



City Council Agenda Report

ITEM NO. 20

DATE: May 20, 2020

TO: Honorable Mayor and Council Members

FROM: Stephanie DeWolfe, City Manager
Joanna Hankamer, Director of Planning and Community Development

PREPARED BY: Debby Linn, Contract Planner
Kanika Kith, Planning Manager

SUBJECT: **Appeal of the Planning Commission Decision (Project No. 2311 – Appeal) – to Approve the Mission Bell Mixed-Use Project located at 1101-1115 Mission Street (APNs 5315-008-043 and -045)**

Recommendation

It is recommended that the City Council deny the Appeal (Project No. 2311-Appeal) and uphold the Planning Commission certification of an Environmental Impact Report and approval of the Mission Bell Mixed-Use development located at 1101, 1105, 1107, and 1115 Mission Street, subject to the Conditions of Approval.

Planning Commission Approval

On February 11, 2020 the Planning Commission adopted P.C. Resolution No. 20-01, included as **Attachment 2**, approving the Mission Bell Mixed Use development (Project), subject to conditions of approval. In approving the Project, the Planning Commission certified Environmental Impact Report SCH No. 2019011007 (EIR) and approved Conditional Use Permit, Design Review, Certificate of Appropriateness, Vesting Tentative Parcel Map, and Variance (Project No. 2034-CUP/DRX/COA/VTPM/VAR) subject to conditions of approval.

Executive Summary

On August 11, 2017, Mission Bell Properties, LLC submitted applications for development of the Mission Bell Mixed-Use Project. A statement of introduction from the applicant is included as **Attachment 3**. As part of the review of the Project, staff determined that the project could potentially have significant environmental impacts, therefore, an Environmental Impact Report (EIR) was prepared pursuant to the California Environmental Quality Act (CEQA) Sections Section 21000 et. seq. On March 7, 2019 the City's Design Review Board (DRB) conducted a public hearing to review and provide input on the design of the project. The DRB unanimously supported the project design and did not provide alternative design recommendations. On July 29, 2019 a Draft Environmental Impact Report (EIR) was completed for the project and circulated for public comment. The Draft EIR was available for public comment from July 29, 2019 through August 27, 2019 and again from October 18, 2019 through November 18, 2019.

On October 29, 2019 the City's Cultural Heritage Commission (CHC) conducted a public hearing on the application for a Certificate of Appropriateness for the Project. At that hearing, the CHC

provided verbal comments and corrections on the cultural resources analysis within the Draft EIR. After closing the public hearing, the CHC voted unanimously recommending that the Planning Commission certify the Cultural Resources section of the EIR, subject to corrections provided by the CHC, and that the Planning Commission approve the Project Certificate of Appropriateness.

Following the November 18, 2019 close of the comment period on the Draft EIR, a Final EIR was completed on January 27, 2020. The Final EIR addressed all comments received during the Draft EIR comment period. On February 11, 2020 the Planning Commission conducted a public hearing and voted unanimously to certify the Final EIR and approve the Project. On February 26, 2020 an appeal of the Planning Commission action on the Project was submitted to the City Clerk by Mr. Mitchell Tsai, Attorney at Law, on behalf of the Southwest Regional Council of Carpenters (Appellant). On March 30, 2020 Mr. Tsai submitted additional comments in support of his appeal.

Project Description

The Mission Bell Mixed-Use Project is a proposal for development of 36 residential condominium units with residential open space, 7,394 square feet of commercial retail uses including areas for outdoor dining, and 109 parking spaces in a 2-level subterranean parking garage. The project site is approximately 31,113 square feet in size and is located in the Mission Street Specific Plan at the southeast corner of Mission Street and Fairview Avenue. The project site is comprised of properties addressed as 1101, 1105, 1107, and 1115 Mission Street and is currently developed with three buildings located at 1101, 1107, and 1115 Mission Street, as shown in **Figure 1**. The existing building located at 1115 Mission Street, illustrated as building 1 on **Figure 1**, is listed on the “City of South Pasadena Inventory of Historic Resources” (Inventory) as “6L” (“determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning”). Although the building is not itself eligible for local listing or designation, it may be a contributing resource to the adjacent Mission West Historic District and therefore was given special consideration during the planning process. As part of the project, a portion of the rear of the existing building at 1115 Mission would be partially demolished with the remaining front part of the building renovated for adaptive reuse as ground floor commercial and second floor residential uses. A new detached two-story residential building would be constructed to the rear of the renovated building. The two existing buildings, located at 1101 and 1107 Mission Street, illustrated as buildings 2 and 3 on **Figure 1**, would be demolished and a new three-story commercial and residential building constructed on this portion of the project site. The project required Planning Commission certification of an Environmental Impact Report and approval of the following applications:

1. **Certificate of Appropriateness** for a partial demolition and restoration of the remaining front portion of an existing structure at 1115 Mission Street; and
2. **Conditional Use Permit** for development of a mixed-use project consisting of 36 residential units, 7,394 square feet of commercial retail uses, outdoor dining area, 4,978 square feet of common open space, 109 subterranean parking spaces, associated on-site improvements; and
3. **Design Review Permit** for the proposed mixed-use development; and
4. **Variance** from the front building wall standards of the Mission Street Specific Plan; and
5. **Vesting Tentative Parcel Map** to create a one lot subdivision for condominium purposes.

Figure 1: Project Location



Project Analysis

Detailed description and analysis of the Project are described in the February 11, 2020 Planning Commission report included as **Attachment 4** and the Project Plans included as **Attachment 9**.

In approving the Project, the Planning Commission:

1. Found the Final EIR to be in compliance with CEQA and certified the Final EIR, included as **Attachment 5**; and
2. Made all necessary findings for approval that the Project is consistent with the General Plan, and complied with the zoning standards in the Mission Street Specific Plan, except one requirement related to building wall frontage standard for which a Variance was granted, and complied with the requirements for the granting of a Conditional Use Permit, Design Review, Vesting Tentative Parcel Map, Variance, and Certificate of Appropriateness.

Renderings of the project are included in **Figure 2**.

Figure 2: Mission Bell Mixed-Use Project



Mission St & Fairview Ave



Mission St



Fairview Ave



Interior Courtyard



Interior Courtyard

Environmental Review

The Mission Bell EIR was prepared pursuant to the California Environmental Quality Act (CEQA). A Draft EIR was prepared which evaluated the potential environmental effects of the Mission Bell mixed use project. The Draft EIR concluded that the project impacts related to air quality, cultural resources, energy, land use and planning would be less than significant, and that all potential noise impacts identified could be mitigated to less than significant levels with incorporation of appropriate mitigation, therefore, the project would not result in significant

unavoidable impacts. Construction of the project could potentially expose nearby residences to excessive noise, however mitigation measures were identified in the DEIR and agreed to by the Project applicant that would reduce these impacts to a less than significant level.

The Draft EIR was available for public review from July 29, 2019 through August 27, 2019. The public review period was again advertised for a period from October 18, 2019 through November 18, 2019. During the public review period, the City received six comment letters on the Draft EIR, and verbal comments from the CHC at their October 29, 2019 public hearing on the Project. Pursuant to the receipt of comments on the Draft EIR, the City prepared a Final EIR which included the comments letters and the responses to each comment. A brief summary of the comments received is provided below. More details of the comments received and responses are provided in the staff report for the Planning Commission, included as **Attachment 4**.

Comments Received During the Public Review of the Draft EIR

1. *Governor's Office of Planning and Research* - received the Draft EIR and acknowledged its role in the distribution of the Draft EIR. The Final EIR acknowledged receipt of the letter.
2. *Department of Transportation* – questioned the traffic impact analysis at the Fair Oaks on ramp to State Route 110. The Final EIR provided data verifying the adequacy of the analysis and no further study was warranted.
3. *Southern California Regional Rail Authority* – confirmed that the project is over 5 miles from the nearest Metrolink station. This comment did not raise any significant environmental issues or change any analysis or impact conclusion of the EIR.
4. *Public Utilities Commission* – agreed with the analysis that the project would not result in significant traffic impacts to nearby roadway intersections, and that the project would not require construction or modification of public crossings. This comment did not raise any significant environmental issues or change any analysis or impact conclusion of the EIR.
5. *Sanitation Districts of Los Angeles County* - provided a correction to the EIR identifying the correct treatment plant for the project and stating that wastewater flows projected for the project were overestimated in the EIR. The comments clarified and made insignificant modification to the EIR, but did not identify new or more significant impacts.
6. *Mitchell M. Tsai, Attorneys for Southwest Regional Council of Carpenters* - commented on the historic status of the building at 1115 Mission Street and questioned the conclusions of the EIR regarding the historic structure. The Final EIR response indicated that the comments constituted an inaccurate representation of the project and the historic status of the building; and clarified the status of the building and the project. The Final EIR also clarified the appropriate CEQA guidelines applicable to the project. The Final EIR acknowledged that the comment did not raise any significant environmental issues or change any analysis or impact conclusion of the EIR.
7. *Cultural Heritage Commission (CHC)*- requested at the October 29, 2019 CHC hearing, that corrections be made to the Cultural Resources Report, prepared by ESA, the applicant's historic resource consultant, included as an attachment to the EIR. The CHC concurred that the Project did not result in significant impacts to cultural resources, however, the CHC

requested that project construction drawings be reviewed and stamped by a licensed Architectural Historian and approved by the Chair of the CHC prior to issuance of building permits to ensure the Project construction complies with the Secretary of the Interior Standards for Rehabilitation. A condition of approval to this effect was included as part of the Planning Commission's approval of the project.

