

ATTACHMENT C

CONDITIONS OF APPROVAL

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

Planning & Development Department

General

1. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
2. All other building setbacks shall be in compliance with the standards of the East Pasadena Specific Plan. Landscaping of the setback areas shall be in compliance with Chapter 17.44.
3. The site plan, floor plan and building elevations submitted for building permits shall substantially conform to plans submitted with this application except as modified by the Design Commission.
4. The applicant shall provide a maximum of 339 spaces within the apartment building. All parking areas shall conform to the requirements of Chapter 17.46 (Parking and Loading) of the Pasadena Zoning Code.
5. Prior to the issuance of a building permit the City and the Developer shall enter into an Easement Agreement pursuant to which the Developer shall grant to the City for the benefit of public use a non-exclusive, 6 A.M. to close of theater performances (12 A.M.), access and view easement to the north/south oriented landscaped walkway which provides access from the MTA garage to Foothill Boulevard.
6. All roof mounted mechanical equipment shall be screen from the public right-of-way. See Section 17.64.230 of the zoning code for the screening requirements. Mechanical equipment screening should be designed to be architecturally compatible with the building and not an afterthought once the building is designed.

Development Agreement

7. A total of 212 residential units (including the 15% inclusionary requirement) shall be permitted for residential development under the Development Agreement.
8. The proposed Development Agreement shall comply with all conditions of approval, subject to monitoring by the City Condition Monitoring Coordinator. The applicant shall pay the appropriate fee(s) for Condition Monitoring and Mitigation Measure Monitoring. Contact the Code Compliance Staff at (626) 744-6433 to verify the fee. The current fee is \$721 for Mitigation Monitoring. All fees are to be paid to the cashier at the permit center located at 175 N. Garfield Avenue. The cashier will ask for the case number provided above.

9. The applicant shall pay the appropriate fee(s) for annual periodic reviews (Condition Monitoring, Development Agreement) conducted. per P.M.C. 17.66.040.
10. The Development Agreement shall be subject to annual review by the Planning Commission per P.M.C. section 17.66.040.
11. Approval of the Expressive Use Permit, Minor Conditional Use Permits, Variance and Certificate of Exception are all contingent the approval of the Development Agreement.

Expressive Use Permit

12. Development shall occur substantially as shown on the submitted site plan and floor plans, subject to review by the Zoning Administrator, except as herein modified.
13. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified, new conditions added, or a revocation process could be instated.
14. The hours of operation for the theater are limited to 9:00 a.m. to midnight seven days a week.
15. Sale of alcoholic beverages is not permitted.
16. Any proposed outdoor dining in the public right-of-way shall require a separate approval and meet all conditions of the Public Works Department.
17. All requirements of the City of Pasadena Noise Ordinance (Section 9.26 of the Municipal Code) shall be met for this project.
18. At least one security guard, readily identifiable, shall be on duty during operation of the theater for public performances.
19. The applicant shall provide a crowd control plan for review by the Planning Department and Police Department. The crowd control plan shall provide a method of retaining all queues to the establishment on the subject site.
20. Compliance with the City of Pasadena Refuse Storage regulation, Section 17.64.240 of the Pasadena Municipal Code, shall be maintained at all times.
21. The proposed project shall comply with all conditions of approval, subject to monitoring by the City Condition Monitoring coordinator. Under the Monitoring Program, your project will be inspected by Code Compliance Staff to determine compliance with the conditions of approval. Required monitoring fees for setup and inspections shall be paid on or after the effective date of the permit, but prior to the issuance of any building permits. Failure to pay the required monitoring fee prior to initiating the application may result in revocation proceedings of this entitlement.

Minor Conditional Use Permit – Shared Parking

22. Prior to the issuance of building permits an executed and recorded shared parking agreement between the Metropolitan Transportation Authority and A Noise Within Theater Company which exhibits compliance with Chapter 17.68 (Parking Regulations) of the zoning code in regards to off-street shall be in place. The shared parking agreement shall provide a minimum of 63 parking spaces and shall be subject to approval of the Zoning Administrator and to revisions by the City Attorney as to form.

Building and Safety

23. The design and construction of this project shall fully comply with Title 14 of the Pasadena Municipal Code [PMC] and Ordinance No.6789 which adopts but is not limited to the Current edition of the California Building Code [CBC], California Plumbing Code, California Mechanical Code, California Electric Code, and all applicable county, state and federal laws and regulations.

24. The occupancy group of the proposed project is A2, R-1, AND S3. Design and specifications shall comply with the provisions of Chapter 3, "Use or Occupancy", of the current California Building Code. Occupancy separations shall be clearly defined on plans. Sound insulation shall comply with Appendix 12 of the Current California Building Code. Review CBC §302.1 for mixed occupancy design.

25. The building construction type shall comply with the provisions of Chapter 5, "General Building Limitations," and Chapter 6, "Type of Construction," with consideration of Section 311.2.2 of the Current California Building Code. Please review specifically code sections CBC §504 for allowable areas, CBC §505 for allowable height of the building. Maximum height and location on property of any structure shall coincide with designated type of construction per CBC Table 5-A and 5-B. For multiple buildings on the same lot, an assumed property line between buildings shall be used to determine conformance to CBC Table 5-A..

26. Means of Egress (Exiting) shall comply with provisions of Chapter 10 of the Current California Building Code. Elevator design and specifications shall comply with Chapter 30 with special consideration for disable access. Please refine exiting to include side exits required by the code of the Assembly Occupancy.

