

# Agenda Report

February 7, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Planning and Community Development Department

**SUBJECT: CALL FOR REVIEW OF THE PLANNING COMMISSION'S DECISION ON  
CONDITIONAL USE PERMIT #6918  
758 & 766 SOUTH FAIR OAKS AVENUE (HUNTINGTON HOSPITAL)**

## **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. Overturn the Planning Commission's decision and approve Conditional Use Permit #6918 with the findings in Attachment A and the Conditions of Approval in Attachment B.

## **EXECUTIVE SUMMARY:**

On November 17, 2021, the Planning Commission considered, at a noticed public hearing, Conditional Use Permit #6918 to construct a new 100,285 square-foot, four-story office building, with three levels of subterranean parking with 251 parking spaces at 758 and 766 South Fair Oaks Avenue. The application includes a Minor Conditional Use Permit to allow the sharing of 45 parking spaces at 802 Fairmont Avenue.

Based on the project that was presented to the Planning Commission, the Conditional Use Permit was disapproved (Attachment C).

On November 29, 2021, Councilmember Steve Madison requested a Call for Review of the project. On December 6, 2021, the City Council considered the Call for Review, reviewed the project description, and called the item for review by the City Council.

The hearing before the City Council is a *de novo* hearing where the Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

#### Revisions to Project

On December 2, 2021 and December 16, 2021, the applicant met with interested members of the public to discuss concerns that were raised at the Planning Commission Meeting. Staff was also in attendance at these meetings. In response to the issues raised by the Commission and public, the applicant has revised the project plans as discussed further below.

The project presented before the Council this evening:

- Fully complies with all development standards prescribed in the Zoning Code;
- Is consistent with the Specific Plan and the City's General Plan;
- Does not result in any significant environmental impacts; and
- Has been revised to address concerns expressed by the Planning Commission and the community members.

Based on these facts, staff recommends that the City Council approve Conditional Use Permit #6918, based on the findings provided in Attachment A, and with the conditions in Attachment B.

#### **BACKGROUND:**

##### Existing Site Characteristics:

The subject 42,688 square-foot project site encompasses two contiguous parcels (AINs: 5720-003-016 and 5720-003-018), and is located on the southeast corner of Fillmore Street and Fair Oaks Avenue. The property is a rectangular corner parcel, bordered by South Fair Oaks Avenue to the west, Fillmore Street to the north, and Edmondson alley to the east. The site is currently improved with one 18,250 square-foot commercial building and a surface parking lot. There are no trees located on the subject property.

##### Adjacent Uses:

North – Commercial  
South – Commercial  
East – Commercial  
West – Commercial/Medical

##### Adjacent Zoning:

North – IG-SP2 (Industrial General, South Fair Oaks Specific Plan)  
South – IG-SP2 (Industrial General, South Fair Oaks Specific Plan)  
East – IG-SP2 (Industrial General, South Fair Oaks Specific Plan)  
West – IG-SP2 (Industrial General, South Fair Oaks Specific Plan)

### Previous Cases on the Site:

Variance #9790: To construct an 8-foot high chain link fence with barbed wire on top. The fence would come to the property line abutting Fillmore Ave. Approved with conditions on 10/14/1980.

### Project Description

The applicant, Huntington Memorial Hospital, has submitted a Conditional Use Permit application to facilitate the construction of a 100,285 square-foot, four-story office building and a three level subterranean parking garage, with 251 parking spaces. The new office building would include 80,285 square feet of medical office use and 20,000 square feet of administrative professional office use. The subject property is located in the IG-SP2 (Industrial General, South Fair Oaks Specific Plan) zoning district. 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. The proposed project requires 296 parking spaces, of which 251 spaces are proposed within three levels of subterranean parking. The remaining 45 parking spaces are proposed to be shared in the parking structure at 802 Fairmount Ave. A Minor Conditional Use Permit is required for shared parking.

