

Agenda Report

March 8, 2021

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: **CONDITIONAL USE PERMIT #6831: TO ALLOW A MAJOR PROJECT OVER 75,000 SQUARE FEET; MINOR CONDITIONAL USE PERMIT TO ALLOW SHARED PARKING; MINOR CONDITIONAL USE PERMIT TO ALLOW TANDEM AND TRIPLE STACKED PARKING; TEXT AMENDMENT TO THE SOUTH FAIR OAKS SPECIFIC PLAN TO ALLOW A MAXIMUM HEIGHT OF 62 FEET FOR THE SUBJECT SITE; AND ZONING CODE AMENDMENT TO ALLOW A MAXIMUM HEIGHT OF 62 FEET FOR THE SUBJECT SITE.**

RECOMMENDATION:

It is recommended that the City Council:

1. **Find** that the Initial Study and EIR prepared for the project site under MCUP #5078 is in compliance with the California Environmental Quality Act (CEQA) and adopted by the Hearing Officer on September 15, 2009. An addendum to the IS/EIR has been prepared analyzing the revised project is in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11). The addendum found that the project revisions will not result in any potentially significant impacts that were not already analyzed;
2. **Approve** Conditional Use Permit #6831 with the adoption of the Findings in Attachment A and the Conditions of Approval in Attachment C;
3. **Adopt** the Findings for a Text Amendment to the South Fair Oaks Specific Plan and Zoning Code Amendment, in Attachment B; and
4. **Approve** the amendments and direct the City Attorney to prepare an ordinance amending Sections 17.35.050.C, to Title 17 (Zoning Code) of the Pasadena Municipal Code to allow a maximum height of 62 feet for the subject site.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission conducted a public hearing on January 27, 2021 to discuss the proposed project.

One letter expressing opposition of the project was submitted prior to the Planning Commission hearing, included in Attachment G. There were no other comments received by the public during the public hearing. The opponent of the project articulated concerns related to the Transportation Impact Analysis, Outside CEQA Evaluation. Citing failing intersections in the surrounding area, vehicle trips, and complete streets measures.

At the public hearing, the Planning Commission recommended (8-0 vote) that the City Council approve the project and the proposed text amendments, with the addition of three recommended conditions of approval. The conditions of approval have been incorporated in Attachment C for City Council consideration.

The recommended conditions of approval included: prohibiting westbound vehicular traffic on California Boulevard from making left turns onto Edmondson Alley; an as built study to be prepared, at the applicant's expense, two years after the issuance of a Certificate of Occupancy to document traffic conditions for informational purposes only; and, the Design Commission to pay particular attention to the location of the open space and its relationship to the vehicular parking ramp.

The Department of Transportation reviewed the recommendations by the Planning Commission and propose the following conditions of approval:

- DOT will monitor access to Edmondson Alley for up to 12 months following the issuance of the project's Certificate of Occupancy to track and document if California Boulevard traffic is impeded by westbound project traffic turning left into the alley. If this movement becomes an issue, the City shall use collected funds to install a "No Left Turn" sign with post that will prohibit westbound left turns into the alley from California Boulevard. Deposit: \$600*

* The deposit, subject to partial refund or additional billing, shall be collected prior to the issuance of the first permit for construction (demolition or building).

- In accordance with City Ordinance No. 7157, the project is subject to the City's Trip Reduction Ordinance (TRO) requirements. The purpose of the trip reduction requirement is to reduce the demand for automobile commute trips by ensuring that the design of major development projects accommodates facilities for alternative modes of transportation. In compliance with the requirements of the Trip Reduction Ordinance, an annual Transportation Demand Management (TDM) Plan status report shall also be submitted to the City's TDM Program Manager for review and approval.

In addition to satisfying the TRO requirement for a TDM plan, the project shall deposit funds for a technical analysis that will evaluate the project's contribution to Citywide Vehicle Miles Travelled and Vehicle Trips. The City's Department of Transportation will commission the study within 24 months following the issuance of the project's Certificate of Occupancy. Fee: \$15,000*

* The fee shall be collected prior to the issuance of any permit for construction (demolition or building).