Appeal

On February 26, 2020 an appeal of the February 11, 2020 Planning Commission approval of the Project was submitted to the City Clerk by Mr. Mitchell Tsai, Attorney at Law, on behalf of the Southwest Regional Council of Carpenters (appellant). On March 30, 2020 the Appellant submitted additional comments in support of his appeal. The basis of the appeal is described below.

The appeal and supplemental comments are included in **Attachment 6**. The City's environmental consultant, Meridian Consultants, has prepared a response to each issue raised by the appellant related to the Final EIR which is included as **Attachment 7**. The applicant's historic resource consultant, ESA has prepared a response to the appellant's arguments related to the conclusions of the Final EIR regarding the historic status of the building at 1115 Mission Street and the compliance of the project with the Secretary of Interior's Standards for Rehabilitation which is included as **Attachment 8**. Also included as **Attachment 8** is a letter from the applicant's attorney providing a response on behalf of the applicant to each topic of the appeal.

The comments in the appeal address three main topics as discussed below.

Appeal Comments and Staff Response:

Comment 1. The City failed to comply with the appellant's request in his August 27, 2019 EIR comment letter that the City send him a notice of the availability of the Final EIR and the Planning Commission public hearing on the Project.

Response:

An individual notice of availability of the Final EIR is not required under the Public Resources Code. Additionally, the appellant's "request" for such notice was not made as a special written request, but was included in his comment letter addressing the Draft EIR. Accordingly, the City did not send the requested notice to the appellant; however the availability of the Final EIR and the date, time, and place of the Planning Commission public hearing were noticed pursuant to CEQA and State Planning and Zoning law. The public notice of the Planning Commission hearing was mailed to surrounding property owners, published in the South Pasadena Review, and posted on the City's website in compliance with SPMC Section 36.630.020 Notice of Hearing. The lack of a notice of availability of the Final EIR has not prejudiced the appellant, in any event, as demonstrated by his timely appeal of the Planning Commission's approval of the Project.

CEQA states that the failure of a person to receive a requested notice shall not be construed in any manner that results in the invalidation of an action because of failure to receive the notice, if there has been substantial compliance with CEQA noticing requirements. Further, Government Code Section 65093 specifies the failure of any person or entity to receive notice given pursuant to State law, or pursuant to the procedures established by a chartered city, shall not constitute grounds for any court to invalidate the actions of a local agency for which the notice was given.

In applying the CEQA standard on the lack of receipt of a notice, courts are instructed "to follow the established principle that there is no presumption that error is prejudicial." (PRC, § 21005(b).) This provision has generally been interpreted to mean a determination of prejudice depends on whether legal error hindered accomplishment of CEQA's objectives, rather than whether the error might have affected the outcome of the process. Thus, whether the procedural defect alleged by the appellant resulted in a "prejudicial abuse of discretion" rests on the degree to which it "prevented informed decision making or public participation." Here, where the Lead Agency (City) otherwise provided all notices required by law; where the hearing before the Planning Commission was properly noticed; where the appellant was aware of the environmental review process, having previously submitted comments on the Draft EIR; and where he appealed the Planning Commission's approval of the Project and will be heard by the City Council; there has been no disruption to informed decision making or public participation.

The public notice of the City Council hearing on this appeal was mailed on May 7, 2020 via U.S. Postal Service to the appellant, emailed to the appellant, mailed to surrounding property owners and occupants within a 300-foot radius of the project site, published in the *South Pasadena Review*, and posted on the City's website in compliance with SPMC Section 36.630.020 Notice of Hearing.

Comment 2. The Project was approved in violation of CEQA and that the Project Final EIR should be revised and re-circulated to address the following arguments submitted by the appellant.

a. The EIR Project Description is inadequate because the Project description does not specify whether the 36 new residential dwellings to be constructed would be apartments or condominiums and fails to state the price ranges for the units whether for lease or sale. Sales and pricing information is necessary in order to determine whether the Project meets the stated EIR project objective that construction of the new residential units will contribute toward meeting the City's 2014-2021 Housing Element Update Regional Housing Allocation Need (RHNA) and whether the new units would meet the affordable unit goals.

Response:

CEQA Guidelines Section 15124 states that a project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Furthermore CEQA states that evaluation of impacts should consider direct physical changes in the environment which may be caused by the project, and that economic and social changes resulting from a project shall not be treated as significant effects on the environment. The status of the residential units as either apartments or condominiums and their disposition as either for lease or for sale represents an economic characteristic and does not represent a physical effect per CEQA. Therefore the economic characteristics of the units are not necessary information in order to conduct an adequate assessment of environmental conditions. The appellant's comment does not constitute new information necessitating revision of the EIR Project description and recirculation of the EIR.

The appellant's comments incorrectly reference the City's 2014-2021 Housing Element Update in claiming the construction of the new residential units would not meet the EIR

project objective of contributing 36 new residential units toward the City's meeting its RHNA goals for above moderate income residential units. Construction of the Project's residential component would be completed during the upcoming 2021-2029 Housing Element Cycle and therefore will be considered as contributing toward the RHNA adopted for the City for that planning period. The appellant further states that the Project description does not provide the information needed to determine if any of the units will be affordable to very low, low or moderate income households and therefore compliance with General Plan Housing Element Update Policy 3.1, that the City should encourage affordable housing through incentives and approval of planned development permits, cannot be determined. Implementation of Policy 3.1 is a City responsibility and not a policy applicable to individual development projects. There is no obligation on the part of project developers to request or accept any incentives or approval of a planned development permit. Therefore the Project is not inconsistent with the General Plan with respect to this policy. The appellant's comment does not constitute new information necessitating revision of the EIR Project description and recirculation of the EIR.

b. The Final EIR inaccurately and improperly concluded that the Project will not have significant impact to historic resources, specifically the existing building located at 1115 Mission Street and the historic characteristics of the surrounding area. The appellant disputes the conclusions in the Final EIR that the Project complies with the Secretary of the Interior's Guidelines for Rehabilitation, as required in the Mission Street Specific Plan, and questions the conclusions of the historic resource report prepared by ESA, the applicant's historic resource consultant, included as an attachment in the Final EIR, and peer reviewed by the City's historic resource consultant as part of the CEQA review of the Project.

Response:

The building at 1115 Mission Street is included in a list of historic structures in the 1996 Mission Street Specific Plan, a 2003 reconnaissance level City-wide historical survey, and the 2015/16 City of South Pasadena Historic Resources Survey, however, the building is designated in those surveys with a CHR status code of "6L, a structure not eligible for listing, but warranting special consideration in the planning process". As part of the City's effort to give special consideration to the structure during the planning process for the Project, the Final EIR evaluated the historic resource status of the building at 1115 Mission Street per CEQA guidelines even though it is not defined by CEQA as a historic resource. The Final EIR concluded that the Project retains the character of the structure as it relates to Mission Street, including the distinctive materials and features of the store front, and the renovation of the building would be implemented consistent with the Secretary of the Interior Standards for Rehabilitation. This conclusion was reached by the applicant's historic resource consultant, ESA, and concurred with by the City's historic resource consultant, GPA, in the cultural resources section of the EIR.

The appellant comments that the conclusion in the Final EIR, stating that the Project will not alter the historical context of the surrounding Mission West Historic District, is confusing. The Final EIR states that Mission Street has been identified by the City in its General Plan as possessing a unique small-town atmosphere and sense of identity though the historic fabric of the structures along it. Because the renovation of the building at 1115 Mission will comply with the Secretary of the Interior Standards for Rehabilitation and the

overall Project has been designed to comply with the Mission Street Specific Plan design guidelines for new buildings in order to complement the historic character of the surrounding historic district, the Project will not adversely affect the character of Mission Street.

The appellant comments dispute the conclusion in the Final EIR that the Project is consistent with the Secretary of the Interior's Standards for Rehabilitation 1, 2, 9 and 10 with respect to the renovation of the building at 1115 Mission Street and includes prior comments submitted for the Draft EIR. The Final EIR includes a detailed report prepared by ESA, the applicant's historic resource consultant describing Project compliance with all 10 of the Secretary of the Interior's Standards, and the City's own expert consultant, GPA, hired to peer review and provide comment on the ESA report, concurred with the conclusions of the ESA report. Additionally, ESA has submitted further detailed analysis of the Project compliance which is included as **Attachment 8**.

The appellant comments that the City has ignored the recommendations in the ESA report that the entire building, including the warehouse portion of the building, should be retained and that the replacement of two windows on the eastern façade should not be undertaken. The ESA report included as an attachment to the Draft and Final EIR does include recommendations regarding the existing features of the building. However, these recommendations do not directly relate to the conclusions on the significance of the impacts of the proposed modifications to the building. In fact, the report specifically states that "alterations to some contributing features may not adversely impact the Subject Property's potential eligibility as a historical resource". The Final ESA report concluded that the Project would not alter the classification of the structure as "6L CHR status code." Accordingly, the Project would not cause a substantial adverse change in the historical significance of the structure. The City's own expert consultant, GPA, hired to peer review and provide comment on the ESA report, concurred with the conclusion that the Project would not adversely change the features of the building that may contribute to historic significance of the building, and the Project would meet the Secretary of the Interior's Standards. For the reasons stated above, the appellant's comments do not constitute new information necessitating revision of the EIR and recirculation of the EIR.