The property consists of two contiguous parcels, totaling 42,688 square feet, and is bounded by South Fair Oaks Avenue to the west, Edmondson Alley to the east, and Fillmore Street to the north. The subject property is developed with one 18,250 square-foot commercial building and a surface parking lot. The proposed project would include demolition of the existing commercial structure and surface parking lot in order to construct the office building. Vehicular access to the subterranean parking would be provided from Fillmore Street. Additionally, a patient drop off area would be provided along Fillmore Street. Three loading spaces are provided which would be accessed from Edmondson Alley. No vehicle access is proposed along Fair Oaks Avenue.

### Planning Commission Public Hearing

The application was presented to the Planning Commission at a public hearing on November 17, 2021. Staff's recommendation to the Planning Commission was to approve Conditional Use Permit #6918 on the basis that the required findings could be made.

Prior to the hearing, the City received five letters in opposition of the project. During the hearing, the applicant provided an overview of the project, and fifteen members of the public spoke in opposition of the project. The primary concerns raised in the public comments were regarding traffic impacts, site design and access, and inconsistency with the proposed South Fair Oaks Specific Plan.

At the conclusion of public testimony, the Commission deliberated and then voted to disapprove the project. In its deliberation, the Commission determined that the proposed project's site design, site plan and location of entrances were not compatible with the site or surrounding environment, especially given its proximity to the Gold Line (Attachment C).

### **CALL FOR REVIEW OF PLANNING COMMISSION'S DECISION**

On November 29, 2021, Councilmember Steve Madison requested a Call for Review of the project. On December 6, 2021, the City Council considered the call for review, reviewed the project description, and called the item for review by the City Council.

#### **Revised Plans**

**PROBLEMS WITH PLAZA ENTRANCE:** In the plans presented to the Planning Commission on November 2021, the ground floor of the new four-story office building was approximately two-feet lower in elevation than Fillmore Street and Fair Oaks Avenue. It also incorporated a 1,240 square-foot outdoor plaza at the northwest corner of the site, that was also two-feet lower in elevation than the adjacent street and sidewalk. Members of the Planning Commission expressed concerns that the "sunken" outdoor plaza and entrance to the office building resulted in a design that was not readily accessible by the public and hidden from the street. The Commission also made comment that the sunken design was not appropriate for pedestrian access nor for publicly accessible open space.

**PEDESTRIAN VEHICLE CONFLICTS/CURB CUTS:** The plans presented to the Planning Commission on November 2021 incorporated two driveways along Fillmore Street to accommodate the ingress and egress of the patient drop off area along Fillmore Street, as well as vehicular access to the proposed subterranean garage; Edmonson Alley was not utilized for vehicular access. The Commission stated that the two proposed driveway cuts on Fillmore Street, in addition to the adjacent Edmonson Alley to the east, were contrary to achieving a pedestrian connector between the main campus of Huntington Hospital, which is to the west of the subject site, and the Fillmore Metro L (formerly Gold) Line Station, which is located to the east of the site. Discussions were had regarding reducing the vehicular impact caused by vehicle ingress/egress points on the pedestrian along Fillmore Street.

Subsequent to the Planning Commission meeting, on December 2, 2021 and December 16, 2021, the applicant and interested members of the public met to discuss the concerns raised at the Planning Commission meeting. As a response to the Planning Commission's concerns and the public comments received at the meetings, the applicant revised the project plans.

**PLAZA REVISED:** The ground floor level of the proposed building has been raised to the same level as the adjacent streets. In turn, the outdoor plaza is now also at the

same level as the sidewalks, and the steps and ramps previously proposed to access the courtyard and entrances of the building have been eliminated.

**CURB CUTS ELIMINATED:** The revised plans have also eliminated one driveway cut along Fillmore Street. The revised plans demonstrate one driveway proposed along Fillmore Street. The new driveway would be an ingress driveway only providing access to the patient drop-off area. A driveway, accessed from Edmonson Alley, would serve as the egress driveway for the patient drop-off area, as well as provide vehicular access to the subterranean garage.

**TREES AND ENTRANCE CANOPY:** Additionally, the revised design extends the entry canopy to the South Fair Oaks Avenue street frontage and provides for a larger entry lobby that includes a pedestrian access point facing South Fair Oaks Avenue. Along Fillmore Street, the sidewalk depth was increased from 20 feet to 23 feet. The species and spacing of street trees on South Fair Oaks Avenue and Fillmore Street have been modified in accordance with comments from the Public Works Department. A second row of trees have been added on the site, along the Fillmore Street frontage, to compliment the proposed trees within the right-of-way and to create a tree canopy over the pedestrian sidewalk.

