridge. The installation/construction methodology and post-construction survey shall be submitted to the City of Pasadena Department of Planning and Community Development, Design and Historic Preservation.</p>	<p>Preparation of temporary bridge plan prior to start of construction and survey and monitoring prior, during and after installation/ construction and removal of temporary bridge</p>	<p>Building Division</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
<p>MM CUL-3 Prior to commencement of earthmoving activities, the City shall retain a qualified Archaeologist to observe grading activities. The Archaeologist shall be present at the pre-grade conference; shall establish procedures for archaeological resource surveillance; and shall establish, in cooperation with the Contractor, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate. Should archaeological resources be found during ground-disturbing activities for the Project, the Archaeologist shall first determine whether it is a "unique archaeological resource" pursuant to the California Environmental Quality Act (CEQA, i.e., Section 21083.2[g] of the California Public Resources Code) or a "historical resource" pursuant to Section 15064.5(a) of the State CEQA Guidelines. If the archaeological resource is determined to be a "unique archaeological resource" or a "historical resource", the Archaeologist shall formulate a mitigation plan in consultation with the City of Pasadena that satisfies the requirements of the above-referenced sections. The Archaeologist shall prepare a report of the results of any study prepared as part of a testing or mitigation plan, following guidelines of the California Office of Historic Preservation, and s/he shall record the site and submit the recordation form to the City of Pasadena and the California Historic Resources Information System (CHRIS) at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. Work</p>	<p>Monitoring during grading and excavation activities and preparation of report after grading and excavation activities</p>	<p>Department of Planning and Community Development</p>		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
may proceed in other areas of the site, subject to the direction of the Archaeologist.				
<p>MM CUL-4 Prior to commencement of earthmoving activities, a qualified Paleontologist shall be retained to observe grading activities in native soils that are 5 feet below the ground surface or deeper, in paleontologically sensitive sediments, and to conduct salvage excavation of paleontological resources, as necessary. The Paleontologist shall be present at the pre-grading conference; shall establish procedures for paleontological resources surveillance; and shall establish, in cooperation with the Contractor, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of any fossils discovered, as appropriate. If paleontological resources are discovered, the Paleontologist shall report such findings to the City of Pasadena. If paleontological resources are found to be significant, the Paleontologist shall determine appropriate actions, in cooperation with the City, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City. All recovered fossils shall be deposited in an accredited institution or museum, such as the Natural History Museum of Los Angeles County.</p>	Monitoring during grading and excavation activities and preparation of report after grading and excavation activities	Department of Planning and Community Development		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
Impact 3 – Hazards/Hazardous Materials				
<p>MM HAZ-1 The City shall require Construction Contractors to implement the following measures:</p> <ul style="list-style-type: none"> • Trucks and equipment entering the site shall be inspected to be free from oil, gasoline, or other vehicle fluid leaks. • Equipment fueling areas shall be located outside jurisdictional waters as identified by the USACE and CDFW. • Hazardous materials shall not be stored within the 50-year floodplain for the Arroyo Seco. Instead, hazardous materials shall be stored within staging areas located away from the Arroyo Seco and shall be removed prior to the start of the storm season. • All hazardous material spills and contaminated soils shall be excavated immediately upon discovery to minimize soil and water contamination and the potential of wildlife being poisoned or otherwise harmed. • The Contractor shall maintain hazardous materials spill control, containment, and cleanup kits of adequate size and materials for potential accidental instream spills and releases. 	Periodically during construction (at least once per month)	Building Division		
<p>MM HAZ-2 Should discolored or odorous soils be encountered during grading and excavation activities in Area 3, the Contractor shall have a sample of the soils analyzed for the presence of contamination. If the results of the testing show that chemical levels are present below regulatory levels, grading and excavation activities may proceed accordingly. Otherwise, remediation and/or removal of the contaminated soils shall be completed prior to continued ground disturbance if chemical levels are above regulatory</p>	During construction, if odorous or discolored soils are found	Building Division		