EXECUTIVE SUMMARY:

The applicant, Richard Bruckner, on behalf of 590 Fair Oaks Development, LLC, has submitted the proposed applications to facilitate the construction of a 99,996 square-foot, four-story office building with a two level subterranean parking garage. A Conditional Use Permit to allow a major project greater than 75,000 square feet in gross floor area within the South Fair Oaks Specific Plan; Minor Conditional Use Permit to allow for shared parking; and a Minor Conditional Use Permit to allow tandem and triple stacked parking. A Text Amendment to the Zoning Code and South Fair Oaks Specific Plan is also proposed to increase the maximum building height to 62 feet.

An Initial Study and EIR was prepared for the project site under MCUP #5078 in compliance with the California Environmental Quality Act (CEQA) and adopted by the Hearing Officer on September 15, 2009. An addendum to the IS/EIR has been prepared analyzing the revised project is in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11). The addendum found that the project revisions will not result in any potentially significant impacts that were not already analyzed.

The following entitlements are requested by the project applicant:

- 1) Conditional Use Permit #6831: To allow a major project greater than 75,000 square feet in gross floor area within the South Fair Oaks Specific Plan;
- 2) Minor Conditional Use Permit: To allow shared parking;
- 3) Minor Conditional Use Permit: To allow tandem and triple stacked parking;
- 4) Text Amendment to the South Fair Oaks Specific Plan: To allow a maximum height of 62 feet along for the subject site; and
- 5) Zoning Code Amendment: To allow a maximum height of 62 feet for the subject site.

BACKGROUND:

The subject property is 42,090 square feet in area. The property is a rectangular corner parcel and encompasses five contiguous parcels (AINs: 5720-001-001, -002, -003, -004

and -005). The site is bordered by South Fair Oaks Avenue to the west, East California Boulevard to the north, Edmondson alley to the east, and an existing drive-through fast food restaurant and parking lot located to the south. The site is improved with two commercial buildings totaling approximately 7,000 square feet and a surface parking lot. There are no mature trees located on the subject property.



Figure 1 – Project Site

Adjacent Uses:

North: Commercial

South: Commercial

East: Commercial

West: Commercial/Medical

Adjacent Zoning:

North: CD-6 (Central District Specific Plan, subarea 6, Arroyo Corrido/Fair Oaks)

South: IG-SP2 (Industrial General, South Fair Oaks Specific Plan)

East: IG-SP2-HL-56 (Industrial General, South Fair Oaks Specific Plan, Height Limit Overlay)

West: IG-SP2 (Industrial General, South Fair Oaks Specific Plan)

Previous Entitlements:

Minor Conditional Use Permit #5078: To construct a nonresidential building over 15,000 square feet, within one-quarter mile of a light-rail station in the Transit-Oriented Development district, and to allow 75 percent of the required parking to be configured as tandem spaces. A Final Environmental Impact Report, was adopted along with the required Environmental findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

PROJECT DESCRIPTION:

The applicant, Richard Bruckner, on behalf of 590 Fair Oaks Development, LLC, has submitted a Conditional Use Permit application to facilitate the construction of a 99,996 square-foot, four-story office building and a two level subterranean parking garage, with a proposed height of 62 feet. A Conditional Use Permit is required to allow a major project greater than 75,000 square feet in gross floor area within the South Fair Oaks Specific Plan. In addition, the applicant has requested a Minor Conditional Use Permit to allow for shared parking, and a Minor Conditional Use Permit to allow tandem and triple stacked parking.

The subject property is located in the IG-SP2 (Industrial General, South Fair Oaks Specific Plan) zoning district. The property consists of five contiguous parcels and is bounded by South Fair Oaks Avenue to the west, Edmondson Alley to the east, East California Boulevard to the north, and an existing drive-through restaurant and parking lot located to the south. The proposed project would include demolition of the existing commercial structures and surface parking lot in order to construct the 99,996 square-foot, four-story office building and two-level subterranean parking garage. Vehicular access to the subterranean parking would be provided from South Fair Oaks Avenue. Two loading spaces and a ride-share drop off would be located along the east side of the proposed building off of Edmondson Alley.

In addition to the above entitlements, a Text Amendment to the South Fair Oaks Specific Plan and a Zoning Code Amendment is required to allow a maximum building height of 62 feet for the subject site. The Planning and Community Development Department presented a Predevelopment Plan Review application to the City Council on February 24, 2020, at which time the Text Amendment to the Specific Plan and Zoning Code Amendment were initiated to increase the maximum allowed height for the subject site.