As it relates to consideration of the revised plans, pursuant to Zoning Code Section 17.72.070.2.c, changes to the original submittal to address objections of the review authority need not be the subject of a new application, and therefore the City Council may review the redesigned project. The revised design addresses the previous concerns raised at the Planning Commission hearing. The outdoor plaza and building entry are more publicly accessible and pedestrian friendly. The new design, with one driveway cut and additional trees and landscaping, enhances the pedestrian experience along Fillmore Street. The change in grade on the ground floor results in a building siting that is compatible with the site and surrounding development.

## **ANALYSIS:**

The subject property is located within the South Fair Oaks Specific Plan in the Industrial General (IG) zoning district at the southeast corner of South Fair Oaks Avenue and Fillmore Street. 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 and support for the retention and enhancement of local businesses within the Specific Plan area.

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.

As previously described, the project would include the demolition of existing site improvements to facilitate the construction of a 100,285 square-foot, four-story, office building, that would include 80,285 square feet of medical office and 20,000 square feet of administrative professional offices. The three-level subterranean parking garage would provide 251 on-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 2.35 is below the 3.0 maximum established by the General Plan.

In addition to the discussion below, the following table summarizes the applicable zoning development standards and the proposed project's compliance:

**Table 1: Summary of Zoning Standards**

Standard	Code Requirement	Proposed Project
FAR	NA	2.35 FAR (100,285 sq. ft.)
Setback		
Fair Oaks Ave	0'	0'
Fillmore Street	10' minimum	12'
Height	56'	56'
Open Space	300 sq. ft.	3,000 sq. ft.
No. of Driveways	2 maximum	1
Loading	3	3
Parking (minimum-maximum)	296-334	296 (251 on-site + 45 off-site)

### *Setbacks*

There are no required front or corner yard setbacks for nonresidential projects within the South Fair Oaks Specific Plan except for parcels fronting on Fillmore Street. The minimum front or corner yard for parcels fronting on Fillmore Street shall be ten feet.

This site fronts on Fillmore Street. The property line adjacent to Fillmore Street is the front property line, and the property line adjacent to South Fair Oaks Avenue is the corner side property line. The plans demonstrate that the proposed building would provide a 12'-0" setback from Fillmore Street and a portion of the building would abut

the corner side property line along South Fair Oaks Avenue in compliance with the setback standards.

### *Height*

As provided in Section 17.35.050.C (SP-2 Development Incentives, Height Bonus), a height bonus is applicable to parcels that abut Fair Oaks Avenue and are south of Pico Street. Given the subject site abuts Fair Oaks Avenue and is located south of Pico Street, the maximum allowed height is 56 feet. Furthermore, appurtenances covering not more than 25 percent of the roof area may exceed the height limit by a maximum of 15 feet.

The plans demonstrate that the proposed building would have a height of 56'-0" to the top of the parapet and 71'-0" to the top of the mechanical screen, located on the roof of the proposed building. Furthermore, the plans indicate that the screened mechanical equipment area and the stairs and elevator tower would cover 6,505 square feet of the 26,694 square-foot roof area, or 24.3%, therefore in compliance with the height exception for appurtenances.

### *Open Space*

Pursuant to Section 17.35.040.B.3, a minimum of 300 square feet of open space, with a minimum dimension of at least 15 feet, is required for projects within the South Fair Oaks Specific Plan. The 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 ground floor 1,240 square-foot outdoor plaza at the northwest corner of the site. Enhanced paving and raised planters with accent trees are proposed in the outdoor plaza. Overall the project provides 3,000 square feet of open space, including the outdoor plaza on the ground floor, a landscaped roof terrace on the second floor, and an outdoor terrace facing Fillmore Street on the fourth floor.

### *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 provides 232 feet of street frontage along South Fair Oaks Avenue, and 184 feet along Fillmore Street for a total street frontage of 416 feet. The revised plans demonstrate one driveway proposed along Fillmore Street, in compliance with the maximum number of driveways. The new driveway would be an ingress driveway only providing access to the patient drop-off area. A driveway, accessed from Edmonson Alley, would serve as the egress driveway for the patient drop-off area, as well as provide vehicular access to the subterranean garage.

