

ATTACHMENT A
FINDINGS FOR AFFORDABLE HOUSING CONCESSION PERMIT #11869

Affordable Housing Concession Permit: To increase the maximum permitted FAR and building height

1. *The concession or incentive does result in identifiable and actual cost reductions to provide for affordable housing costs.*

Keyser Marston Associates (KMA) prepared a financial evaluation of the development proposal, reviewing and analyzing two development scenarios, the Base Case scenario and the Proposed Project scenario. KMA determined that the net cost to provide eight very-low income units is estimated at \$4,469,000. Comparatively, the proposed density bonus and the FAR and height concessions generate a net cost of \$5,578,000. Thus, the effective cost to provide eight very-low income units is approximately \$1,109,000. In their analysis, KMA concludes that the Developer's proposal meets the requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of eight very-low income residential units. Therefore, the concessions do result in identifiable and actual cost reductions to provide for affordable housing costs, and the proposal meets this finding.

2. *The concession or incentive was not found to have a specific adverse impact on public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or adverse impact, without rendering the development unaffordable to low- and moderate-income households. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*

The Department of Transportation (DOT) determined that a Traffic Impact Analysis was required for this project. The study evaluated the effect the project would have on existing neighborhood traffic volumes along access and neighborhood collector street segments and intersections within the vicinity of the project, and evaluated the existing Pedestrian Environmental Quality Index (PEQI) and Bicycle Environmental Quality Index (BEQI) along key corridors within the vicinity of the project. In addition, because the project proposes more than 50 residential units, DOT also conducted a separate analysis (referred to as the CEQA Evaluation) of the City's five vehicular and multimodal performance measures that assess accessibility of different modes of travel when evaluating a project's impact, as well as the project's transportation impact to its community using adopted transportation performance measures that relate to vehicle miles traveled (VMT), vehicle trips (VT), proximity and quality of the bicycle network, proximity and quality of the transit network, and pedestrian accessibility.

The analyses determined that the project is not expected to exceed adopted street segment and intersection caps; and that the project does not cause a significant impact. Furthermore, the pedestrian environment received an indicator score of "average." No conditions of approval are required when the score is "average" or higher. The bicycle environment received an indicator score of "low". For this reason, the Department of Transportation has included Conditions of Approval intended to improve the bicycle environment. The analyses

determined that that the project's incremental VMT per capita change does not exceed the adopted threshold of significance under the VMT per capita of 22.6. Therefore, the project does not cause any significant impacts as it relates to VMT. Additionally, the project's incremental VT per capita does not exceed the adopted threshold of significance under the VT per capita of 2.8. Thus, the project does not cause any significant impacts as it relates to VT. It was also determined that the project increases the service population access to transit and maintains the service population access to bike facilities. Therefore, the project does not cause a significant impact on the existing bicycle network or access to transit facilities. As such, as it relates to vehicular traffic, there will be no adverse impact on public health, public safety, or the physical environment.

A Noise and Vibration Analysis for the project site was prepared to study project-related noise impacts, as they relate to the proposed construction activities (short term impacts) and the operational characteristics (long term impacts) of the use. The study determined that no adverse short term or long term noise impacts will occur from the project and that said noise will not exceed the City's Noise Ordinance thresholds. As such, as it relates to noise, there will be no adverse impact on public health, public safety, or the physical environment, and the proposal complies with the requirements needed to make the findings to be granted a concession.

Air Quality and Greenhouse Gas Emissions Analyses were also prepared for the project site. The analyses determined that the project will not conflict with an applicable air quality plan, violate an air quality standard or threshold, result in a cumulatively net increase of criteria pollutant emissions, expose sensitive receptors to substantial pollutant concentrations, create objectionable odors affecting a substantial number of people, generate greenhouse gas emissions that may have a significant impact on the environment, or conflict with any applicable plan (City's Climate Action Plan) adopted for the purpose of reducing emissions of greenhouse gases. As such, as it relates to air quality and greenhouse gas emissions, there will be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

The technical analyses included an evaluation of cumulative impacts resulting from the proposed project and the approved neighboring projects at 399 East Del Mar Boulevard and 245 South Los Robles Avenue. Per the analyses, cumulative impacts resulting from the three projects do not rise to the level of significance. Therefore, no adverse cumulative impact is anticipated.

The proposed project was reviewed by the City's Design and Historic Preservation Section of the Planning Division. There are no known or identified historic resources on the subject site. Therefore, as it relates to historic resources, there would be no adverse impact on a property listed on the California Register of Historic Places and the proposal complies with the requirements needed to make the findings to be granted a concession.

For the reasons provided herein, there will be no adverse impact on public health, public safety, or the physical environment as a result of the project, and the project would not have an adverse impact on a property that is listed in the California Register of Historical Resources. Therefore, the proposed project meets this finding.

3. *The concession or incentive would not be contrary to state or federal law.*

The requested concession will be granted consistent with the procedures and requirements established by California Government Code Sections 65915 (Density Bonuses and Other Incentives) and would not be contrary to any federal laws.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR AFFORDABLE HOUSING CONCESSION PERMIT
#11869

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 stamped "Approved January 13, 2020," except as modified herein.
2. Because the grant of the Affordable Housing Concession Permit is based on assumptions relating to project cost and construction type, all changes to this project, either during design or construction, shall be submitted to the Zoning Administrator for review and approval. The Zoning Administrator retains the right to require preparation and submittal of a revised project financial analysis reflecting the proposed change(s) and comparing it to the Base Case (i.e., project without the granted concession) as well as payment for such analyses. The Zoning Administrator also has the right to reject a proposed change if it is determined that such a change would modify the project costs such that the granted concession was no longer necessary for the provision of affordable housing. The determination by the Zoning Administrator is appealable pursuant to Section 17.72 of the Zoning Code. Because review of proposed changes may require time to assess, the applicant is advised to submit any proposed changes in a timely manner and shall bear the burden of any delay caused by the review process.
3. The applicant shall comply with all standards of the Zoning Code applicable to the CD-2 zoning district, with the exception of the following approved concessions:
 - i. To allow the proposed building to exceed the maximum allowed floor area ratio. Pursuant to Section 17.30.040 (Figure 3-9) of the City of Pasadena Zoning Code, the maximum allowed floor area ratio is 2.25 for the site. The applicant is requesting to increase the floor area ratio to 2.57; and
 - ii. To allow the proposed building to exceed the maximum allowed height. Pursuant to Section 17.30.040 (Figure 3-8) of the City of Pasadena Zoning Code, the maximum building height allowed for the site is 60 feet (75 feet when height averaging is applied). The applicant is requesting a maximum building height of 75 feet.
4. 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.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number **PLN2017-00233**, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a

Certificate of Occupancy or approval of the Final Building Inspection. Contact Talyn Mirzakhaniah, Current Planning Section, at 626-744-7101 to schedule an inspection appointment time.