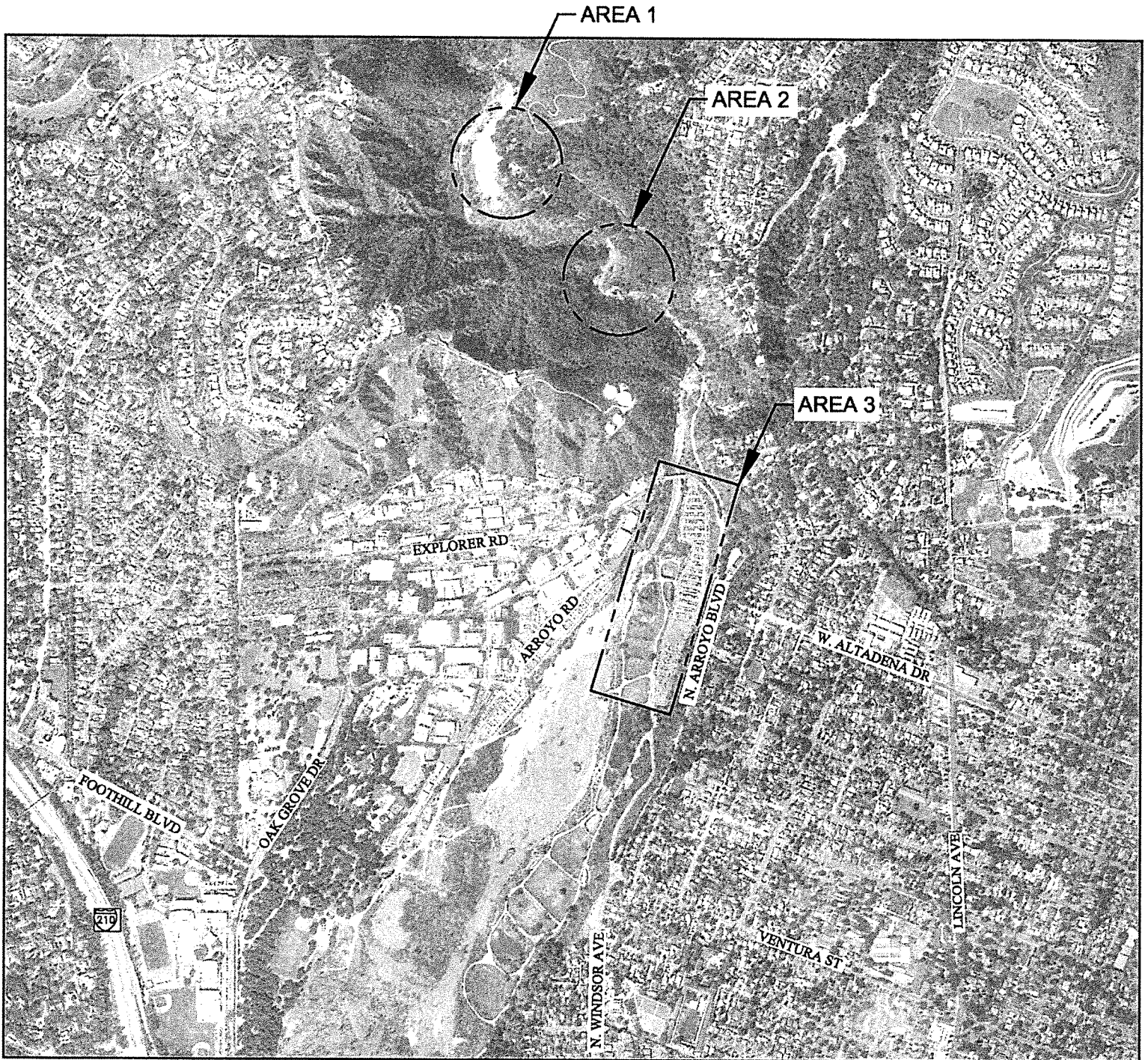
Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
standards. Remediation and/or disposal shall be conducted with the oversight of applicable regulatory agencies such as the Los Angeles County Fire Department, the South Coast Air Quality Management District (SCAQMD), the California Department of Toxic Substances Control (DTSC), and/or the U.S. Environmental Protection Agency in compliance with established maximum contaminant levels (MCLs).				
MM HAZ-3 The Contractor shall schedule the temporary bridge construction and the access road reconstruction in Area 2 so as to shorten the necessary closures of the bridges and access road to the extent feasible. The Contractor shall also inform the Pasadena Department of Water and Power (PWP), the Pasadena Fire Department, the Pasadena Police Department, the Los Angeles County Fire Department, and the United States Forest Service (USFS) at least one week in advance of the start of construction of the times when work on Bridge No. 1/temporary bridge; Bridge No. 3/temporary bridge, and the Gabrielino Trail/access road are planned. Any major changes to the schedule shall be forwarded to these agencies at least one week prior to the bridge or trail closures.	At least one week prior to bridge and trail closures	Building Division and Parks and Natural Resources Division		
MM HAZ-4 The Contractor shall not use, operate, or cause to be operated any internal combustion engine that uses hydrocarbon fuel, unless the engine is equipped with a spark arrestor and is maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.	Periodically during construction (at least once per month)	Building Division		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
Impact 4 – Noise				
<p>MM NOI-1 The Contractor shall implement the following noise-reduction measures during all construction activities:</p> <ul style="list-style-type: none"> • Equip all construction equipment (fixed or mobile) with properly operating and maintained mufflers, consistent with or exceeding manufacturers' standards. • Ensure that construction equipment engine enclosures and covers, as provided by manufacturers, shall be in place during operation. • Place all stationary construction equipment so that the equipment is as far as feasible from noise-sensitive receptors and so that the emitted noise is directed away from the noise-sensitive receptors. • Locate equipment and materials staging in areas that will create the greatest distance between staging area noise sources and noise-sensitive receptors during Project construction. • Ensure that construction equipment is shut down when not in use. • Limit haul truck deliveries to the same hours specified for the operation of construction equipment. 	Periodically during construction (at least once per month)	Building Division		
Impact 5 – Recreation				
<p>MM REC-1 Prior to the closure of recreational trails for public use, the Construction Contractor shall post signs at the parking lots and trail entrances providing at least one week of advanced notice of the dates and times of planned trail closures. The trails shall be closed no more than 5 consecutive days in non-emergency circumstances. In addition to the closure notice, the Contractor shall provide directions to the nearest trails in</p>	At least one week prior to trail closures	Parks and Natural Resources Division		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
the surrounding areas that would be open for public use at the times when the trails are closed.				
Impact 6 – Transportation				
MM TRA-1 During construction activities in Areas 1, 2 and 3, all Contractors shall schedule the arrival and departure of the construction equipment, and construction trucks outside the AM peak hours of 7:30 AM to 8:30 AM and the PM peak hours of 4:30 PM to 5:30 PM. In addition, trucks transporting sediment and debris from the site shall travel to and from the site outside the AM and PM peak hours.	Periodically during construction (at least once per month)	Building Division		
MM TRA-2 During construction activities in Areas 1 and 2, use of Bridge No. 1, Bridge No. 3, and the Gabrielino Trail/access road by hikers, bicyclists and equestrians shall be limited or prohibited when work on the temporary bridges and Gabrielino Trail/access road is ongoing. Flagpersons and/or other safety procedures shall be used as necessary to ensure the safety of recreational users.	Periodically during construction (at least once per month)	Building Division and Parks and Natural Resources Division		
MM TRA-3 Prior to the start of construction, the Construction Contractor shall provide written notice to the USFS and residences at the Ranger Station of the anticipated construction schedule, stating that access may be temporarily obstructed on an intermittent basis and providing a schedule of anticipated closures. In order to ensure that emergency vehicles would not be obstructed at any time, any temporary obstructions to the Gabrielino Trail/access road that could hinder emergency vehicular access shall be mobile and able to be removed from the roadway immediately upon notice from emergency responders.	Prior to the start of construction	Department of Water and Power		