### *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. The first loading space shall be a minimum of 12 feet by 30 feet, with 14 feet of vertical clearance, with the additional loading spaces a minimum of 10 feet by 20 feet, with 12 feet of vertical clearance. The minimum turning radius shall be 25 feet for a loading space of 10 feet or less in width, while 45 feet shall be provided for a loading space over 10 feet in width.

As noted on the plans, parking would be provided within a three-level subterranean parking garage. The required three loading spaces, one 12 feet by 30 feet and two 10 feet by 20 feet, would be provided along the rear property line, adjacent to and accessible from 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. 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. However, the subject property is located a quarter-mile from the Fillmore Station, within the Transit-Oriented Development Area. Within the Transit Oriented Development Area, the Zoning Code requires that the minimum number of required off-street parking spaces for other non-residential uses, such as the medical office use, be reduced by 10 percent, with an optional reduction of up to 20 percent, and that the minimum number of required off-street parking spaces for administrative professional offices uses be reduced by 25 percent, with an optional reduction up to 35 percent.

As noted above, 80,285 square-feet of the proposed building would be dedicated to medical office land uses. With the 10 percent required reduction of parking spaces, the maximum allowed number of parking spaces for the medical office use is 289 parking spaces. With the optional 20 percent reduction, parking can be reduced to 257 parking spaces. The remaining 20,000 square feet of the proposed building would be dedicated to administrative professional office use. With the 25 percent required reduction, the maximum allowed number of parking spaces for the office use is 45 spaces. With the optional 35 percent reduction, parking can be reduced to 39 parking spaces.

As such, the proposed project requires a minimum of 296 parking spaces and could provide a maximum of 334 parking spaces. The project proposes 296 parking spaces and is within the permitted range. The project includes three levels of subterranean parking with 251 parking spaces. The remaining required 45 parking spaces are proposed to be shared in the parking structure at 802 Fairmount Ave, located within 630



feet of the project site. A Minor Conditional Use Permit is required for shared parking and is discussed below.

#### Minor Conditional Use Permit – Shared Parking

Pursuant to Section 17.46.050 of the City's Zoning Code, a Minor Conditional Use Permit is required for shared parking. The shared parking spaces are required to 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. Based on Table 4-5 (Customer/Visitor Parking as a Percentage of Total Spaces) within Section 17.46.020 of the Zoning Code, this corresponds to a total of 212 visitor spaces and 84 employee spaces. The application proposes to provide 45 employee parking spaces off site.

The Zoning Administrator may require the applicant to submit a parking study, prepared by a person/firm experienced in preparing parking plans, to assist the Zoning Administrator in determining the appropriate shared parking reduction.

A parking analysis prepared by Linscott Law & Greenspan, Engineers (LLG) was submitted as part of the application. As part of the parking analysis, parking accumulation surveys were conducted at the following three off-site parking facilities by an independent traffic count subconsultant, The Traffic Solution, in one-hour time increments during two typical and consecutive weekday time periods (i.e., on a Wednesday and a Thursday from 6:00 AM to 6:00 PM) in September 2021:

- Huntington Medical Hospital East Parking Structure at 100 W. California Blvd (located within 585 feet of the Project)
- 10 Congress Surface Parking Lot at 10 Congress Street (located within 255 feet of the Project)
- 800/797 Parking Structure located at 802 Fairmont Ave (located within 630 feet of the Project)

The parking accumulation count found that on Wednesday, September 22, 2021, the peak overall demand occurred at 11:00 AM for the three parking facilities when 668 vehicles were parked out of the total 987 available spaces between the three parking areas. This resulted in an approximately 67.7% occupancy. The peak parking demand for each individual facility is summarized below:

- HMH East Parking Structure Peak Parking Demand: 373 of the 511 spaces (not considering the physician's lot) were occupied at 2:00 PM, resulting in an availability of at least 138 spaces.
- 10 Congress Surface Lot Peak Parking Demand: 87 of the 172 spaces were occupied at 10:00 and 11:00 AM, resulting in an availability of at least 85 spaces.
- 800/797 Parking Structure Peak Parking Demand: 229 of the 304 spaces were occupied at 12:00 PM, resulting in an availability of at least 75 spaces