ANALYSIS:

The subject property is located within the South Fair Oaks Specific Plan area. The subject property is located in the Industrial General (IG) zoning district at the southeast corner of South Fair Oaks Avenue and East California Boulevard. The purpose of the South Fair Oaks Specific Plan is to encourage creation of an attractive physical environment for business and commercial emerging technologies; integration of land use and transportation programs with the light-rail station and Fillmore Street; supports the retention and enhancement of local businesses; and, mitigate related traffic impacts in the Specific Plan area.

Pursuant to Section 17.35.050(B) (SP-2 Development Incentives, New Construction over 75,000 square feet) provides that new construction that exceeds 75,000 square feet of gross floor area shall require a Conditional Use Permit. The approval of a Conditional Use Permit to allow a major project over 75,000 square feet may be approved only after making six findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the proposed project would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. The Conditional Use Permit process allows the City to recommended conditions or requirements associated with the proposed project.

The project would include the demolition of existing site improvements to facilitate the construction of a 99,996 square-foot, four-story, office building with a proposed height of 62 feet. The proposed office building would provide a mix of land uses, with 79,996 square feet of medical office and 20,000 square feet of administrative professional offices. The two-level subterranean parking garage would provide 212 on-site parking spaces, and 92 off-site parking spaces.

The proposed development is subject to the development standards provided in Sections 17.35.040 and 17.24.040 Table 2-6, and 17.24.050; in addition to all other applicable standards in Article 4 (Site Planning and General Development Standards). Pursuant to Section 17.35.040 (IG-SP2, General Development Standards – Nonresidential Projects) of the Zoning Code, proposed development and new land uses shall comply with the development standards of the base district, except that floor area ratio (FAR) and commercial frontage and façade standards shall not be applicable within the South Fair Oaks Specific Plan. The General Plan Land Use Diagram establishes the maximum FAR for the site as 3.0. The proposed FAR of 2.38 is below the 3.0 maximum established by the General Plan.

Setbacks

There are no required front or corner yard setbacks for nonresidential projects within the South Fair Oaks Specific Plan. However, a portion of a new building shall abut the front property line, with recessed pedestrian entries or landscaped areas. The plans

demonstrate the proposed building would abut the front property line, with a canopy above the first floor providing recessed pedestrian entry along South Fair Oaks Avenue.

Height

The surrounding uses include medium to high mixed-use commercial development, with varying heights. The Huntington Pavilion medical building and Huntington Hospital campus are located west of the subject site, with building heights ranging between three-to-seven stories, or 56 feet to 120 feet in height. Buildings south of the subject site are three-to-six stories in height, or 56 feet to 75 feet in height. Pursuant to Section 17.35.040(B)(2) (Nonresidential Projects – Height Limit) of the Zoning Code, the maximum allowed height shall be that of the Industrial General (IG) zoning district (Section 17.24.040), unless another maximum height is shown on the Zoning Map. The IG zoning district and Specific Plan establishes a maximum height of 45 feet for the subject property (Figure 3-23 Height Districts Map). A height bonus is allowed for parcels that abut Fair Oaks Avenue south of Pico Street and do not abut a residential use, the maximum height shall not exceed 56 feet.

Although the subject property abuts Fair Oaks Avenue the property is located north of Pico Street, and therefore is not able to apply the allowed height bonus of 56 feet. The project plans indicate a proposed building height of four stories and 62 feet. As proposed, the project would be inconsistent with the Specific Plan maximum height standard. Therefore, the project requires the approval of a Zoning Code Amendment and Text Amendment to the South Fair Oaks Specific Plan to allow a maximum height of 62 feet for the subject site.

Open Space

A minimum of 300 square feet, with minimum dimension of at least 15 feet is required. Open space may be located anywhere on the site and may be arranged in a courtyard, small garden space, or other outdoor design. The open space may be covered with a roof structure, but no portion shall be enclosed. The plans submitted by the applicant demonstrate a total of 8,985 square feet of useable open space located to the east and south of the proposed building; with 6,415 square feet of hardscape (pavers) and 2,570 square feet of the proposed open space to be landscaped.