Planning Division

8. The applicant, or the successor in interest, shall enter an agreement with the Housing Division for the provision of eight designated very low income units.
9. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the department.
10. The applicant, or the successor in interest, shall obtain a Private Tree Removal Permit for the removal of Tree No. 6, a protected Canary Island Pine, through the Design Review process.
11. The Design Commission in its review, shall pay particular attention to modulation of the roofline and building volumes, consistent with the architectural style of the building.

Design and Historic Preservation

12. This project requires Design Review by the Design Commission.

Building & Safety Division

13. Project shall comply with applicable building code requirements.

Department of Transportation

14. In accordance with City Ordinance No. 7076, the project shall pay the Traffic Reduction and Transportation Improvement Fee (TR-TIF) for the project at the time of building permit issuance. The TR-TIF is subject to change based on the current General Fee Schedule. Total payment would be based on the final scope at the time of project approval. The payment shall be made at Window #8 in the Permit Center located at 175 N Garfield Ave, Pasadena CA 91109.
15. To improve the safety of pedestrians crossing the driveway, the design plans shall indicate a slope of 2% or less from the property line to 20' beyond the property line to improve vehicular sight distance, or include the installation of an exit arm.
16. To improve the quality and safety of bicycling around the project, the developer shall pay for the purchase and installation, of bicycle racks in the vicinity of the project at the time of building permit issuance: Initial Deposit: \$1,000*

**The estimated cost is subject to partial refund or additional billing. Payment should be made at DOT offices located at 221 East Walnut Street, Suite 210 Pasadena, CA 91101.*

17. Any project loading/unloading spaces shall be on-site. DOT will not install a loading zone for project use along the project frontage.
18. The sidewalk along Los Robles Avenue adjacent to the project site shall comply with the City's Street Design Guidelines. A minimum sidewalk width of 12' is required.
19. A circulation plan for the parking structure must be reviewed and approved by the Department of Transportation. The plan shall be drawn to a 1"=20' or 1"=40' scale. The plan shall include the turning radius of the ramp and proposed striping/configuration of parking spaces to ensure that vehicles can safely enter and exit the parking area.
20. No overnight parking permits will be issued to future residents of this project. Future tenants shall be advised by the property management of the unavailability of on-street overnight parking permits.
21. The location(s) of bicycle parking shall be shown on the plans and approved by the Department of Transportation prior to the issuance of the first permit for construction (demolition, grading, or building).

Public Works Department

22. No private improvements may be placed within the public right-of-way, including, but not limited to, soldier beams, tie-backs, utility conduits, backflow preventers, transformers, fire sprinkler valve, decorative sidewalk and applicable parade post holes on Colorado Boulevard per Standard Drawing S-419. Private improvements may only be placed in the public right-of-way by submitting a license agreement, which must be approved by the City. 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 before any permits are granted. The applicant shall submit the application, plan and processing fee/deposit, associated with processing the license agreement, at least three to four (3-4) months prior to the issuance of any building or demolition permits. 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 an indemnity bond in order to guarantee that shoring and tie-backs are free from defect due to faulty material, workmanship and failure. Upon review of the license agreement exhibits, an indemnity bond estimate will be prepared and forwarded to the applicant. The estimated amount is equivalent to the cost of reconstructing the public right of way, including all affected utilities, public facilities, and infrastructures, based on the plane of failure at a 45-degree angle from the lowest point of excavation. The indemnity bond shall be submitted to the City prior to the execution of the agreement and the issuance of any building or demolition permits.

All steel rods in every tie-back unit shall be relieved of all tension and stresses, and any portion of soldier beams and any portion of the tie-backs located be removed entirely from the public right-of-way. A monthly monitoring report stamped and certified by a licensed surveyor shall

be submitted to indicate that the deflection from any piles or soldier beams does not exceed one inch. Upon completion of construction, the developer or his contractor shall remove all tie-back rods within the public right-of-way. The removal shall be documented by a report certified by a licensed deputy inspector. The report shall be submitted to the City for review and approval. The applicant will be charged a penalty of \$7,000 for each tie-back rod not removed from the public right-of-way. For temporary tie-backs or shoring, the maximum width of the license area fronting the development frontage(s) shall only extend to the centerline of the public right-of-way.

23. In order to provide sufficient sight distance for pedestrians along Los Robles Avenue frontage, the proposed driveway ramp to the subterranean garage, from the property line to the first 20 feet west, shall be sloped at 2% or less, unless otherwise reviewed and approved by the Department of Transportation.
24. The proposed drive approach shall be constructed in accordance with Standard Drawing No. S-403. The existing gutter shall be cut per the requirements of Public Works inspector. All drive approaches shall be at least seven (7) feet clear of existing trees.
25. Each building of the proposed development shall connect to the public sewer with one or more new six-inch diameter house sewer 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 sewer 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.
26. Los Robles Avenue restoration, fronting the subject development, shall be a full width (from gutter to gutter) cold milling and resurfacing of 1.5 inches depth rubberized asphalt concrete roadway, or to the satisfaction of the City Engineer. Restoration of rubberized asphalt concrete pavement shall be per Standard Plan S-416 and to the satisfaction of the City Engineer.
27. The applicant shall demolish existing and construct all new public improvements along the subject development frontage of Los Robles Avenue, including concrete sidewalk per Standard Plan S-421; concrete curb and gutter per Standard Plan S-406. All public improvements shall be completed prior to the issuance of Certificate of Occupancy.
28. On-site drainage, such as roof drain, area drain and subterranean garage discharge, shall be contained on-site per LA County Regional Water Quality Control Board's current permit.
29. The applicant shall plant a maximum of four (4) Quercus Virginiana, Southern Live Oaks on Los Robles Avenue frontage the officially designated street tree per the City's approved Master Street Tree Plan. The Department of Public Works will confirm eligible planting sites.
30. Trees planted by the applicant 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. Planting shall include the installation of the following per tree: no less than two tree stakes; one arbor guard; and the use of slow-release fertilizer tablets. The applicant

shall contact PNR (626-744-3880) for tree planting approval, a minimum of two (2) months, prior to the issuance of a Certificate of Occupancy.