On Thursday, September 23, 2021, the parking accumulation count also found that the peak overall demand occurred at 11:00 AM when 643 vehicles were parked out of the total 987 available spaces between the three parking areas. This resulted in an approximately 65.1% occupancy. The peak parking demand for each facility is summarized below:

- East Parking Structure Peak Parking Demand: 345 of the 511 spaces (not considering the physician's lot) were occupied at 11:00 AM and 2:00 PM, resulting in an availability of at least 166 spaces.
- 10 Congress Surface Lot Peak Parking Demand: 90 of the 172 spaces were occupied at 10:00 AM, resulting in an availability of at least 82 spaces.
- 800/797 Parking Structure Peak Parking Demand: 214 of the 304 spaces were occupied at 10:00 AM, resulting in an availability of at least 90 spaces

During the peak parking demand, there were at least 75 parking spaces available at any one parking facility surveyed. Any three of the surveyed parking facilities have individually shown to provide an existing surplus of parking spaces that could be made available for sharing. Although the parking analysis studied three parking facilities, the applicant is requesting to share the 45 employee parking spaces at the parking structure at 802 Fairmont Avenue. Under this arrangement, the planned parking supply will adequately accommodate the forecasted peak parking demand for the proposed project. Therefore, there is adequate parking available for a shared parking agreement.

## **GENERAL PLAN CONSISTENCY:**

### Land Use Element:

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.

The shared parking is consistent with General Plan Policy 19.3 (Parking Management), which encourages the management of parking in order to reduce the amount of land devoted to frequently vacant parking lots through parking management tools. The parking analysis prepared for the project found that during the peak parking demand, there were at least 75 parking spaces available at all three parking facilities surveyed.

Sharing of existing parking spaces is a parking management tool, which allows underutilized parking facilities to facilitate development while minimizing the amount of land dedicated to parking, particularly in a TOD area.

#### South Fair Oaks Specific Plan:

The South Fair Oaks Specific Plan is home to Huntington Memorial Hospital and the Fillmore Metro L Line station and is one of the major employment opportunity areas in the City. The vision for South Fair Oaks capitalizes on the presence of these uses, focusing development adjoining the Fillmore Metro L Line station and converting underutilized industrial areas for new businesses and job-generating uses leveraged by the medical office uses. Goals of the South Fair Oaks Specific Plan include to support the retention and enhancement of local businesses, integrate land uses with the light-rail station site and Fillmore Street, and to mitigate related traffic impacts in the Specific Plan area and in adjacent residential neighborhoods. The proposed medical offices would eliminate an underutilized industrial lot and capitalize on its proximity to Huntington Memorial Hospital and the Fillmore Metro L Line station; further strengthening and fostering a thriving businesses district. The site is designed with consideration of its adjacency to the Fillmore Station by completing a pedestrian path on its site that would connect the southern sidewalks of Fillmore Street between the Fillmore Station and Fair Oaks Avenue. 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 South Fair Oaks Specific Plan is currently in the process of being updated and will be presented to the City Council at a future meeting for consideration. The draft South Fair Oaks Specific Plan identifies that the site would be located in the Transit Core zoning district of the South Fair Oaks Specific Plan. The Transit Core zoning district is planned to allow medical and administrative business professional office uses. The proposed project is within the planned development intensities (FAR and height) for the updated plan.

#### **REVIEW BY OTHER DEPARTMENTS:**

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

#### **ENVIRONMENTAL REVIEW:**

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. Based on the technical studies prepared by Michael Baker International (Attachment D), the project would not have the potential to result in significant impacts related to air quality, traffic, noise, or water quality. The City's Department of Transportation prepared a Traffic Impact Analysis: CEQA Evaluation for the proposed project, which is included as Appendix A.1 of Attachment D. Additionally, a Transportation Impact Analysis: Outside CEQA Evaluation was prepared for the project, which is included as Appendix A.2 of Attachment D. 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 IG-SP-2 zoning district; and the project complies with the applicable development standards. The project site is 42,688 square feet (less than five acres) and surrounded by other commercial and institutional uses. The project site has been previously developed and graded, and currently contains a one-story 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 that distinguish this project from others in the exempt class.