Comment 3. The Project is inconsistent with Goals 7 and 9 of the General Plan related to Historic Resources and Policy 3.1 of the 2014-2021 General Plan Housing Element Update.

Response:

The first comments address Goals 7 and 9 of the General Plan which call for the City to "preserve South Pasadena's historic character, scale, and 'small town' atmosphere" and "conserve and preserve the historic "built" environment of the City by identifying the architectural and cultural resources of the City, encouraging their maintenance and/or adaptive reuse, and by developing guidelines for new and infill development assuring design compatibility." The City has given special consideration in the planning of the Project to conserve and preserve the historic character of the building at 1115 Mission Street by requiring that the renovation be undertaken in compliance with the Secretary of the Interior Standards for Rehabilitation and by incorporating a condition of approval as part of the Project putting in place assurances that construction drawings for the Project

comply with the Secretary of Interiors Standards for Rehabilitation. The Project also complies with the Mission Street Specific Plan design guidelines for new infill mixed-use development enacted to ensure new development projects would not adversely compromise the historic character, scale, and “small town” atmosphere of the City exhibited by the existing built environment on the portion of Mission Street containing the Project site. Furthermore, the Project enables the City to implement the General Plan policies for the City to encourage the adaptive reuse of the historic structures.

The second comment states that the Final EIR fails to analyze the Project’s consistency with the General Plan Housing Element Update policy 3.1 “Promote mixed-use developments by continuing to allow development of residential uses above commercial uses in the GC zoning district and the MSSP zoning district and encourage the development of affordable housing within the residential component of mixed use projects through the use of affordable housing incentives and planned development permits as provided for in the City’s Zoning Code. Conduct early consultations with developers of mixed- use projects to encourage the development of affordable housing units in these projects.” Implementation of Policy 3.1 is a City responsibility and not a policy applicable to individual development projects. There is no obligation on the part of project developers to request or accept any incentives or approval of a planned development permit. Therefore the Project is not inconsistent with the General Plan with respect to this policy. The Project has not impeded the City’s efforts in the implementation of this this policy as the Project is proposed as a mixed-use development within the MSSP zoning district and the applicant has declined to request that the City grant incentives or a planned development permit for the Project.

Legal Review

The City Attorney has reviewed this Staff Report.

Fiscal Impact

The proposed project would provide new retail and dining facilities in the City, serving to attract new consumers to the area as well as offering convenient retail facilities to future project residents and existing residents of the City. As a result the project has the potential to generate new sales tax revenues to the City.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the agenda and reports on the City’s website, publication of a notice in the South Pasadena Review, mailings to properties within a 300-foot radius of the subject property and mailing and emailing to Mr. Mitchell Tsai, Attorney at Law.

Public Comment

One public comment was received in support of the Planning Commission’s approval of the Mission Bell Mixed-Use project. The comment letter is included as **Attachment 10**.

Attachments

1. CC Resolution 20-____ and Conditions of Approval
2. P.C. Resolution 20-01, Conditions of Approval, and Approval Letter
3. Applicant statement

4. February 11, 2020 Planning Commission report and attachments
5. Mission Bell Final EIR (delivered electronically)
6. Appeal form and Comments
7. City's Response to Comments from the Appellant
8. Applicant's Response to Comments from Appellant
9. Project Plans
10. Public Comment

ATTACHMENT 1
City Council Resolution
Exhibit “A” – Conditions of Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, TO DENY THE APPEAL (PROJECT NO. 2311-APPEAL) AND UPHOLD THE PLANNING COMMISSION DECISION TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT FOR PROJECT NO. 2034-CUP/DRX/COA/VTPM/VAR - MISSION BELL MIXED USE PROJECT AND APPROVE AN APPLICATION FOR CONDITIONAL USE PERMIT, DESIGN REVIEW, CERTIFICATE OF APPROPRIATENESS, VARIANCE AND VESTING TENTATIVE PARCEL MAP FOR THE CONSTRUCTION OF THE NEW MIXED USE PROJECT LOCATED AT 1101, 1105, 1107, &1115 MISSION STREET (ASSESSOR'S PARCEL NUMBERS 5313-008-043 & -045)

WHEREAS, on August 11, 2017, Mission Bell Properties, LLC, (applicant) on behalf of the property owner, submitted applications for Conditional Use Permit, Design Review, Certificate of Appropriateness, and Tentative Parcel Map, to rehabilitate an existing 4,233 square foot building located at 1115 Mission Street, to demolish two existing non-historic buildings, and to construct a new mixed-use project (Mission Bell Mixed-Use Project) consisting of 36 market rate residential units, approximately 7,394 square feet of commercial retail space, including outdoor dining areas, and 109 parking spaces in a two-level subterranean parking garage (Project) on an approximately 31,113-square foot site located at 1101, 1105, 1107, and 1115 Mission Street, (Assessor's Parcel Numbers 5313-008-043 & -045); and

WHEREAS, the proposed project (Mission Bell Mixed-Use Project) is considered a "Project" as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

WHEREAS, the City determined that the proposed project required the preparation of an Environmental Impact Report (EIR) for compliance with the provisions of CEQA; and

WHEREAS, on November 28, 2018 City entered into contract with Meridian Consultants, LLC to prepare a Project EIR for the proposed project; and

WHEREAS, on January 7, 2019, using the method under CEQA Guidelines Section 15082, the City provided a Notice of Preparation (NOP) for the proposed Draft Environmental Impact Report (Draft EIR; SCH No. 2019011007) to the State Office of Planning and Research (OPR), each responsible and trustee agency, and the Los Angeles County Registrar Recorder's Office, and also published the NOP on January 7, 2019 on the City's website; and

WHEREAS, on March 7, 2019 the City's Design Review Board conducted a publicly noticed hearing to review and provide input on the design of the project to the Planning Commission; and

WHEREAS, on July 26, 2019 pursuant to CEQA Section 15085, the City provided a Notice of Completion of a Draft EIR to OPR, and pursuant to CEQA Section 15087, the City provided a Notice of Availability (NOA) of a Draft EIR to the Los Angeles County Registrar Recorder's Office, and all applicable agencies, and posted the NOA on the City's website, and also published the NOA on October 18, 2019, in compliance with CEQA Section 15087, in the *South Pasadena Review*, a local newspaper of general, regarding the 30-day public review period of the Draft EIR; and

WHEREAS, the City made the proposed Draft EIR available for public review beginning July 29, 2019, and concluding on August 27, 2019, a period of not less than 30 days as prescribed by law, and was again advertised for public comment from October 16, 2019 through November 18, 2019, a period of not less than 30 days as prescribed by law; and which during said public review period, the City received six (6) written comment letters, some affirming the conclusions of the Draft EIR, some providing corrections to technical data, and one commenting on the historic status of the building at 1115 Mission Street the application of CEQA to the project. The City also received verbal comments concerning technical corrections to the Draft EIR. The City prepared a Final EIR (FEIR) that includes agency and public comments along with response to comments; and

WHEREAS, on October 16, 2019, the applicant submitted an application for a Variance in support of the proposed Project; and

WHEREAS, on October 18, 2019, City of South Pasadena Planning and Building Department published a legal notice in compliance with state law concerning the Mission Bell Mixed-Use Project in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Cultural Heritage Commission public hearing of October 29, 2019. In addition, on October 17, 2019, a public hearing notice was mailed to each property owner within a 300-foot radius of the project site, indicating the date and time of the public hearing at the Cultural Heritage Commission meeting for the Mission Bell Mixed-Use Project; and

WHEREAS, on October 29, 2019, the Cultural Heritage Commission conducted a duly noticed public hearing, at which time public testimony was taken concerning the Mission Bell Mixed-Use Project and the EIR (SCH No. 2019011007) for the project, and recommended approval of a Certificate of Appropriateness to the Planning Commission; and

WHEREAS, in accordance with state law, on January 31, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code Section 36.630.020 concerning the Mission Bell Mixed-Use Project and consideration of the EIR in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Planning Commission meeting of February 11, 2020. In addition, on January 30, 2020, a public hearing notice was mailed to each property owner within a 300-foot radius of the project site, indicating the date and time of the public hearing at the Planning Commission for the Mission Bell Mixed-Use Project.

WHEREAS, on February 11, 2020, the Planning Commission conducted a duly noticed public hearing, at which time public testimony was taken concerning the Mission Bell Mixed-Use Project and the EIR (SCH No. 2019011007), considered the EIR, Findings

of Fact, and Mitigation Monitoring and Reporting Program for the proposed project pursuant to Section 15090 (Article 7) of CEQA, and the Mission Bell Mixed-Use Project, and following the close of the public hearing, certified EIR (SCH No. 2019011107 and approved Project No. 2034-CUP/DRX/COA/VTPM/VAR - Mission Bell Mixed Use project; and

WHEREAS, on February 26, 2020, the last date of the appeal period for the February 11, 2020 Planning Commission meeting, Mr. Mitchell Tsai, Attorney at Law filed an appeal, on behalf of the Southwest Regional Council of Carpenters, of the Commission's approval with the City Clerk's Office; and

WHEREAS, pursuant to SPMC Section 36.610.040(B), decisions by the Planning Commission may be appealed to the City Council; and

WHEREAS, in accordance with state law, on May 1, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code Section 36.630.020 concerning the Appeal of Planning Commission's approval of the Mission Bell Mixed-Use Project and certification of the EIR in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena City Council meeting of May 20, 2020. In addition, on May 29, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the City Council meeting for the Appeal.