31. Trees planted by the applicant must be irrigated by either an existing or a new irrigation system constructed by the applicant. Plans for the irrigation system shall be prepared by a landscape architect registered in the State of California and submitted to PNR for review and approval. Irrigation facilities (main line, valve, pull box, timer, etc.) must be constructed within private property with the exception of the laterals and bubblers. The lateral shall be a minimum of 18" deep, and no above-ground structures are allowed.
32. Prior to issuance of the Certificate of Occupancy, the applicant shall submit a Tree Guarantee Deposit equal to the cost of all new trees planted to guarantee that newly planted trees are maintained by the applicant for a minimum of three calendar years. Tree maintenance during this period shall include the following: watering no less than once a week; weed removal; reconstruction of tree wells as needed; re-staking as needed; adjustment to grade of any trees that settle; and any other operations needed to assure normal tree growth. The applicant shall replace any newly planted trees which, for any reason, die or whose health is compromised, within the applicant's three-year establishment period. The three-year tree establishment period shall commence on the day that the Certificate of Occupancy is issued. PNR shall inspect all trees planted by the applicant at the end of the three-year establishment period, and if the trees are found to be in good health, the applicant's deposit will be released. If the trees are found to be in poor health, the establishment period may be extended by PNR and the applicant's deposit shall be held accordingly. Said deposit may be included as part of the construction guarantee if applicable, and is subject to partial refund or additional billing.
33. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.

The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.

The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.

34. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan, prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A sundry deposit may be required for staff time to review the preliminary plans.

35. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 4' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be inspected and approved by Public Works prior to the commencement of any construction.
36. All new drive approaches shall be at least seven (7) feet clear of the existing street trees measured from the edge of the trunk closest to the drive approach. All public trees shall be protected and fenced with a posting on the fences advising of the tree protection.
37. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.
38. Prior to issuance of any permit, a bond in the amount of the applicant's total liabilities based on the aforementioned approved report shall be submitted to the City. The bond is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.
39. The existing street lighting along the Los Robles frontage of the subject site is substandard. In order to improve pedestrian and traffic safety, the applicant shall replace/renovate three (3) existing street lighting, on or near the frontage of the subject property, with LED lights, per the City requirements and current standards.
40. 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 new LED lights, 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.
41. The applicant is responsible for the design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to place a deposit with the department to cover the cost of plan checking. The amount of deposit will be based on the current City's General Fee Schedule. Note that building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit public improvements plans and the plan check deposit at least two (2) months prior to the issuance of any building or demolition permits.

42. 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.ci.pasadena.ca.us/PublicWorks/Engineering_Division/. 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. No construction staging, material storage, or trailer in the public right-of-way.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the 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.

43. 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 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. A processing fee will be charged against the deposit.
44. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: http://cityofpasadena.net/PublicWorks/Engineering_Division/.

45. 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. A Public Works permit is required for all construction and occupancies in the public right-of-way. If construction vehicles and equipment are parked off-site in the public right of way, the permit fee for street and sidewalk occupancy will be based on the area and duration corresponding to the current City's General Fee Schedule. For more information, please contact Yannie Wu at 626-744-3762.
46. In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project:
- 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) 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.
 - c) 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.
 - d) 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.

The estimated Residential Impact Fee based on the current tax schedule and the submitted information, dated May 8, 2017, for this project is: \$1,201,542.87 (subject to Housing Department evaluation).

This amount is a rough estimate and for informational purposes only. The exact amount will be calculated at the time of Building Permit issuance.

- e) 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/PublicWorks/> 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 is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
 - b. 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. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. 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.

Power Division

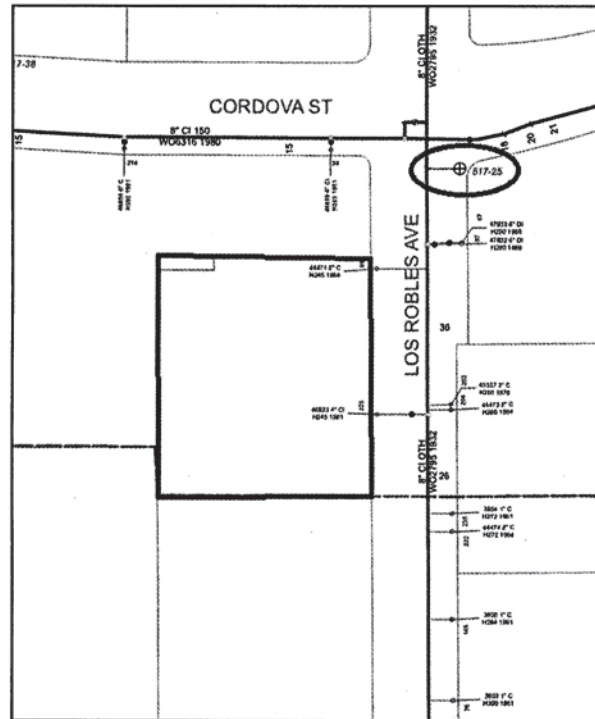
47. Existing energized underground 17kv power cables that feed vault V8396 must be relocated first prior construction of proposed structure. PWP has underground 17 kv distribution facilities on Los Robles Ave and Euclid Ave to provide power service.

Water Division

48. Water Mains: Pasadena Water and Power (PWP), Water Division can serve water to this project. There is an 8-inch cast iron water main in Los Robles Avenue that was installed under Work Order 2795 in 1932. It is located approximately 46 feet east of the west property line of Los Robles Avenue.
49. Moratorium: Verify with Public Works Department regarding any street construction moratorium affecting this project.
50. Water Service: PWP records reflect a 2-inch water service (44471) and a 4-inch water fire service (46833) serving 253 S Los Robles Avenue. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at total cost to customer.
51. 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.

52. There is one fire hydrant in close proximity to the project. Fire hydrant number 517-25 is located on the east curb of Los Robles Avenue, at the southeast corner of Cordova Street and Los Robles Avenue.



53. All services not in use must be abandoned at the distribution main at the applicable rate.
54. Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
55. The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
56. For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
57. Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.

58. All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
59. There shall be no taps between the meter and the backflow assembly.
60. The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.
61. The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
62. The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
63. The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
64. All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
65. An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.
66. The fire service requires a detector meter and back-flow prevention assembly.
67. The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
68. All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
69. Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
70. All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow prevention assembly. The assembly will be registered and require an annual test certification.
71. If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
72. Choose from one of the below listed options and incorporate into the fire sprinkler plans:

Option 1:

Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.