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Mitigation Measure Complete?	Effectiveness
Impact 7 – Cumulative Traffic				
MM CUM-1 The Contractor for the Arroyo Seco Canyon Project shall coordinate with the Los Angeles County Department of Public Works and their contractor for the sediment removal activities at Devil's Gate Reservoir on the schedule of trucks coming to and from Scholl Canyon Landfill, such that the Project's truck traffic avoids the AM and PM peak hours to reduce conflict with local traffic and so that truck arrival times are staggered between the two projects to avoid queuing on Figueroa Street and on the State Route 134 on- and off-ramps.	Periodically during construction (at least once per month)	Building Division		

ATTACHMENT D
SITE PLAN FOR CONDITIONAL USE PERMIT #6222





REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 3420, 3500, 4401 and 4500 Arroyo Seco Road

Case Type (MCUP, TTM, etc.) and Number: PLN2014-00418

Hearing Date: Jan. 7, 2015

Appeal Deadline: Jan. 20, 2015

APPELLANT INFORMATION

APPELLANT: Spirit of the Sage Council; Project Soliton; Hugh Bowles

Telephone: [619] 702-7892

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Fax: [619] 702-9291

City: San Diego State: CA Zip: 92101

Email: shermanlaw@aol.com

APPLICANT (IF DIFFERENT): City of Pasadena

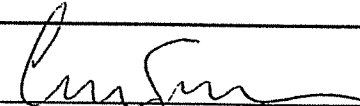
I hereby appeal the decision of the:

- Hearing Officer
- Zoning Administrator
- Design Commission
- Director of Planning and Development
- Historic Preservation
- Film Liaison

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

The project, including development in the OS and other applicable zones will result in direct and indirect unmitigated adverse impacts to the environment. The standards for granting a conditional use permit are not met. The CUP and CEQA environmental findings are not supported by either fair argument and/or substantial evidence. For reasons set forth in appellants' and other responsible trustee and overlapping jurisdictional agencies' prior submitted comments, approval of the project has not considered or mitigated all potential adverse environmental impacts. The MND is not supported as a matter of both fact & law. Grant money may only be used for protecting trees and conserving, not for habitat destruction and city commercial water capturing purposes. Segregated and piece-mealed projects in and adjacent to the project site will result in adverse impacts to the environment. Deferral of studies and reports are not proper as supported by comments made by persons and other agencies. Informed CEQA decision-making has been precluded.


Signature of Appellant

1-19-15
Date

* OFFICE USE ONLY

PLN # 2014-00418 CASE # ap# 6222 PRJ # _____

DESCRIPTION _____

DATE APPEAL RECEIVED: 1/20/2015 APPEAL FEES: \$ 272.95 RECEIVED BY: LXR