WHEREAS, on May 20, 2020, the City Council conducted a duly noticed public hearing, at which time public testimony was taken concerning the Appeal of the Planning Commission's approval of the Mission Bell Mixed-Use Project and the EIR (SCH No. 20190111007), considered the EIR, Findings of Fact, and Mitigation Monitoring and Reporting Program for the proposed project pursuant to Section 15090 (Article 7) of CEQA, and the Mission Bell Mixed-Use Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: ENVIRONMENTAL REVIEW FINDINGS

The City Council, in light of the whole record before it, including, but not limited to, CEQA guidelines and threshold of significance, the EIR attached hereto as Exhibit "B," Findings of Fact, and other documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence, within the meaning of Public Resources Code Sections Section 21000 et. seq. ("CEQA"), within the record and/or provided at the public hearing, hereby finds, determines, and certifies as follows:

- A. Lead Agency: That the City is the lead agency for the project pursuant to the California Environmental Quality Act ("CEQA," Cal. Pub. Res. Code §21000 et seq.), State CEQA Guidelines (the "Guidelines," 14 Cal. Code Regs. §15000 et seq.)

- B. Determination of Impacts: That the City prepared an Environmental Impact Report (the "EIR") for the project, and the EIR concluded that there was substantial evidence that the Project may have a significant impact on noise during construction.
- C. Mitigation: That pursuant to CEQA Guidelines Section 15091(a)(1), the City included in the EIR mitigation that shall be incorporated into the Project that would substantially lessen the potential significant effects identified in the EIR.
- D. Review Period: That the EIR has been provided for public review within the duration required under CEQA Guidelines Sections 15087 and 15105.
- E. Compliance with Law: That the EIR was prepared, processed, and noticed in accordance with CEQA (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), and the local CEQA guidelines and thresholds of significance adopted by the City of South Pasadena. That the EIR was presented to the City Council, and the City Council has reviewed and considered the information contained in the EIR, and public testimony received thereon during the hearing, prior to any action on the project.
- F. Independent Judgment: That the EIR reflects and represents the City of South Pasadena's independent judgment and analysis and adequately addresses the impacts of, and proposes appropriate mitigation measures upon, the City's actions in approving or taking action on the proposed Mission Bell Mixed-Use Project.
- G. Substantial Evidence: That pursuant to CEQA Guidelines Section 15091(b), the findings stated herein are supported by the evidence provided in the EIR.
- H. Mitigation Monitoring Program: That pursuant to CEQA Guidelines Section 15091(d), a Mitigation Monitoring and Reporting Program (MMRP) included in the Final EIR was prepared for adoption to ensure compliance during project implementation and that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.
- I. Modifications: That the modifications to the Final EIR which have been made since circulation of the Draft EIR do not constitute the addition of new significant information to the EIR within the meaning of CEQA Guidelines Section 15088.5.
- J. Statement of Overriding Considerations: That a Statement of Overriding Considerations was not prepared because the EIR concluded that all potential impacts identified could be mitigated to less-than-significant levels, and the Project would not result in significant unavoidable impacts.
- K. Administrative Record: That pursuant to CEQA Guidelines Section 15091(e), the City shall retain at the Planning and Building Department a copy of all documents upon which these findings are based.

SECTION 2: CONDITIONAL USE PERMIT FINDINGS

The City Council hereby upholds the Planning Commission's approval and findings for approval of a Conditional Use Permit for the Project pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.060, as follows:

1. The proposed use is allowed with Conditional Use Permit or Administrative Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;

The proposed Mission Bell mixed use project, the use of the MSSP development bonus provision, and outdoor dining are allowed with approval of a Conditional Use Permit within the "Core Area/District A" of the MSSP. The MSSP stated objectives for the Core Area are 1) to preserve, renovate and reuse historic resources, and 2) to develop Mission Street as a continuous pedestrian oriented street with a mix of retail and restaurant uses. The MSSP states that District A is intended for development of pedestrian oriented shopping uses along Mission Street with continuous storefronts and multi-family housing uses above and behind storefronts.

Permitted land uses within District A include restaurants, housing units, convenience retail, and convenience services. The project proposes to renovate the existing building located at 1115 Mission Street for ground floor commercial retail and second floor residential uses, construct new ground floor pedestrian oriented commercial retail uses, including areas for outdoor dining along Mission Street and Fairview Avenue, and construct multifamily residential uses above and behind commercial uses. The project proposes to utilize the MSSP "bonus site" provisions applicable to the project site by providing 17 public parking in exchange for the use of the MSSP "bonus site" provisions allowing the project a maximum floor area ratio of 1.5 and a maximum building height of 40 feet with 5 feet of unoccupied roof area. The proposed project complies with the MSSP objectives for a mixed use project and requirements for use of MSSP "bonus site" provisions, and is allowed with a Conditional Use Permit.

The project complies with all applicable development standards and provisions of the MSSP with the exception of the development requirement establishing the minimum lot frontage to be occupied by a building wall. A variance application from the strict application of the MSSP building wall standard is included as part of the project.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

The General Plan land use designation for the project site is MSSP "Core Area/District A." The MSSP objectives for Core Area/District A are to preserve, renovate and reuse historic resources and develop Mission Street as a continuous pedestrian oriented street with a mix of retail and restaurant uses. Development objectives for the area are for ground floor pedestrian oriented shopping uses along Mission Street and multi-family housing uses above and behind storefronts. The Mission Bell mixed use project proposes the renovation and adaptive reuse of the existing building, identified as "6L" on the City's Historic Resources Inventory,

located at 1115 Mission Street for ground floor commercial retail and second floor residential uses. Development of new ground floor pedestrian oriented commercial uses, to include a mix of retail and restaurant uses, including areas for outdoor dining, is proposed along Mission Street and Fairview Avenue with multifamily residential uses located above and behind commercial uses consistent with the General Plan and the MSSP. The project has been designed to accommodate outdoor dining that would promote pedestrian and community interaction consistent with the goals and policies of the of the General Plan and MSSP.

- 3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.**

The proposed Mission Bell mixed use project would not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood. The proposed project will adequately accommodate the functions and activities proposed for the project site because it has been designed to comply with the development standards of the Mission Street Specific Plan. The commercial use proposed for the project site is designed to promote and accommodate pedestrian activity through the provision of pedestrian gathering areas and courtyards accessible from Mission Street and Fairview Avenue. Residential uses proposed for the project site will be served by on-site common area open space and individual private open space areas for each residential unit. No existing, surrounding views will be obstructed with the proposed project, and the proposed project is consistent in mass and scale with the future development envisioned for the surrounding area as described in the MSSP. Adequate access to the project site is provided by existing roadways, and no public improvements to these roadways are required for implementation of the project. Parking adequate to serve the project and bonus parking spaces for public use are provided within a subterranean garage. Access to the parking garage is provided from Fairview Street to minimize traffic impacts on Mission Street. On site security systems will be in place for the proposed parking garage with signage posted indicating 24 hour assistance contact information.

- 4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.**

The proposed Mission Bell mixed use project would not be detrimental or injurious to property and improvements in the neighborhood. The mixed residential and commercial nature of the proposed use is consistent with the surrounding area, which contains a mix of commercial, residential, and institutional uses, with commercial uses primarily occurring at the ground-floor level along Mission Street. All project parking will be provided in a secured subterranean parking garage with on-site security systems in place. The proposed use would not be detrimental or injurious to the general welfare of the City since the project will not generate the need for additional public services and will not require additional public infrastructure to serve the project.

- 5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use.**

The project site is a 31,113 square foot flat site with no topographical constraints and is adequate in size to accommodate the proposed project. Existing primary access to the project site is provided from Mission Street, a General Plan designated minor arterial, with secondary access provided from Fairview Avenue, a designated local street. Both streets are adequate in width and pavement type to carry the quantity and quality of project traffic expected to be generated by the proposed use and no expansion of these streets is required to accommodate the project.

- 6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, impacts on neighboring properties.**

In terms of uses, the mixed residential and commercial nature of the proposed buildings is compatible with the surrounding area, which contains a mix of commercial, residential, and institutional uses. The Project is compatible with the existing streetscape with residential uses above the commercial use, areas for outdoor dining, and storefront facades at the ground level along Mission Street. The existing scale and character of the surrounding neighborhood consists of one and two story commercial buildings along Mission Street, many of which are historic, ground floor storefronts and dining patios facing the sidewalk. The design of proposed new buildings is for two and three story buildings. While larger in height and mass than most of the existing buildings surrounding the project site, they are not out of scale or character for the Mission Street area. The project's architectural style incorporates varying building forms and stepped back building elevations, and utilizes a combination of exterior materials including brick and tile. The building design is consistent with the surrounding area, the scale of the proposed buildings is similar to other existing buildings in the area, and the proposed mixed use nature of the project is consistent with surrounding development in the area. Several three story buildings already exist in the area, including the Golden Oaks apartment building, a mixed use building fronting on Fairview Avenue, the Mission Meridian Village, and a mixed use building at the corner of Mission Street and Fremont Avenue. The proposed façade along Mission Street would be divided into multiple storefront and pedestrian openings, creating a rhythm that is consistent with other existing buildings along Mission Street. No existing, surrounding views will be obstructed with the proposed project, and the proposed project is consistent in mass and scale with the future development envisioned for the surrounding area as described in the MSSP.