- The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.

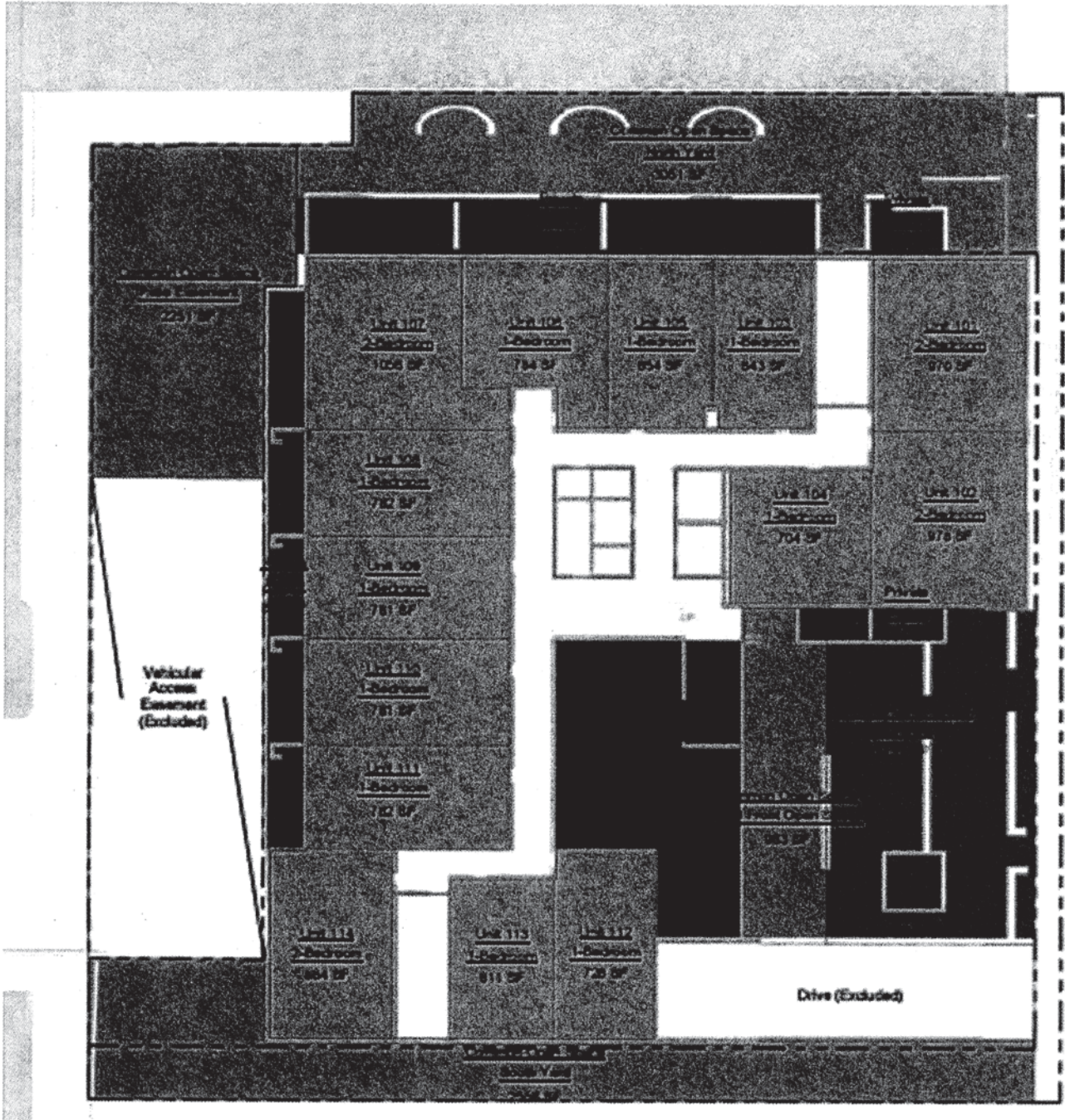
Option 2:

Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.

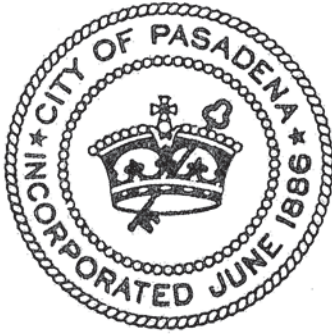
- The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.

73. The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.

**SITE PLAN
FOR AFFORDABLE HOUSING CONCESSION PERMIT #11869**



ATTACHMENT C
JULY 22, 2019 CITY COUNCIL STAFF REPORT



Agenda Report

July 22, 2019

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: CALL FOR REVIEW OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT #11869 LOCATED AT 253 S. LOS ROBLES AVENUE

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects) and that there are no features that distinguish this project from others in the exempt class. Therefore, there are no unusual circumstances; and
2. Uphold the Board of Zoning Appeal's decision and approve Affordable Housing Concession Permit #11869.

EXECUTIVE SUMMARY:

On November 7, 2018, the Hearing Officer considered, at its regularly noticed public hearing, Affordable Housing Concession Permit (AHCP) #11869. The request was to increase the maximum allowable floor area ratio (FAR) from 2.25 to 2.65 and to increase the maximum allowed height from 60 feet (75 feet when height averaging is applied) to 80 feet to facilitate the construction of a new 94,165 square-foot, six-story, 92-unit, multi-family residential building (including eight "very low income" units), with 131 parking spaces in a three-level subterranean parking garage.

Staff's recommendation to the Hearing Officer was to approve AHCP #11869. Specifically, staff found that as conditioned, it was not expected that the development resulting from the requested concession would result in any adverse negative impacts to the neighboring uses. It was demonstrated that the concessions result in the identifiable and actual cost reduction to provide for affordable housing costs. It was also

shown that the project would not have a specific adverse impact on health or safety, or on the physical environment, and would not have an adverse impact on a property listed on the California Register of Historic Places. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer approved Affordable Housing Concession Permit #11869 (Attachment C).

On November 15, 2018, Madison Heights Neighborhood Association submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing disagreements with the decision of the Hearing Officer. On February 6, 2019, the Board of Zoning Appeals conducted a public hearing on this item and voted to continue the hearing to a date uncertain. The continued hearing was held on April 3, 2019, during which the Board voted (3-0) to approve AHCP #11869.