Outside of CEQA, concerns about traffic in general were raised by the community. The Department of Transportation also analyzed the project for transportation related issues not required by CEQA, including an evaluation of the existing transportation network in the vicinity of the proposed project, which includes the existing pedestrian, bicycle, and transit infrastructure as well as the intersection Level of Service (LOS) with and without project traffic. The project site is served by a City Connector (Fair Oaks Avenue) and by an Access Road (Fillmore Street). A street segment analysis was not completed, since the purpose of the City's street segment analysis is to analyze access and neighborhood connector street types within a residential context, and the project is not adjacent to a residential neighborhood nor on a residential street.

The current Transportation Impact Study Guidelines use industry standard values applicable to this type of roadway environment. Applying future proposed guidelines should not be applicable to evaluating this project since the proposed guidelines are



currently being developed and have not yet been reviewed and adopted by City Council. While the project will add trips to the existing street network, under the current Transportation Impact Study Guidelines, none of the eight study intersections are forecasted to exceed the adopted LOS "E" cap for a project located within a Transit Oriented District (TOD). The calculated pedestrian environmental quality along the project frontage was determined to be high. The calculated bicycle environmental quality along the project frontage was determined to be average along Fillmore Street, and below average along Fair Oaks Avenue. As a result of this analysis, the project is conditioned to improve the pedestrian, bike, and transit infrastructure in the vicinity of the project through signal upgrades and transit stop improvements at the Fair Oaks Avenue and Fillmore Street intersection.

Concerns were raised by the public regarding why existing land use trip credits were given to the active retail land use on-site. Because the existing land use is active, the net total number of trips to be analyzed should consider the proposed project traffic minus the existing active land use traffic. Concerns were also raised that existing land use trip credit was not applied appropriately, and that the existing use was given too many trip credits. To validate the City of Pasadena Department of Transportation's analysis and in response to this concern, Department of Transportation reviewed the potential traffic impacts related to the proposed project with no trip credits given to the existing active land use on site. While this increases the project's net trips, the review found no changes to the original results of the Outside of CEQA analysis dated October 1, 2021.

Comments received from the public questioned why the project was given transit trip credit since, even though the property is within 450 feet of the Metro L (Gold) Line light rail transit station, the main entrance to the project is more than 600 feet away from that station. This project is within a Transit Oriented Development Area per Section 17.50.340 of the City's Zoning Code. That alone qualifies the project for a transit trip credit. Because the project is two short blocks from the Metro L Line Fillmore Station, the project's proximity to other Metro and Pasadena Transit Lines, and the project's location within a Transit Oriented Development Area, applying a transit trip credit to this project is appropriate.

In conclusion, the project would not result in any significant environmental effects related to traffic from a CEQA standpoint. The Outside CEQA analysis is consistent with the City's current Transportation Impact Study Guidelines and industry standard values applicable to this type of roadway environment. The Outside CEQA conditions imposed on the project will improve the pedestrian, bike, and transit infrastructure in the vicinity of the project.

## **CONCLUSION:**

It is staff's assessment, that the findings to approve the Conditional Use Permit and Minor Conditional Use Permit can be made. The proposed project, as designed and conditioned, would comply with the all of the applicable development standards. The applicant has redesigned the project to address specific concerns that were raised by the




Planning Commission and the public. The redesigned project meets all requirements of the Zoning Code while improving the pedestrian experience and providing a publicly accessible at-grade corner plaza that will compliment the site design and surrounding area. Therefore, staff recommends that the City Council approve the project 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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DAVID M. REYES  
Director of Planning and Community  
Development

Prepared by:

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Attachments (5):

Attachment A – Specific Findings for Conditional Use Permit #6918  
Attachment B – Recommended Conditions of Approval  
Attachment C – Planning Commission Decision Letter (dated November 18, 2021)  
Attachment D – Class 32 Categorical Exemption Evaluation Report  
Attachment E – Project Plans