The surrounding area includes numerous historic resources. The design of the project would not alter any of the physical characteristics of nearby historic resources. Additionally, the project would not alter the historic context of the surrounding Historic District and other commercial areas fronting Mission Street. The project would maintain the existing two story height of the building within the project, consistent with the historic resources of the adjacent Mission West Historic District that are predominantly two story in height.

SECTION 3: DESIGN REVIEW FINDINGS

The City Council hereby upholds the Planning Commission's approval and findings for approval of a Design Review for the Project pursuant to South Pasadena Municipal Code Section 36.410.040, as follows:

1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);

The proposed project is consistent with the General Plan land use designation of MSSP and is consistent with the design guidelines and design criteria of the MSSP. The project is located within Core Area/District A of the MSSP which is intended to be a pedestrian-oriented shopping area with continuous storefronts along the sidewalks and housing and offices above and behind commercial retail uses. The project is proposed as a mixed use residential and retail commercial development with 36 residential dwelling units located above and behind approximately 7,394 square feet of pedestrian oriented commercial uses fronting Mission Street and Fairmont Avenue.

The building located at 1115 Mission Street, which is part of the mixed use project, is listed on the "City of South Pasadena Inventory of Historic Resources" (Inventory). The rear warehouse portion of the existing building (which, while not historic, contributes to the adjacent Mission West Historic District), is proposed to be partially demolished with the remaining front part of the building restored for adaptive reuse as commercial and residential uses consistent with the "Secretary of Interior Standards for Rehabilitation." The project complies with the requirements of the "Standards for Historic Resources" established in the MSSP.

The project complies with all applicable development standards and provisions of the MSSP with the exception of the development requirement establishing a minimum lot frontage to be occupied by a building wall. A variance application from the strict application of the MSSP building wall standard is included as part of the project.

The design of all new buildings proposed as part of the project is consistent with MSSP Design Guidelines, "Section 8.1 Guidelines for new Buildings in Districts A and B," which require that all new buildings located along street frontages on which Pedestrian Oriented Uses are required or permitted must be storefront buildings and should maintain the scale, proportions, relationship to the sidewalk and materials that are characteristic of storefront buildings in the area. The new buildings within the project conform to recommended building configuration for a two or three story building fronting on Mission Street to have ground floor storefronts with lofts or housing above and subterranean parking. In addition, new buildings are required to incorporate elements of the architectural styles historically found in the area. The design of new buildings in the project includes storefronts along Mission Street and Fairview Avenue which incorporate the architectural elements of other buildings in the area. Exterior materials on new buildings include the use of brick with banding elements consistent with the Vernacular style of the building located on the site (1115 Mission Street) and other buildings within the area. Parking for the project will be subterranean consistent with the MSSP guideline for parking configuration for a building on a corner lot fronting on Mission Street.

New building storefronts are designed consistent with design elements as specified in the MSSP. New storefront design includes the use of a flat roof, a band course near the roof line, a band course on the ground floor, storefront set back from the wall by one brick thickness, transom windows, recessed double doors, pilasters which are expressed to the ground, storefront bulkheads set back from the pilaster, and display windows.

Open space within the proposed project complies with the MSSP Design Guidelines Section 8.6.3 "Outdoor Open Space in Residential or Mixed Use Projects." The proposed central courtyard is 3,099 square feet which exceeds the required minimum of 2,000 square feet and is less than the maximum allowable 4,500 square feet, is rectangular in shape, is enclosed on three sides by buildings and garden structures, and is open to the street via an open 629 square foot pedestrian courtyard connecting to an approximately 20 foot wide courtyard extending to Mission Street. The courtyard will be landscaped with a minimum of 10 trees exceeding the recommended one (1) tree per 1,000 square feet of courtyard. Attractive paving and planters will be installed throughout the central courtyard consistent with recommended paving guidelines.

- 2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;**

The design and layout of this infill development project will adequately accommodate the functions and activities proposed for the project site. The project site consists of 31,113 square feet. The commercial use proposed for the project site is designed to promote and accommodate pedestrian activity through the provision of pedestrian gathering areas, outdoor dining areas, and courtyards accessible from Mission Street and Fairview Avenue. Residential uses proposed for the project site will be served by on site common area open space and individual private open space areas for each residential unit. No existing, surrounding views will be obstructed with the proposed project, and the proposed project is consistent in mass and scale with the future development envisioned for the surrounding area as described in the MSSP. Therefore the project will not unreasonably interfere with the use and enjoyment of neighboring existing or future developments.

Adequate access to the project site is provided by existing roadways and no expansion of these roadways is required for implementation of the project. Adequate parking for the project and bonus parking spaces for public use are provided within a subterranean garage with access provided from Fairview Avenue. Therefore, the project will not create any adverse pedestrian or traffic hazards.

- 3. Is compatible with the existing character of the surrounding neighborhood and all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan;**

The existing character of the surrounding neighborhood consists of one and two story commercial buildings along Mission Street, many of which are historic, ground-floor

storefronts and dining patios facing the sidewalk. The proposed new buildings are two and three story buildings. The three story building will be higher and larger in mass than most of the existing buildings surrounding the project site, however it will not be out of scale or character for the Mission Street area. Several three story buildings already exist in the area, including the Golden Oaks apartment building, a mixed-use building fronting on Fairview Avenue, the Mission Meridian Village and a mixed-use building at the corner of Mission Street and Fremont Avenue. Furthermore, the proposed façade along Mission Street would be divided into multiple storefront and pedestrian openings including areas for outdoor dining, creating a rhythm that is consistent with other existing buildings along Mission Street. The project is consistent with the existing streetscape with commercial uses and facades at the ground level along Mission Street and residential uses above.

In terms of uses, the mixed residential and commercial nature of the proposed buildings is consistent with the surrounding area, which contains a mix of commercial, residential, and institutional uses, with commercial uses primarily occurring at the ground floor level along Mission Street. The project's architectural style incorporates varying building forms and stepped back building elevations, and utilizes a combination of exterior materials including brick and tile. The building design is consistent with the surrounding area, the scale of the proposed buildings is similar to other existing buildings in the area, and the proposed mixed use nature of the project is consistent with surrounding development in the area. The proposed project complies with the General Plan designation for the project site of MSSP. The project is located within "Core Area/District A" of the MSSP which is intended to be a pedestrian-oriented shopping area with continuous storefronts along the sidewalks and housing and offices above and behind commercial retail uses. The project is compatible with the existing character of the surrounding neighborhood and is designed consistent with the development regulations and design guidelines of the MSSP thereby leading to the attractive, harmonious, and orderly development of the site as envisioned by the General Plan.

4. Provides a desirable environment for its occupants and neighbors, and is aesthetically of good composition, colors, materials, and texture, that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.

The project provides a desirable environment for its occupants and neighbors. The project includes ground floor retail commercial uses, including areas for outdoor dining and plazas, serving the project's occupants and neighbors. Pedestrian gathering areas are provided within a public court located at the corner of Mission Street and Fairview Avenue and within a public court located between the rehabilitated historic building and the new buildings accessed from Mission Street. Both courts will be heavily landscaped and will include areas for pedestrians seating and outdoor dining. Residential uses are served by on site common area open space in the form of a central courtyard and paseo courtyard as well as by individual private open space for each dwelling unit in the form of balconies, patios, and terraces.

The project is aesthetically of good composition with a combination of two and three story structures with building massing broken in an aesthetically appealing manner

through the use of varied building forms, a stepped back third story facing streets, awnings, uniform design of windows, and varied exterior building materials. Building color and texture are provided through the use of unpainted brick, varied colored brick banding, tile, stucco, horizontal siding. The proposed exterior materials are long lasting and have reasonable upkeep and maintenance requirements.

SECTION 4: VARIANCE FINDINGS

The City Council hereby upholds the Planning Commission's approval and findings for approval of a Variance for the Project pursuant to South Pasadena Municipal Code Section 36.410.080, as follows:

- 1. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district, or creates an unnecessary and involuntarily created hardship, or unreasonable regulation which makes it impractical to require compliance with the development standards.**

The project is subject to the development standards established in the MSSP which include a requirement for a new mixed use building wall to front a minimum of 95% of the lot. The subject property is constrained by special circumstances so that the strict application of this development standard would create an involuntarily created hardship and an unreasonable regulation making it impractical to require compliance of the project. The subject site is constrained by the location of the existing building (1115 Mission Street) which is listed on the City's "Inventory of Historic Resources" as 6L, and although not eligible for local listing or designation, may be considered contributing to the adjacent Mission West Historic District, and is therefore given special consideration in the planning process. An existing 10 foot setback adjacent to the historic building to the east represents an additional site constraint.

The project proposes to rehabilitate the existing contributing building for adaptive reuse as ground floor retail commercial and second floor residential uses. The MSSP requires that the renovation adhere to the "Secretary of the Interior Standards for Rehabilitation (Standards)." One of the Standards is a requirement that adjacent or related new construction be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. This standard necessitates providing a building separation between the contributing structure and new adjacent mixed use buildings.