On April 8, 2019, Mayor Tornek submitted a request for a call for review of the Board's decision. On April 29, the City Council voted to approve the call for review. The hearing before the City Council is a de novo hearing where the Council has no obligation to honor the prior decision and has the authority to make an entirely different decision. Staff recommends that the City Council uphold the Board of Zoning Appeals' April 3, 2019 decision, approving Affordable Housing Concession Permit #11869 based on the findings in Attachment A.

BACKGROUND:

The applicant, Zhuang & Zhong Los Robles, LLC, has submitted an Affordable Housing Concession Permit application requesting two affordable housing concessions to facilitate construction of a new 94,165 square-foot, six-story, 92-unit, multi-family residential (condominium) building (including eight "very low income" units), with 131 parking spaces in a three-level subterranean parking garage. The 35,502 square-foot irregularly-shaped site is improved with a 43,544 square-foot, two-story office building that is currently vacant and a 9,160 square-foot parking lot. The project proposes demolition of on-site improvements prior to construction. Multi-family residential development is a permitted use by right in the CD-2 zoning district.

The maximum number of residential dwelling units allowed for the project site is 71 units. In order to attain additional residential units, a density bonus is being requested. The density bonus section of the Zoning Code (Section 17.43.040) allows an increase in the number of units permitted on the site without discretionary approval, provided a specified percentage of the units are designated as affordable units. Per the Zoning Code, the percentage of density bonus increase afforded to the project is dependent on the number of units that are dedicated as affordable. The applicant is proposing that eight of the units be dedicated to very low income households. By dedicating eight of the allowed base units (71 units) for very low-income households, the applicant is eligible for a 35% density bonus; granting them the ability to build up to 96 total residential units. The applicant has opted to build 92 total units.

Consistent with California State Law (Section 65915), the Zoning Code permits a project that is utilizing a density bonus increase to request concessions, or deviations, from an applicable development standard, provided the concessions are necessary for the provision of the affordable units. Per Section 17.43.050 of the Zoning Code, this request is processed through the Affordable Housing Concession Permit process. The concessions requested in this application are for the following:

- i. To allow the proposed building to exceed the maximum allowed floor area ratio. Pursuant to Section 17.30.040 (Figure 3-9) of the City of Pasadena Zoning Code, the maximum allowed floor area ratio is 2.25 for the site. The applicant is requesting to increase the floor area ratio to 2.65; and
- ii. To allow the proposed building to exceed the maximum allowed height. Pursuant to Section 17.30.040 (Figure 3-8) of the City of Pasadena Zoning Code, the maximum building height allowed for the site is 60 feet (75 feet when height averaging is applied). The applicant is requesting a maximum building height of 80 feet.

With the exception of the requested concessions, the project complies with all other applicable development standards, as required by the City's Zoning Code, including but not limited to setbacks, parking (applying State Density Bonus Law standard for parking), and open space. Final review of the project's compliance with the applicable development standards will occur during the plan check process, prior to the issuance of a Building Permit. Additionally, on June 13, 2017, the Design Commission reviewed the proposed project through the Preliminary Design Consultation Process. Furthermore, the project will require Concept and Final Design Review approval.

Hearing Officer Public Hearing

The Affordable Housing Concession Permit was presented to the Hearing Officer at a public hearing on November 7, 2018. Staff's recommendation to the Hearing Officer was to approve Affordable Housing Concession Permit #11869, given that the proposed building would comply with all applicable Zoning Code development standards and the required findings to increase the FAR and height could be made.

At the hearing, the applicant presented the project and three speakers spoke in opposition to the project. Five letters of opposition were received and incorporated into the public record. The concerns raised by speakers at the public hearing included, but were not limited to:

- Proposed building is too tall;
- Cumulative traffic impacts should be considered;
- Project is inconsistent with the General Plan;
- CEQA exemption is not appropriate due to impacts to a historic resource;
- Project will have significant impacts on traffic, noise, and air quality.

At the conclusion of public testimony, the Hearing Officer approved Affordable Housing Concession Permit #11869. This decision was based on the findings and the conditions of approval in Attachment C (Decision Letter) to this report. Furthermore, the Hearing Officer has provided an addendum with justification for the approval of the Affordable Housing Concession Permit (Attachment E).

Board of Zoning Appeal's Public Hearing

On November 15, 2018, Madison Heights Neighborhood Association submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing disagreements with the decision of the Hearing Officer. The appellant is a neighborhood association, the northernmost boundary of which is approximately 0.4 miles south of the project site. The appellant cited the following issues as the basis for their appeal of the Hearing Officer's decision:

- Incorrect CEQA determination;
- The required findings cannot be made;
- Project is inconsistent with the City's General Plan;
- Significant errors and omissions in the record;
- Hearing Officer failed to consider evidence;
- Lack of substantial evidence; and
- Hearing Officer's decision is arbitrary and capricious.

On February 6, 2019, the Board of Zoning Appeals conducted a public hearing on this item. A response to each of the appellant's concerns was provided to the Board of Zoning appeals as a component of the February 6, 2019 Board of Zoning Appeals staff report. Staff's responses to the appeal of the Hearing Officer's decision are included as Attachment G. At the conclusion of that meeting, the Board voted to continue the hearing to a date uncertain. In response to public testimony regarding numerical errors in the financial analysis associated with the request for concessions, the Board requested that the City's consultant, Keyser Marston Associates (KMA), review the data in the financial analysis, correct any numerical errors, and confirm that the developer's proposal continues to meet the requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of eight very-low income residential units.

Per the Board's request, KMA revisited the financial analysis, corrected numerical errors, revised the analysis to reflect the City's recently updated in-lieu fees, and updated the findings accordingly. The revised financial analysis, included as Attachment H, was provided to the Board of Zoning Appeals prior to the continued hearing on April 3, 2019. The analysis shows that the net cost to provide eight very-low income units is estimated at \$4,469,000. Comparatively, the proposed density bonus and the FAR and height concessions generate a net cost of \$5,578,000. Thus, the effective cost to provide eight very-low income units is approximately \$1,109,000. In their revised analysis, KMA concludes that the Developer's proposal continues to meet the

requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of eight very-low income residential units. On April 3, 2019, at the continued public hearing, the Board of Zoning Appeals voted (3-0) to approve AHCP #11869. The Board of Zoning Appeals' Decision Letter is included as Attachment F.

On April 8, 2019, Mayor Tornek submitted a request for a call for review of the Board's decision. On April 29, the City Council voted to approve the call for review.