Driveways

A maximum of one driveway shall be permitted for sites with less than 200 feet of street frontage. There shall be no more than two driveways for sites with 200 feet or more of street frontage. The subject property has 228 feet of street frontage along South Fair Oaks Avenue, and 184 feet along East California Boulevard. The plans demonstrate one driveway proposed at the south end of the property along South Fair Oaks Avenue, providing vehicular access to the subterranean garage in conformance with this requirement.

Parking and Loading

On-site parking and loading shall be located between the main building and the rear property line. For multi-frontage lots, including corner lots that abut Fair Oaks Avenue, the rear property line shall be that property line perpendicular to Fair Oaks Avenue. In addition, and pursuant to Section 17.46.260 Table 4-15 (Loading Space Requirements) all office uses greater than 40,000 square feet of gross floor area shall provide one loading space for every 40,000 square feet, or fraction thereof

As noted on the plans, parking would be provided within a two-level subterranean parking garage with loading spaces provided along the rear property line, adjacent to Edmondson Alley. As proposed, the parking and loading are in compliance with the location and dimensional requirements.

Pursuant to Section 17.46.040 Table 4-6, a medical office land use is required to provide four parking spaces per 1,000 square feet of gross floor area. Moreover, professional office and business support land uses, other than a medical office, require three parking spaces per 1,000 square feet of gross floor area. As noted above, 79,996 square-feet will be dedicated to medical office land uses, with the remaining 20,000 square feet dedicated to non-medical professional office land uses. As such, the project is required to provide 380 parking spaces. However, the subject property is located within the Transit-Oriented Development Area, a quarter-mile from the Fillmore Station. In this location, the Zoning Code requires that the minimum number of required off-street parking spaces be reduced by 10 percent, with an optional reduction of up to 20 percent for nonresidential land uses. With the 10 percent required reduction of parking spaces, the maximum allowed number of parking spaces is 342 parking spaces. With the optional 20 percent reduction, parking can be reduced to 304 parking spaces, this would be the minimum.

Pursuant to Section 17.46.080 (Tandem Parking) of the Zoning Code, nonresidential uses may incorporate tandem parking up to 75 percent of the total off-street parking spaces. In addition, nonresidential projects may incorporate triple stack parking up to 50 percent of the total off-street parking spaces, but only upon the approval of a Minor Conditional Use Permit. Additionally, for all Minor Conditional Use Permits approving tandem and triple stack configuration, the Zoning Code requires a condition of approval that a full-time parking attendant be on duty at all times the parking facility is available for use.

As demonstrated on the plans provided by the applicant, the project proposes 212 on-site parking spaces and 92 off-site parking spaces. Of the 212 on-site parking spaces, 80 spaces would be provided in a tandem configuration and 45 parking spaces triple stacked.

Staff reviewed the configuration of the nonresidential parking spaces and determined that with proposed conditions of approval, the 80 parking spaces in tandem configuration and the 45 triple stack parking spaces would not have a negative impact

on the surrounding properties. All the parking spaces would be located within a proposed parking garage and not impact the surrounding properties. Staff also finds that the proposed 80 tandem parking spaces and 45 triple stack spaces would be compatible with parking designs found at other office sites in the City. Employees of medical office uses typically park in the morning and leave at the end of the work day, and therefore, there is little expected parking turnover for the tandem and triple stack parking spaces.

In reviewing the tandem and triple stack configuration, staff anticipates that the arrangement would not impact those working at the property, or the surrounding properties. The proposed tandem and triple stack configuration within the subterranean garage would allow for more parking spaces to be provided without a negative impact to the surrounding uses. In addition, all parking spaces would comply with applicable provisions of the Zoning Code, such as standards for parking space dimensions, aisle widths, vertical clearances, and access.

In addition, a Minor Conditional Use Permit is required for the sharing of parking and/or loading spaces. The shared parking spaces shall only be located in a zoning district in which the uses that are the subject of the Minor Conditional Use Permit are an allowed use, and are within the maximum allowed distances – 500 feet for customer/visitor parking spaces and 1,000 feet for employee parking spaces. The applicant has indicated the property owner is working with an adjacent property owner for the required number of off-site parking spaces. A condition of approval has been included to ensure the applicant provides the required number of off-site parking spaces through a shared parking agreement and recorded covenant, prior to issuance of the certificate of occupancy.

Text Amendment to the Specific Plan and Zoning Code Amendment

The applicant is requesting a Text Amendment to the South Fair Oaks Specific Plan and Zoning Code Amendment to allow a maximum building height of 62 feet for the subject site.