The total lot frontage of the project site along Mission Street is approximately 200 linear feet. The contributing building and adjacent 10 foot wide setback occupy approximately 50 linear feet of frontage leaving approximately 150 feet of frontage for the new mixed use building. The strict application of the MSSP development standard would require the mixed use building wall to occupy 143 feet of the remaining 150 feet of frontage resulting in a building separation of only 7 feet between the new building and the existing contributing building. A building separation of 7 feet would create an unusable and difficult to maintain space. The project proposes the building wall to front approximately 130 linear feet of Mission Street, or approximately 87% of the lot

frontage. The proposal results in a 19'7" building separation between the new building and the contributing building which would be improved as a landscaped pedestrian court allowing access from Mission Street to the interior of the project and which could be adequately maintained.

2. Granting the Variance would:

a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district, and denied to the subject property owner;

Granting the Variance would be necessary to ensure the property owner enjoys substantial property rights possessed by other property owners in the vicinity within the MSSP. Other property owners within the MSSP whose properties are not similarly constrained by existing historic buildings may enjoy the full property rights without the need for a variance from development requirements of mixed use projects within the MSSP. Granting the Variance allows the subject property owner the same property rights enjoyed by other property owners to develop the property to the fullest consistent with the zoning for the property.

b. Be consistent with the General Plan and any applicable specific plan, and the limitations established by the 1983 initiative;

Granting of the Variance would be consistent with the General Plan land use designation and zoning for the subject property of MSSP. The project is consistent with the MSSP requirement that the subject property be developed as a pedestrian oriented shopping area with continuous storefronts along the sidewalks and housing and offices above and behind commercial retail uses and complies with all development standards and design guidelines established in the MSSP. The project also complies with the MSSP requirement that the project adhere to the Secretary of the Interior's Standards for Rehabilitation of the existing building listed on the City's Inventory or Historic Resources as 6L. Building height for the proposed project will not exceed 45 feet therefore granting of the Variance would be consistent with the limitations established by the 1983 initiative.

c. Not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

Granting of the Variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district. The subject property would be subject to the same development requirements, standards and guidelines as would other properties within the MSSP. Granting of the Variance would allow the development of a project designed to be consistent with the existing character of the surrounding neighborhood which consists of one and two story commercial buildings along Mission Street, many of which are historic, ground floor storefronts and dining patios facing the sidewalk. The proposed new buildings are two and three story buildings. Several three-story buildings already exist in the area, including the Golden Oaks apartment building, a mixed-use building fronting on Fairview Avenue, the Mission Meridian Village, and a mixed-use building at the corner of Mission Street and Fremont Avenue.

- d. Not be materially detrimental to the public convenience, health, interest, safety, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.**

Granting of the Variance to reduce the required amount of lot frontage the building wall must occupy along Mission Street will not be materially detrimental to the public convenience, health, interest, safety and or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district. The strict application of the zoning requirement for building wall frontage would result in a 7 foot wide building separation between the existing building and the new mixed use building creating an unusable and difficult to maintain space for security purposes. The granting of the Variance will allow for a better design providing a suitable building separation of over 19 feet between an existing structure and the new building which can be used as a pedestrian open space area and dining area. Public use of the space helps to promote public safety and welfare within the space and “eyes on the street” both from within and from the street to the interior of the space.

- 3. The proposed project would be compatible with the existing aesthetics, character, and scale of the surrounding neighborhood, and considers impacts on neighboring properties.**

The existing aesthetics, character, and scale of the surrounding neighborhood consists of one and two story commercial buildings along Mission Street, many of which are historic, ground floor storefronts and dining patios facing the sidewalk. While proposed new buildings are two and three story buildings, higher in height, and larger in mass than most of the surrounding existing buildings, they are not out of scale or character for the Mission Street area. Several three-story buildings already exist in the area, including the Golden Oaks apartment building, a mixed-use building fronting on Fairview Avenue, the Mission Meridian Village, and a mixed-use building at the corner of Mission Street and Fremont Avenue. Furthermore, the proposed façade along Mission Street would be divided into multiple storefront and pedestrian openings, creating a rhythm that is consistent with other existing buildings along Mission Street.

In terms of uses, the mixed residential and commercial nature of the proposed buildings is consistent with the surrounding area, which contains a mix of commercial, residential, and institutional uses, with commercial uses primarily occurring at the ground floor level along Mission Street. The project is compatible with the existing neighboring properties with commercial uses and facades at the ground level along Mission Street and residential uses located above and behind commercial uses. Furthermore, the proposed façade along Mission Street would be divided into multiple storefront and pedestrian openings including areas for outdoor dining, creating a rhythm that is consistent with other existing buildings along Mission Street.

SECTION 5: VESTING TENTATIVE PARCEL MAP FINDINGS

The City Council hereby upholds the Planning Commission's approval and findings for approval of a Vesting Tentative Parcel Map for the Project pursuant to South Pasadena Municipal Code Section 36.510.070, as follows:

- 1. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan, and that none of the findings for denial in Subsection C. can be made.**

The proposed subdivision merging two parcels into one parcel for development of a cohesive mixed use project promotes the goals and policies of the General Plan Economic Development Element with the stated goal of promoting mixed use development to encourage innovative development taking advantage of the City's character and access to transit. The General Plan recognizes that combining different land uses generates economic benefits from the synergy that occurs with proximity of complementary uses. The General Plan specifies that such mixing of uses should be considered particularly in proximity to transit stations, and in other areas where higher density development is desirable.

The design of the project is also consistent with the design criteria of the MSSP designation of "Core Area/District A" for the project site intended to be a pedestrian-oriented shopping area with continuous storefronts along the sidewalks and housing and offices above and behind commercial retail uses. The project is proposed as a mixed use residential and retail commercial development with 36 residential dwelling units located above and behind approximately 7,394 square feet of pedestrian oriented commercial uses fronting Mission Street and Fairview Avenue. The building located at 1115 Mission Street, which is part of this mixed use project, is listed on the "City of South Pasadena Inventory of Historic Resources" (Inventory) as 6L. Although the building is not itself eligible for local listing or designation, it may be a contributing resource to the adjacent Mission West Historic District and therefore was given special consideration during the planning process. The rear of the existing contributing building is proposed to be partially demolished with the remaining front part of the building restored for adaptive reuse as commercial and residential uses consistent with the Secretary of Interior Standards for rehabilitation and in compliance with the requirements of the "Standards for Historic Resources" established in the MSSP.

The design of all new buildings proposed as part of the Project is consistent with MSSP Design Guidelines, "Section 8.1 Guidelines for new Buildings in Districts A and B." These design guidelines require all new buildings located along street frontages on which Pedestrian Oriented Uses are required or permitted must be storefront buildings and should maintain the scale, proportions, relationship to the sidewalk and materials that are characteristic of storefront buildings in the area. The proposed new buildings conform to recommended building configuration for a two or three story building fronting on Mission Street to have ground floor storefronts with lofts or housing above and subterranean parking. In addition new buildings are required to incorporate elements of the architectural styles historically found in the area. The design of new buildings in the project includes storefronts fronting Mission Street and Fairview Avenue which incorporate the architectural elements of other buildings in the area.

Exterior materials on new buildings include the use of brick with banding elements consistent with the Vernacular style of the contributing building located at 1115 Mission Street. Parking for the project will be subterranean consistent with the MSSP guideline for parking configuration for a building on a corner lot fronting on Mission Street. New building storefronts include the design elements as specified in the MSSP for storefronts including use of a flat roof, band course near the roof line, band course on the ground floor, a storefront by set back from the wall by one brick thickness, transom windows, recessed double doors, pilasters which are expressed to the ground, storefront bulkheads set back from the pilaster, and display windows. Open space within the proposed project complies with the MSSP Design Guidelines Section 8.6.3 "Outdoor Open Space in Residential or Mixed Use Projects." The proposed central courtyard is 3,099 square feet which exceeds the required 2,000 square foot minimum size but is less than the maximum allowed 4,500 square feet, rectangular in shape, is enclosed on three sides by buildings and garden structures, and is open to the street via an open pedestrian courtyard approximately 20 feet wide extending to Mission Street. The courtyard will be landscaped with a minimum of 10 trees exceeding the recommended 1 tree per 1,000 square feet of courtyard. Attractive paving and planters will be installed throughout the central courtyard consistent with recommended paving guidelines.

The subdivision design is consistent with the General Plan and does not meet any of the findings for denial in Subsection C.

2. **Supplemental findings. In addition to the findings required for approval of a Tentative Map by Subsection A. above, the Commission shall not approve a Tentative Map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.**
 - a. **Construction of improvements. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map, where road improvements are required.**
 - b. **Condominiums. Any applicable findings required by Section 36.530.020 for condominium conversions.**
 - c. **Dedications or exactions. Findings documenting the need for dedications or exactions, if dedications or exactions are required.**
 - d. **Waiver of Parcel Map. The findings required by Section 36.520.030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.**

The supplemental findings are not applicable to the project. Existing primary access to the project site is provided from Mission Street, a General Plan designated minor arterial, with secondary access provided from Fairview Avenue, a designated local street. Both streets are adequate in width and pavement type to carry the quantity and quality of project traffic expected to be generated by the proposed use. No expansion of these streets is required to accommodate the project. Thus, the project does not

require construction of road improvements and no dedications or exactions are required as part of the project.