ANALYSIS:

Affordable Housing Concession Permit: To increase the maximum permitted FAR and building height

Pursuant to California Government Code Section 65915, the City shall grant the concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
3. The concession or incentive would be contrary to state or federal law.

As described below, there is no evidence in the record of any of the above.

Financial Analysis

To assess the project for the first finding, the City forwarded the project's financial information to its financial consultant, Keyser Marston Associates (KMA) for analysis. KMA reviewed and prepared a density bonus analysis that analyzed the following development scenarios:

1. Base Case Scenario – 71 market-rate condominium units with 97 parking spaces in a two-level subterranean garage, in compliance with all current zoning requirements; and

2. Proposed Project Scenario (the project) – 92 residential units with 131 parking spaces in a three-level subterranean garage, plus two concessions to allow an increase in building height and FAR.

The analysis shows that the net cost to provide eight very-low income units is estimated at \$4,469,000. Comparatively, the proposed density bonus and the FAR and height concessions generate a net cost of \$5,578,000. Thus, the effective cost to provide eight very-low income units is approximately \$1,109,000. In their analysis, KMA concludes that the Developer's proposal meets the requirements imposed by the City's Density Bonus Ordinance as well as the California Government Code, Section 65915 (Density Bonus) to qualify for the concessions in order to facilitate the construction of six very-low income residential units.

Project Impacts

In addition, the review must verify that there will be no adverse impact on public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California Register of Historical Resources.

- Traffic Impact Analysis

The Department of Transportation (DOT) determined that a Traffic Impact Analysis was required for this project. The study evaluated the effect the project would have on existing neighborhood traffic volumes along access and neighborhood collector street segments and intersections within the vicinity of the project, and evaluated the existing Pedestrian Environmental Quality Index (PEQI) and Bicycle Environmental Quality Index (BEQI) along key corridors within the vicinity of the project.

In addition, because the project proposes more than 50 residential units, DOT also conducted a separate analysis (referred to as the CEQA Evaluation) of the City's five vehicular and multimodal performance measures that assess accessibility of different modes of travel when evaluating a project's impact, as well as the project's transportation impact to its community using adopted transportation performance measures that relate to vehicle miles traveled (VMT), vehicle trips (VT), proximity and quality of the bicycle network, proximity and quality of the transit network, and pedestrian accessibility. The Traffic CEQA Evaluation is included in Attachment I.

The analyses determined that the project is not expected to exceed adopted street segment and intersection caps; and that the project does not cause a significant impact. Furthermore, the pedestrian environment received an indicator score of "average." No conditions of approval are required when the score is "average" or higher. The bicycle environment received an indicator score of "low". For this reason, the Department of Transportation has included Conditions of Approval intended to improve the bicycle environment. The analyses determined that the project's incremental VMT per capita change does not exceed the adopted threshold of significance under the VMT per capita of 22.6. Therefore, the project does not cause any significant impacts as it relates

to VMT. Additionally, the project's incremental VT per capita does not exceed the adopted threshold of significance under the VT per capita of 2.8. Thus, the project does not cause any significant impacts as it relates to VT. It was also determined that the project increases the service population access to transit and maintains the service population access to bike facilities. Therefore, the project does not cause a significant impact on the existing bicycle network or access to transit facilities.

As such, as it relates to vehicular traffic, there will be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

- Noise and Vibration Analysis

A Noise and Vibration Analysis was prepared by ESA for the project site. The Noise and Vibration Analysis is included in Attachment I. The purpose of the report was to determine potential noise and vibration impacts as they relate to the proposed construction activities (short term impacts) and noise impacts as they relate to the operational characteristics (long term impacts) of the use. The project will incorporate, and the analysis assumes, implementation of general industry standard best practices to minimize noise and vibration impacts. In its analysis, ESA concluded that during the construction period, maximum construction noise levels would not exceed the City's Noise Ordinance thresholds of 85 weighted decibels (dBA) at 100 feet. Additionally, ESA concluded that vibration generated by the project's construction equipment would not be expected to generate strongly perceptible levels of vibration at the nearest uses and would result in less than significant impacts related to vibration annoyance and structural damage. Therefore, no adverse short term noise or vibrations impacts associated with construction would occur from the project.

Long term operational impacts of the project would be generated by mechanical equipment (heating, ventilation and air conditioning units), maintenance of the site and vehicles entering and leaving the property. The threshold of significance for operational noise, established in the City's Noise Ordinance, prohibits the making of noise that exceeds the ambient noise levels at the property line of any property by more than 5 dBA. It was determined that the operational characteristics (long term impacts) of the use would not exceed the ambient noise levels at the property lines by more than 5 dBA. Per the noise analysis, the proposed development would increase the ambient noise levels a negligible amount above existing conditions. The existing traffic-related ambient noise level ranges from 67.2 to 68.9 dBA. Project-related traffic would result in increases no greater than 0.1 dBA. As such, the nature of the features related with the operational characteristics of the use would not increase the existing ambient noise level by 5 dBA. Therefore, no adverse long term noise impacts would occur from the project and no mitigation is required.

Cumulative construction impacts could occur when multiple construction projects are occurring simultaneously with the proposed project. There are two approved projects adjacent to the project site to the north and south pending construction. The 245 South

Los Robles Avenue project would be a 131-unit mixed-use building to the north of the proposed project and the 399 East Del Mar Boulevard project would be a 55-unit multi-family residential building to the south of the proposed project. Concurrent noise impacts could occur if the projects were being constructed on overlapping schedules, therefore ESA analyzed cumulative Noise and Vibration impacts as it would relate to the construction of all three potential projects. The City's noise threshold for construction is 85 dBA at 100 feet for each piece of equipment. As a conservative approach for the cumulative construction noise analysis, the threshold of 85 dBA at 100 feet was applied to the aggregate noise from concurrent construction activities for the proposed project and the two adjacent projects (i.e., multiple pieces of construction equipment operating simultaneously on separate but adjacent sites). Conservatively assuming all three related projects each contribute 75 dBA during concurrent construction phases, the combined noise level would be approximately 80 dBA at 100 feet, which would be less than the 85 dBA at 100 feet threshold.

Operational cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to operation of the project and cumulative projects, as traffic is the greatest source of operational noise in the project area. Per ESA's analysis, with the proposed project, the cumulative traffic noise level increase would be much less than 3 dBA and, therefore, cumulative traffic noise impacts would be less than significant. The analysis also concluded that cumulative stationary source noise impacts related to stationary noise sources (i.e., fixed mechanical equipment, parking structure, and loading dock), would be less than significant.