Pursuant to Section 17.35.040(B)(2) (Nonresidential Projects – Height Limit) of the Zoning Code, the maximum allowed height shall be that of the Industrial General (IG) zoning district (Section 17.24.040), unless another maximum height is shown on the Zoning Map. The IG zoning district establishes a maximum height of 45 feet for the subject property. The Specific Plan establishes a maximum height of 45 feet for the subject property (Figure 3-23 Height Districts Map of the South Fair Oaks Specific Plan). Moreover, Section 17.35.050.C.2 (SP-2 Development Incentives – Height Incentives) of the Zoning Code allows a height bonus as follows:

Height Bonus. For parcels that abut Fair Oaks Avenue south of Pico Street and do not abut a residential use, the maximum height shall not exceed 56 feet.

The applicant proposes to amend Section 17.35.050.C.2 (SP-2 Development Incentives – Height Bonus) as follows:

Height Bonus. For parcels that abut Fair Oaks Avenue south of Pico Street but do not abut a residential use, the maximum height shall not exceed 56 feet. A maximum height of 62' shall be allowed for parcels identified in Figure 3-23 Height Districts Map of the South Fair Oaks Specific Plan.

The Text Amendment to the South Fair Oaks Specific Plan would modify Figure 3-23 to depict a height of 62 feet for the subject site.

Pursuant to Section 17.68.070(A), the following finding would be required to be made to amend the text of the South Fair Oaks Specific Plan:

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan and other adopted goals and policies of the City.

Additionally, pursuant to Section 17.74.070 (Findings and Decisions), the following findings would need to be made to amend the text of the Zoning Code:

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The proposed project is consistent with the goals, policies, and objectives of the General Plan. The project replaces smaller, vacant commercial buildings and a surface parking lot with higher intensity medical offices along a major commercial corridor that already contains a strong concentration of medical uses. The proposed use is complementary with the existing cluster of medical-oriented uses in the area, including Huntington Memorial Hospital and numerous other medical offices and clinics, further reinforcing the health-care concentration of the area. The site is located within a quarter mile of the Metro Gold Line Fillmore Station making the proposed development intensity consistent with the Transit Villages in Context concept set forth in the General Plan, locating a stronger concentration of new jobs within walking distance of a major transit station. The orientation of the building toward two major streets, incorporation of a landscaped courtyard, and distance from existing residential uses serve to protect nearby residential neighborhoods, while maintaining a consistent building pattern along the South Fair Oaks frontage.

Furthermore, the City is currently undergoing a comprehensive update of all existing Specific Plans, including the South Fair Oaks Specific Plan, as well as the Zoning Code provisions that relate to the Specific Plan areas. New land use and development intensity concepts are under development and will continue to be developed with community input before Council consideration. At the third round community workshop

launched on October 29, 2020 for the South Fair Oaks Specific Plan, staff introduced the Draft Development Standards for the plan area. The draft standards allow up to 3.0 FAR and a maximum height of 62 feet (or 76 feet with height averaging) at the subject property. As such, the proposed project's FAR of 2.38 and height of 62 feet would be consistent with the Draft Development Standards for the South Fair Oaks Specific Plan update.

Therefore, as proposed, the text amendment to the South Fair Oaks Specific Plan and Zoning Code would be consistent with the goals, policies, and objectives of the General Plan and other adopted policies of the City, and would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City with the adoption of the Specific Plan and Zoning Code provision updates.

GENERAL PLAN CONSISTENCY:

As proposed, the project is consistent with the goals, policies, and objectives of the General Plan. Specifically, Goal 37 (South Fair Oaks Avenue) which encourages the redevelopment of underutilized industrial areas for new businesses to establish job-generating uses leveraged by the medical and creative office uses. In addition, the project provides consistency with General Plan Policies 1.1 (Basic Growth Policy), 1.2 (Target Growth), 2.11 (Health Facilities), 37.2 (Medical Supporting Uses), and 37.5 (Economic Vitality) which emphasize the need to capitalize on medical facilities and medically-oriented businesses by accommodating a wide range of healthcare and mental care facilities that are transit-accessible, support the retention and enhancement of local business, emerging technology and medical uses. The proposed project will develop an underutilized property within the South Fair Oaks Specific Plan and is located in an urbanized area surrounded by commercial and medical land uses, which will directly support the surrounding cluster of medical-oriented uses in the area.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, Water & Power, and Design and Historic Preservation. As a result, conditions of approval were incorporated in Attachment B from the Department of Public Works and Department of Transportation. The remaining departments will review the plans through the building permit plan check process.