In addition, the project is not a condominium conversion project. A waiver of a Parcel Map has not been requested with the Tentative Map Application for the project.

SECTION 6: CERTIFICATE OF APPROPRIATENESS FINDINGS

The City Council hereby upholds the Planning Commission's approval and findings that the proposed project is consistent with all mandatory findings and three project specific findings to approve the Certificate of Appropriateness of the project pursuant to SPMC Article 4H, Chapter 2, as follows:

Mandatory Findings.

1. The project is consistent with the goals and policies of the General Plan.

The project is consistent with the General Plan because it would implement the MSSP goal for the Core Area to encourage development of pedestrian oriented shopping. The project would provide new retail commercial uses fronting Mission Street in a pedestrian friendly setting with open gathering places, outdoor dining areas, and paseos. The project would be consistent with the historic character of the Mission West Historic District which is located at the center of the Core Area.

2. The project is consistent with the goals and policies of Article IVH – Cultural Heritage Ordinance – of Chapter 2 of the South Pasadena Municipal Code.

The project is consistent with and implements the goals and policies of the Cultural Heritage Ordinance by perpetuating the use of a cultural resource through rehabilitation and adaptive reuse of the contributing resource located on the project site (1115 Mission Street) adjacent to the Mission West Historic District. The existing contributing resource would be used as a mixed use building while preserving the architectural and aesthetic features of the resource consistent with the Secretary of Interior's Standards.

3. The project is consistent with the applicable criteria identified in Section 2.65(e)(8) which the Commission applies to Alterations, Demolitions, and relocation requests.

The demolition and renovations proposed for the project are consistent with the Secretary of Interior Standards for rehabilitation. A historic report and impact analysis of the proposed project was prepared and peer reviewed by the City which found that direct impacts to the project site and indirect impacts to the surrounding historic district as a result of the project would be less than significant.

Project-Specific Findings

1. The project removes inappropriate alterations of the past

The project proposes to replace non original windows on the first and second floors of the primary façade facing Mission Street with period appropriate style windows

consisting of wood trim and treatment to convey its historic and architectural value. Additional period appropriate improvements would be made to the building including the addition of four windows to the west façade and the addition of a solid door to replace a non-original window on the east façade. The south façade would be altered with the removal of the existing shed structure and the construction of a new wall with a physical separation of the building from the new residential building. New windows proposed for the west elevation would be the same style and material as the windows proposed for the second story of the front elevation. Addition of brick headers are also proposed above the new windows and doors to be consistent with the existing brick headers on the east elevation.

2. The project is appropriate to the size, massing, and design context of the historic neighborhood

The surrounding area includes numerous historic resources. Construction and operation of the project would not alter any of the physical characteristics of nearby historic resources. Additionally, construction and operation of the project would not alter the historic context of the surrounding historic district and other commercial areas fronting Mission Street. The project would maintain the existing two story height consistent with the historic resources of the surrounding historic district that are predominantly two story in height. The design of the new construction features differing material and color finishes. The massing of the building would remain unchanged. The project is appropriate to the size, massing and design context of the surrounding historic neighborhood.

3. The project is consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties, and is therefore exempt from CEQA under Class 31, which applies to “projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings (1995), Weeks and Grimmer.” (CEQA Guideline [Cal. Code Regs. Title 14] § 15331)

The Project includes the rehabilitation of a cultural resource consistent with the Secretary of the Interior Standards as described in the following table, “Consistency with Secretary of Interior Standards.”

Consistency with Secretary of the Interior Standards	
Standard	Consistency Determination
Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships	Consistent. The property would be redeveloped as a commercial and residential mixed use building and would retain the commercial façade along Mission Street. New period appropriate exterior renovations to the side and rear of the building would be constructed.
Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials of alteration of features, spaces, and spatial relationships that characterize a property will be avoided.	Consistent. Although the property is not eligible for designation as a local landmark or inclusion in a historic district, the Project proposes to retain some of the building's original features. These features include: the glazed brick on the front façade and refurbishment of the glazed brick on the side building elevations to the original unfinished brick; the decorative brick course between the first and second stories; recessed sign area; the cornice; frieze; and angled window sills. The distinctive materials and features of the store front would be retained. A new structure would be constructed at the rear which would be architecturally consistent with the character of the retained front portion of the building.
Standard 3: Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.	Consistent. As described in Standard 2, the overall design does not create a false sense of historical development and does not incorporate conjectural features from other historic properties into the development.
Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.	Consistent. There have been no changes to the subject property that have acquired historic significance in their own right.
Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.	Consistent. Although the property is not eligible for designation as a local landmark or inclusion in a historic district, the Project proposes to retain some of the building's original features such as the enameled brick of the main façade, the decorative brick course between the first and second stories, the recessed sign area, the cornice, frieze, and angled window sills.
Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.	Consistent. The first and second-story windows are not original to the building and are deteriorated beyond repair. These windows would be replaced with period-appropriate style windows.
Standard 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.	Consistent. No chemical or physical treatments are proposed.
Standard 8: Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.	Consistent. No archeological resources are known to exist on the site.

<p>Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property, the new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.</p>	<p>Consistent. The proposed new construction would be differentiated from the existing portion of the building fronting Mission Street. The new building proposed for construction at the rear is a two story residential building designed at a scale and mass similar to the existing being retained and renovated.</p>
<p>Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.</p>	<p>Consistent. The Project would remove the single story warehouse from the rear façade and a new two story residential structure would be constructed to the rear of the building with a physical separation between the two. The new construction, if removed at some later time, would not impair the essential form and integrity of the retained portion of the building fronting Mission Street</p>

SECTION 7: RECORD OF PROCEEDING

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission’s decision is based, which include, but are not limited to, the environmental documents, staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Planning and Building Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

SECTION 8. DETERMINATION

For the following reasons and based on the information included in the Staff Report, Minutes and other record of proceeding, the City Council has reviewed the project on Appeal, and hereby denies the Appeal and upholds the Planning Commission’s Decision of Approval on February 11, 2020 for the proposed Mission Bell Mixed Use Project located at 1101, 1105, 1107, and 1115 Mission Street, Project No. 2034-DRX/CUP/COA/VTPM/VAR. Based on the findings outline in this Resolution, the City Council of the City of South Pasadena hereby takes the following actions:

- A. Certify the Environmental Impact Report (SCH No. 2019011007) for the Mission Bell Mixed-Use Project (Project No. 2034-CUP/DRX/COA/VTPM/VAR), incorporated herein by reference; and
 - 1. Adopt a Mitigation Monitoring and Reporting Program included as Table 4.0-1 in the Final EIR for the Project; and
 - 2. Direct staff to file a Notice of Determination with the Los Angeles County Clerk; and
- B. Approve the following applications, subject to conditions of approval attached hereto as Exhibit “A”:
 - 1. Conditional Use Permit for the mixed use development including outdoor dining in two designated courts and use of the development bonus provision of the Mission Street Specific Plan; and

2. Design Review Permit for the proposed mixed use development; and
3. Certificate of Appropriateness for a partial demolition of the rear portion of a warehouse and restoration of the remaining front portion of an existing contributing structure; and
4. Variance from the Mission Street Specific Plan development requirement for a minimum percentage of lot frontage to be occupied by a building wall; and
5. Vesting Tentative Parcel Map to create a one lot subdivision for condominium purposes from two existing lots.

SECTION 9. CERTIFICATION OF THE RESOLUTION

The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED, APPROVED AND ADOPTED ON this 20th day of May 2020.

Robert Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 20th day of May, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

Exhibit “A”

Conditions of Approval

Exhibit “B”
Environmental Impact Report
For Mission Bell Mixed-Use Project

View on Webpage here:

<https://www.southpasadenaca.gov/government/departments/planning-and-building/planning-division/mission-bell-mixed-use-project-draft-eir>

EXHIBIT “A”
CONDITIONS OF APPROVAL
& DEVELOPMENT REQUIREMENTS
PROJECT NO. 2311- Appeal of Planning Commission’s Approval of
Mission Bell Mixed-Use Project (Project No. 2034-CUP/COA/DRX/VTPM/VAR)
1101, 1105, 1107, and 1115 Mission Street

CONDITIONS OF APPROVAL

PLANNING DIVISION:

General Conditions

- P-1. On May 20, 2020, the City Council denied the appeal and upheld the Planning Commission's approval of Mission Bell Mixed-Use Project. Therefore, the following approvals are granted for the land and land use as described in the application and any attachments thereto, as shown on the development plans submitted to and approved by the Planning Commission on February 11, 2020:
1. **Conditional Use Permit** for the proposed mixed use development, including outdoor dining in two designated courts, and use of the development bonus provision of the Mission Street Specific Plan;
 2. **Design Review Permit** for the proposed mixed use development;
 3. **Certificate of Appropriateness** for a partial demolition of the rear portion of a warehouse and restoration of the remaining front portion of an existing historic structure
 4. **Variance** from the Mission Street Specific Plan development requirement for a minimum percentage of lot frontage to be occupied by a building wall; and
 5. **Vesting Tentative Parcel Map No. 78267** to create a one lot subdivision for condominium purposes from two existing lots.
- P-2. This Conditional Use Permit, Certificate of Appropriateness, Design Review, and Variance and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission unless otherwise conditioned and/or unless action is taken to secure Building Permits and maintain active Building Permits with the Building Division beginning with the submittal of the plans for Plan Check review.
- P-3. This Vesting Tentative Parcel Map No. 78267 and all rights hereunder shall terminate 24 months of the effective date of the approval by the Planning Commission unless action is taken to secure a final Parcel Map, and related bonds and improvement agreements, have been filed with the City Engineer in compliance with South Pasadena Municipal Code Division 36.520 (Parcel Maps and Final Maps); or an extension of time has been granted in compliance with South Pasadena Municipal Code Section 36.510.150.
- P-4. Approval by the Planning Commission does not constitute a building permit or authorization to begin any construction. All appropriate permits issued by the South Pasadena Public Works Department and Building Division must be obtained prior to construction, enlargement, relocation, conversion or demolition of any building or structure on any of the properties involved with the Conditional Use Permit, Design Review, Certificate of Appropriateness, Variance, and Vesting Tentative Parcel Map.