Per ESA's analysis, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Man-made vibration issues are therefore usually confined to short distances from the source (i.e., 50 feet or less). Due to the rapid attenuation characteristics of ground-borne vibration, there is no expected potential for cumulative construction- or operational-period impacts with respect to ground-borne vibration from related projects. Therefore, cumulative vibration impacts would be less than significant.

At the April 3, 2019 Board of Zoning Appeals hearing, project opponents questioned the selection of roadway segments on which noise evaluations were based. Staff clarified that, per industry standards, noise evaluations (and traffic evaluations) are based on roadway segments identified as "neighborhood collectors" because these smaller roadways experience the greatest impact from development projects, and impacts on these roadways segments demonstrate the worst-case scenario. To further substantiate the conclusion that there will be no significant adverse impact as it relates to traffic noise, ESA prepared a Technical Memorandum (Attachment K) that expands upon the operational traffic noise analysis for the project by analyzing additional roadway segments in the project vicinity for the following scenarios: existing; existing plus project; and existing plus project plus related projects. This expanded analysis incorporates traffic data supplied from the City's Department of Transportation and includes portions of Los Robles Avenue (from Colorado Boulevard to south of California Boulevard), Del Mar Boulevard (east and west of Los Robles Avenue), and California

Boulevard (east and west of Los Robles Avenue). The technical memorandum also provides an expanded analysis of the project's conformance with applicable and relevant goals, policies, objectives, and standards of the City's General Plan Noise Element and Land Use Element.

The analysis in the Technical Memorandum (Attachment K) concludes that operation of the project would not result in a substantial increase in project-related traffic noise levels over existing traffic noise levels. The increase in noise level would be 0.1 dBA CNEL, which would be less than the significance threshold of a 5 dBA CNEL increase or the most stringent significance threshold of a 3 dBA CNEL increase to or within the "normally unacceptable" community noise and land use noise compatibility category. A noise level increase of 0.1 dBA is not perceptible by human hearing. In a controlled laboratory environment, a change in sound level of 1 dBA is "barely perceptible." In a non-controlled environment, such as in a typical suburban or urban environment, a change in sound level of 3 dBA is "just perceptible," a change in sound level of 5 dBA is "clearly noticeable," and a change in 10 dBA is perceived as a doubling of sound volume. Therefore, as project-related traffic would result in a maximum noise level increase of 0.1 dBA, which would not be a perceptible change, project-related traffic noise would be less than significant.

The analysis in the Technical Memorandum (Attachment K) also concludes that when considering cumulative related projects, the project plus related projects would generate an increase in roadway noise levels much less than 1 dBA. The maximum noise level increase would be 0.2 dBA CNEL, which would be less than the significance threshold of a 5 dBA CNEL increase or the most stringent significance threshold of a 3 dBA CNEL increase to or within the "normally unacceptable" community noise and land use noise compatibility category. Therefore, as project-related traffic, when added to cumulative related projects, would result in a maximum noise level increase of 0.2 dBA, which would not be a perceptible change, cumulative Project-related traffic noise would be less than significant.

Based on the conclusions of the multiple technical analyses described above, as it relates to noise and vibration, there would be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

- Air Quality and Greenhouse Gas Emissions Analysis

Air Quality and Greenhouse Gas (GHG) Emissions Analyses for the project site were prepared by ESA. The Air Quality Analysis is included in Attachment I and the Greenhouse Gas Analysis is included as Attachment J.

The purpose of the Air Quality Technical Report was to determine if the project would conflict with an applicable air quality plan, violate an air quality standard or threshold, result in a cumulatively net increase of criteria pollutant emissions, or expose sensitive receptors to substantial pollutant concentrations, create objectionable odors affecting a

substantial number of people. In its analysis, ESA concluded that the project would not conflict with or obstruct implementation of the SCAQMD 2016 Air Quality Management Plan, and air quality impacts from construction and operation of the project would be below SCAQMD air quality thresholds. Sensitive receptors near the project site would not be exposed to substantial pollutant concentrations. Therefore, the impacts would be less than significant. Additionally, the project would not produce objectionable odors that constitute a public nuisance.

Recognizing that there are approved projects directly to the north and south of the project site, ESA also analyzed cumulative air quality impacts (construction and operational). Per SCAQMD, only projects that exceed the project-specific significance thresholds are cumulatively considerable. Projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. The report showed that the proposed project would not exceed construction-related or operational thresholds related to air quality impacts. Environmental documents prepared for 399 East Del Mar Boulevard and 245 South Los Robles Avenue concluded that air quality impacts related to each would be less than significant. Therefore, based on the SCAQMD cumulative impact evaluation methodology, cumulative impacts related to the three projects would be less than significant.

The Greenhouse Gas Emissions Analysis concluded that the project would substantially comply with or exceed the GHG reduction actions and strategies outlined in the City of Pasadena Climate Action Plan and Green Building Code. The project would incorporate characteristics that would achieve reductions in vehicle miles traveled (VMT), as it is sited in a location that is well-served by multi-modal transportation choices. As such, the project would be consistent with regional plans to reduce VMT and associated GHG emissions. The project's GHG efficiency would be below the GHG efficiency threshold provided in the Climate Action Plan, and will therefore comply.

Per ESA's analysis, the project would have no impacts or would have less than significant impacts for all Project-related air quality and greenhouse gas emissions. As such, as it relates to air quality and greenhouse gas emissions, there would be no adverse impact on public health, public safety, or the physical environment and the proposal complies with the requirements needed to make the findings to be granted a concession.

- Historic Resources

There are no known or identified historic resources on the subject site. Therefore, as it relates to historic resources, there would be no adverse impact on a property listed on the California Register of Historic Places and the proposal complies with the requirements needed to make the findings to be granted a concession.

At the prior hearings, project opponents argued that the existing office building on the property is an eligible historic resource. Based on this claim, the opponents argued that staff's determination that the project is categorically exempt from CEQA is incorrect

because, pursuant to the CEQA Guidelines, a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historical resource.

The City's Design and Historic Preservation staff evaluated the subject site and existing building upon initial receipt of the application and determined that the building is not an eligible historic resource. Furthermore, the Class 32 Exemption Report prepared by ESA, also concluded that the building is not eligible on the federal, state, or local levels. To further substantiate this determination, and in response to the appeal of the Hearing Officer's decision, the applicant hired consultant Sapphos Environmental to study the eligibility of the building as a historic resource. The Sapphos report (available as part of the project file for public review) also concluded that the building is not eligible as a historic resource on the federal, state or local levels. This report was reviewed by the City's Design and Historic Preservation staff, who concurred with the findings of the report.