27. Project shall be designed per the provisions of the California Multi-Family Disabled Access Regulations by the California Department of Housing and Community Development for residential occupancies. Public areas and occupancies shall be design in conformance with California Commercial/Public Disabled Access Regulations by the Division of State Architect/Access Compliance and other provisions of the Current California Building Code. Compliance to CBC § 1134B is required for remodeling of existing buildings.

28. Project shall be designed to comply the latest edition of the California Energy Standards, Title 24, Part 6.

29. Plans and specifications for storm water mitigation shall be designed in accordance to current provisions of the State Water Resources Control Board implemented portion of the federal Water Pollution Control Act as amended and administered through the National pollutant Discharge Elimination System (NPDES) permit program.

30. Automatic fire sprinkler system shall comply with Section 14.25 of the Pasadena Municipal Code and Chapter 9 of the Current California Code and the Current California Fire Code.

31. All construction drawings (Structural, Mechanical, Plumbing, Electrical), engineering calculations, soil report, grading plan, drainage plan, survey, and related documents shall be prepared, sealed, and signed with the expiration date by a licensed Architect/Engineer/Land surveyor by the State of California. Soil report and survey is required for this project in addition to the structural and energy calculations. Shoring, slot cutting, and/or excavations plans may be required for review based on proposed construction methods. Additional documentation may be required at time of review.

Department of Public Works

32. The applicant or successor must comply with Public Works conditions of approval as outlined in Attachment D.

Department of Transportation

33. Loading shall conform to the PMC 17.46.260 (M)

34. Design of the access via the shared driveway with transit services and the site circulation shall be submitted to the Departments of Transportation and Public Works for review and approval.

35. Future tenants of this site will not be granted for over-night parking permits. It is the applicant's responsibility to disclose this condition to potential tenants.

36. The existing bus bench on Foothill Boulevard in front of the project site shall remain

37. The on-street existing parking restrictions around the project site shall remain

Police

38. Parking spaces shall be set aside for emergency responders close to the front doors for quick response and a key code system shall be installed to allow quick entry for those responders without help from inside.

39. Consider that a traffic director be used to facilitate theater related traffic exiting the MTA garage after performances.

Fire and Safety

40. In dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into public street, public alley, yard or exit court. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools. (CBC Sec. 310.4)
41. A minimum of 5 feet clearance on the ground shall be provided for rescue windows and doors located in first and second floor and 10 feet if located on third floor.
42. All structures shall have the minimum fire flow (GPM) required by Appendix III-A and the quantity and spacing of fire hydrants as required by Appendix III-B of Title 24, California Fire Code. All hydrants shall meet the requirement of Pasadena Water Department. Plans shall be submitted to the Pasadena Fire Department for review and approval prior the review and approval of the building plans. Note: A current fire flow report (not older that 6-months), performed the Pasadena Water Department, shall be provided to the Fire Department when applying for building permits to construct or add to any structures.
43. Fire Department Access shall be provided to within 150-feet of all exterior portions of any structure. All access roads exceeding 150-feet shall be provided with an approved Fire Department Hammerhead or Turnaround. Fire department access shall be constructed of an all weather surface to support a minimum of 35,000lbs with a minimum of 20-feet wide and unobstructed height of 13'-6", with No Parking on Either Side. No roadway way shall exceed 12% slope.
All access gates across roadways or entrances to facilities shall fail unlocked/open in the event of any loss of power. All access gates and main entrance doors shall have a Know Box or Knox Control Key Switch installed. Obtain Knox Box Applications from the Pasadena Fire Department Permit Desk.
44. All structures 10,000 square feet or more (5,000 square feet or more for Assembly Occupancies), or any structure required by Title 24, California Building or Fire Codes, shall be provided with a fully automatic fire sprinkler system throughout the structure. Shop drawings to be submitted by contractor for review and approval prior to construction. PMC 14.25.030
45. Fire sprinkler system shall be design per NFPA 13, If fire sprinkler system will be used for area increase or substitutions of One-hour fire resistive construction.

Fire Department Fire Sprinkler Connections: Shall be comprised of:

- FDC shall be located a minimum of 25-feet from the building and within 150-feet of a fire hydrant.
- (2) 2-1/2" CLAPPERED internal swivel outlet X 2-1/2" CLAPPERED internal swivel outlet X 4" FDC
- 4" CLAPPERED internal swivel outlet X 4" FDC
- Shall be clearly labeled to indicate FDC for Fire Sprinklers and Standpipes.

- **A CLEAR DIMENSION OF 3-FEET SHALL BE MAINTAINED AROUND THE PERIMETER OF EACH FIRE DEPARTMENT APPLIANCE.**
- All fire appliances except for fire hydrants shall be cleaned, primed, and painted fire engine red enamel or krylon.

46. All structures 10,000 square feet or more (5,000 square feet or more for Assembly Occupancies), or any structure required by Title 24, California Building or Fire Codes, shall be provided with a fully automatic and manual fire detection and notification system. Shop drawings to be submitted by contractor for review and approval prior to construction. PMC 14.25.050

47. Building housing group A occupancies shall front directly on or discharge to a public street not less than 20 feet in width. The exit discharge to the public street shall be a minimum 20-foot-wide right-of-way, unobstructed and maintained only as exit discharge to the public street. The main entrance to the building shall be located on a public street or on the exit discharge. CBC Section 303.3