ENVIRONMENTAL REVIEW:

An Initial Study and EIR was prepared for the project site under MCUP #5078 in compliance with the California Environmental Quality Act (CEQA) and adopted by the Hearing Officer on September 15, 2009. An addendum to the IS/EIR has been prepared analyzing the revised project in compliance with Section 15164 (Addendum to an EIR or Negative Declaration) of the CEQA guidelines (Title 14, Chapter 3, Article 11). The

addendum found that the project revisions will not result in any potentially significant impacts that were not already analyzed.

Addendum to Certified EIR

The original Project evaluated in the Certified EIR consists of demolition of three existing buildings and associated surface parking areas to develop a 113,200 square-foot, four-story, 45-foot high office building with 255 parking spaces located within a two-level subterranean parking garage. In August 2009, the original Project was approved via a Minor Conditional Use Permit to allow demolition of three commercial buildings and a surface parking lot to facilitate the project.

The applicant is proposing changes to the approved project which include the construction of a 99,996 square-foot, four-story office building and two-levels of subterranean parking. The Addendum was prepared pursuant to CEQA Guidelines § 15164(a) which allows a lead agency to prepare an addendum to a previously certified EIR if some changes or additions to the previously certified EIR are necessary but none of the conditions described in CEQA Guidelines § 15162 requiring preparation of a subsequent EIR are present.

CEQA Guidelines § 15162 states that no subsequent EIR shall be prepared unless one or more of the following occurs:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;

- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.

Public Resources Code (“PRC”) § 21166 provides that unless one or more of the conditions set forth are met, no subsequent or supplemental environmental impact report is required.

The analysis demonstrates that the proposed modifications evaluated in the Addendum would not result in conditions meeting the criteria set forth in CEQA Guidelines § 15162. Therefore, pursuant to PRC § 21166 and CEQA Guidelines § 15162, preparation of a subsequent EIR is not required.

CONCLUSION AND RECOMMENDATION:

It is staff’s assessment, that the proposed project complies with the majority of development standards and guidelines due to the building being located at the front property line along South Fair Oaks Avenue; the single driveway being located toward the southern end of the South Fair Oaks frontage; location of parking below grade; and landscape buffers along the rear property line. The project also incorporates a “Private Outdoor Node” in the form of the landscaped courtyard with walkway access from South Fair Oaks Avenue shown in the site plan. In addition, with the Specific Plan updates, the standards would allow up to 3.0 FAR and a maximum height of 62 feet (or 76 feet with height averaging) at the subject property. As such, with the approval of the Text Amendment and Zoning Code Amendment, the proposed project’s height of 62 feet would be consistent with the Draft Development Standards for the South Fair Oaks Specific Plan update. For these reasons, Staff recommends that the City Council approve the required findings to allow the construction of a 99,996 square-foot, four-story office building with a height of 62 feet.

FISCAL IMPACT:

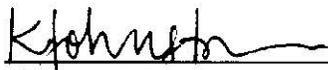
The applicant, consistent with the adopted Fee Schedule, would pay the cost of the project reviews and permits to the City. In addition, the project would generate income to the City through property tax revenue.

Respectfully submitted,



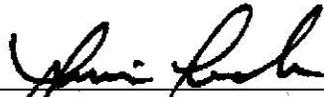
DAVID M. REYES
Director of Planning & Community
Development

Prepared by:



Kristen Johnston
Management Analyst IV

Concurred by:



Luis Rocha
Principal Planner/Zoning Administrator

Approved by:



STEVE MERMELL
City Manager

Attachments: (7)

- Attachment A: Findings for Conditional Use Permit #6831
- Attachment B: Findings for Text Amendment and Zoning Code Amendment
- Attachment C: Recommended Conditions of Approval
- Attachment D: Project Plans and Application Packet
- Attachment E: Addendum to Certified EIR with Appendices
- Attachment F: Certified EIR
- Attachment G: Planning Commission Hearing, Received Correspondence