Subsequent to the decision of the Board of Zoning Appeals, and in response to the opponents' claims, ESA prepared an extensive Historic Resource Assessment and CEQA Impacts Analysis (Attachment L). The commercial building situated on the subject property was evaluated under the following historical and architectural themes: Corporate Modernism: Late Modernism (1969-1990). Based on the analysis presented in the Assessment, including the subject property's historical association, architectural style, and property type, ESA concluded that the subject property is not individually significant under the applicable federal, state, and local criteria nor is it eligible as a contributor to a potential historic district. Therefore, the property is not considered a historical resource pursuant to CEQA.

The assessment concluded that the commercial building currently located at 253 South Los Robles does not have sufficient architectural merit, historical significance, or integrity to qualify as a historical resource under CEQA. It does not meet the eligibility criteria for listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), or any of Pasadena's criteria for designation of historic resources. Therefore, since the subject building is ineligible as a historical resource, the project would have no direct impact to historical resources on the project site. In addition, the project site is not located in a historic district and the project would have no impact on a historic district. Furthermore, the proposed project would not alter any historical resources or materially impair the eligibility of any historical resources in the surrounding vicinity. Redevelopment of the project site and surrounding parcels in the 1970s-1980s removed the earlier low-scale residential improvements formerly located there and constructed the existing large-scale commercial and multi-family improvements and associated parking lot. The scale and massing of the proposed project is compatible with the current built environment and would not substantially change the overall character of the existing setting. The proposed project would not materially impair the eligibility of any historical resources in the project vicinity, and thus would have no adverse impact on historical resources.

- **State and Federal Laws**

The requested concession will be granted consistent with the procedures and requirements established by California Government Code Sections 65915 (Density Bonuses and Other Incentives) and will not be contrary to any federal laws.

Based on the analysis above, staff believes that the three required findings to approve the requested Affordable Housing Concession Permit can be made.

Tree Protection Ordinance:

A tree inventory was submitted for the project site. The inventory indicates there are eight trees existing on and around the site, only three of which are protected under the City's Tree Protection Ordinance. Two of the three protected trees are street trees; the third protected tree (a Canary Pine) is located on-site, near the northeast corner of the existing building. The project proposes to remove one of the eight trees: the protected on-site Canary Pine. A Private Tree Removal Permit will be processed concurrent with Design Review and pursuant to the Conditions of Approval provided as Attachment B.

General Plan Consistency:

The proposed project is consistent with policies of the General Plan related to sustainable growth, housing affordability, and Central District vitality. By proposing new infill development on an underutilized commercial property in the Central District, the project is consistent with Policy 1.2 (Targeted Growth), the goal of which is to target growth and new construction in infill areas and away from Pasadena's residential neighborhoods and open spaces. By proposing a multi-family residential project inclusive of 92 residential units, with a mix of market rate and very low-income residential units, the project is consistent with: Policy 2.1 (Housing Choices), and Policy 21.1 (Adequate and Affordable Housing), which encourage providing opportunities for a full range of housing affordability levels; as well as Policy 21.2 (Equitable Distribution of Affordable Housing), which encourages the equitable distribution of affordable housing throughout the City, consistent with the goals of the Housing Element. By proposing development in the Central District and within a half a mile of the Del Mar Metro Gold Line station, the project is consistent with: Policy 31.1 (Focus Growth), which encourages development in the Central District and in proximity to Metro Gold Line stations to support economic vitality; and Policy 31.3 (Del Mar, Memorial Park, and Lake Transit Villages), which encourages concentration of higher intensity, multi-family housing development near these Metro Gold Line stations, supporting Metro Gold Line ridership. For the reasons provided herein, the proposed project is consistent with the goals and policies of the City's General Plan.

ENVIRONMENTAL ANALYSIS:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the CEQA Public Resources Code §21080(b)(9); Administrative Code,

Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects. Section 15332 specifically exempts from environmental review in-fill development where: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; 5) the site can be adequately served by all required utilities and public services; and 6) there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

In this case, the project meets the minimum requirements to qualify as an in-fill project under CEQA. The project is consistent with the General Plan designation and policies as discussed above; the multi-family residential project is a use that is permitted by right within the CD-2 zoning district; and the project complies with the applicable development standards, with the exception of the requested concessions. The project site is approximately 35,502 square feet (less than five acres) and surrounded by other commercial and residential uses. The project site has been previously developed and graded, and currently contains a two-story office building and a surface parking lot; therefore it does not contain habitat for endangered, rare or threatened species. A CEQA-focused traffic impact analysis, noise analysis, and an air quality/greenhouse gas emissions analysis were prepared for the project, which determined that there would be no project-related or cumulative impacts. The project site is located in an urban area where utilities and public services can be adequately served. Furthermore, there are no unusual circumstances (i.e. impacts on historic resources) that distinguish this project from others in the exempt class.

CONCLUSION:

It is staff's assessment, based on the analysis above, that the findings necessary for approving the Affordable Housing Concession Permit can be made in the affirmative (Attachment A). As conditioned, the project would not result in any adverse impacts to neighboring uses. The financial analysis demonstrates that the concessions are required in order for the designated units to be affordable. Additional project analyses demonstrate that the project would not have a specific adverse impact on health or safety, or on the physical environment, and would not have an adverse impact on a property listed on the California Register of Historic Places. Therefore, staff recommends that the City Council approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

FISCAL IMPACT:

There is no fiscal impact as a result of this action and will not have any indirect or support cost requirements.

Respectfully submitted,

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Director of Planning & Community
Development

Prepared by:

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Zoning Administrator

Approved by:

STEVE MERMELL
City Manager

Attachments: (13)

- Attachment A – Recommended Specific Findings
- Attachment B – Recommended Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (dated November 9, 2018)
- Attachment D – Appeal Application (November 15, 2018)
- Attachment E – Hearing Officer Addendum
- Attachment F – April 3, 2019 Board of Zoning Appeals Decision Letter
- Attachment G – Excerpt from February 6, 2019 BoZA Staff Report (Response to Appeal)
- Attachment H – Keyser Marston Financial Analysis
- Attachment I – Class 32 Exemption Report
- Attachment J – Greenhouse Gas Analysis
- Attachment K – Technical Memorandum - Traffic Noise Analysis
- Attachment L – Historical Resource Assessment and CEQA Impacts Analysis
- Attachment M – Project Plans