- P-5. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-6. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining any occupancy inspection clearance and/or prior to obtaining any occupancy clearance.
- P-7. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or City Planning Commission concerning this use.
- P-8. Sale of alcohol for on-site consumption, including service to outdoor dining areas shall require a separate approval pursuant to the South Pasadena Municipal Code.
- P-9. Prior to operation of any outdoor dining area, the applicant shall provide the following information to the Community Development Director for review and approval:
- a. A detailed site plan and elevations showing the boundary, pedestrian access, and railing design for the outdoor dining area for each tenant.
 - b. A statement of operation that includes, but not limited to, hours of operation and any proposed amplified sound in the outdoor dining area. Any amplified sound equipment installed in the outdoor dining area shall be approved and registered in compliance with the South Pasadena Municipal Code Sections 19A.17 and 19A.18.
- P-10. If subsurface artifacts are unearthed during construction activities, the Applicant shall comply with California Public Resources Code (PRC) Section 21083.2, which specifies the protocol to be followed should cultural resources be discovered during excavation, grading, or construction activities. Should that process determine that any artifacts found are tribal in origin, ground-disturbance activity shall cease, and the City shall notify the tribes known to be affiliated with the Project area to initiate development of a tribal cultural resource (TCR) monitoring plan. Construction of the proposed Project shall adhere to California Health and Safety Code Section 7050.5, which states that if human remains are encountered, no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Los Angeles County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.
- P-11. The construction site and the surrounding area shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess may include, but is not limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete, asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
- P-12. The hours of construction shall be limited to 8:00 am through 7:00 pm Monday through Friday; 9:00 am through 7:00 pm on Saturday; and 10:00 am through 6:00 pm on Sunday.

- P-13. The clearing, grading, earth moving, or excavation operations that cause excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures:
- a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferable in the late morning and after work is done for the day;
 - b. All material transported on-site or off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - c. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and
 - d. Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.

Prior to Issuance of Grading Permit

- P-14. Prior to issuance of any grading or building permit, the applicant shall submit a construction management plan for approval by the Building, Planning, and Public Works Departments. The construction management plan shall include, but not be limited to:
- a. A proposed haul route and location of a proposed off-site construction staging area where project construction workers and/or subcontractors will park and equipment will be stored. Any construction activity that may require closing public roadways shall be identified and mitigation identified as part of the staging plan. The applicant shall obtain input from Public Works to identify haul route and staging area.
 - b. A plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.
 - c. A traffic control plan for the duration of the construction prepared by a licensed civil engineer for approval by the City Engineer. The applicant shall notify businesses and residents impacted by any parking restrictions during construction. The applicant shall pay for City's consulting traffic engineer to review all traffic control plans.
 - d. The construction management plan shall demonstrate compliance with Mitigation Measure No. NOI-1 below.

Prior to issuance of grading permits the applicant shall submit a construction management plan for approval by the City specifying that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state-required noise-attenuation devices; identifying the maximum distance between construction equipment staging areas and occupied residential areas; and requiring the use of electric air compressors and similar power tools. Temporary noise barriers can reduce noise level at a minimum of 10 dBA, depending on the performance standard of achieving noise-level reductions. Optimal muffler systems for all equipment and the break in line of sight to a sensitive receptor would reduce construction noise

levels by approximately 10 dB or more.¹ Limiting the number of noise-generating, heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, rollers, etc.) simultaneously used on the Project site within 50 feet of off-site noise-sensitive receptors surrounding the site to no more than one or two pieces of heavy-duty, off-road equipment would further reduce construction noise levels by approximately 10 dBA. A sign, legible at a distance of 50 feet, shall be posted at the Project construction site providing a contact name and a telephone number where residents can inquire about the construction process and register complaints. This sign shall indicate the dates and duration of construction activities. In conjunction with this required posting, a noise disturbance coordinator shall be identified to address construction noise concerns received. The contact name and the telephone number for the noise disturbance coordinator shall be posted on the sign. The coordinator shall be responsible for responding to any local complaints about construction noise and shall notify the City to determine the cause and implement reasonable measures to the complaint, as deemed acceptable by the City. (*MM-NOI-1: Noise Reduction Techniques*)

Prior to issuance of Building Permits

- P-15. Prior to issuance of building permits, the applicant shall provide photographs to Planning, Building, and Public Works Departments illustrating that proper construction fencing is installed and signs describing construction contact information are posted at the construction site.
- P-16. Prior to issuance of building permits, the applicant shall submit project construction drawings to be reviewed and stamped by a certified Architect, meeting the Secretary of Interior Specifications, hired by the City, ensuring that the project construction plans comply with the Secretary of the Interior Standards for Rehabilitation. The stamped plans by the Architectural Historian shall receive approval by the Chair of the Cultural Heritage Commission. The Architectural Historian hired by the City shall be paid for by the applicant.
- P-17. Prior to issuance of building permits, the applicant shall submit final landscape and irrigation plans showing compliance with state law and the City's Water Efficient Landscape Ordinance (SPMC Section 35.50), for approval by the Community Development Director. Special consideration shall be given to the "green roofs." All above ground irrigation equipment shall be shown on the landscape plans and shall be screened from public view.
- P-18. Prior to issuance of building permits, the applicant shall submit an outdoor lighting plan showing compliance with Section 36.300.900 of the Zoning Code for review and approval by the Community Development Director.
- P-19. Prior to issuance of building permits, the applicant shall receive approval from the Public Art Commission for either the installation of public art at the project site or payment of the required fee pursuant to South Pasadena Municipal Code Section 36.395. A copy of the approval shall be submitted with plan check plans.
- P-20. Prior to issuance of building permits, the applicant shall provide construction drawings showing the installation of on-site security system in the parking garage with signage posted indicating 24-hour assistance contact information.

- P-21. Prior to issuance of building permits, the applicant shall provide construction drawings showing the location of a minimum of 17 parking spaces reserved for public use. A signage design for posting at these public parking spaces shall be providing in the construction drawing.
- P-22. Prior to issuance of building permits the applicant shall provide construction drawings for review and approval showing the location and design of bicycle spaces for the project in accordance with the requirements of South Pasadena Municipal Code Section 36.310.100, "Bicycle Parking." Bicycle spaces shall be provided at a ratio equal to 10 percent of required residential vehicle parking spaces and 5 percent of required commercial vehicle parking spaces. Bicycle spaces shall be located near the entrances of the commercial units, and be visible for users.
- P-23. Prior to issuance of building permits the applicant shall provide construction drawings showing the installation of tree grates for all street trees in the public right of way adjacent to the project site. Tree grates shall be of either metal or cast iron construction and approved by the City prior to installation.
- P-24. Prior to issuance of any building permits, the applicant shall pay for all applicable City development impact fees, and all other public agency fees including plan review and permit fees.
- P-25. Prior to issuance of building permits, the applicant shall submit a color and materials sample board for review and approval by the Chair of the Planning Commission or his/her designee.

Prior to Final Inspection

- P-26. Prior to final inspection, the applicant shall install all landscaping and irrigation per the approved final landscape plans pursuant to the City's Water Efficient Landscape Ordinance (SPMC Section 35.50). The applicant shall documentations as required under SPMC Section 35.50, which shall include, but not limited to the following:
 - a. A Certification of Completion certifying the landscape and irrigation have been installed per the approved final landscape plan and complies with the City Water Efficient Landscape Ordinance.
 - b. A Landscape Irrigation Audit Report from a certified landscape irrigation auditor shall be submitted to the City. The landscape irrigation audit shall not be conducted by the person who designed the landscape or installed the landscape irrigation.
- P-27. Prior to final inspection, the applicant shall provide photographs of the following:
 - a. The locations of all on-site security system in the parking garage with signage posted indicating 24-hour assistance contact information.
 - b. The location of 17 parking spaces reserved for public use with signage posted indicating public parking spaces.
- P-28. Prior to final inspection, the applicant shall submit a Master Sign Plan for review and approval pursuant to Section 36.320 of the Zoning Code.

- P-29. Prior to final inspection, the applicant shall enter into an agreement with the City to pay for preparation of a traffic study to evaluate the project traffic patterns and any traffic impacts the project may have on circulation along Fairview Avenue and the intersection of Fairview Avenue and Mission Street, if determined necessary by the Chair of the Planning Commission and the Chair of the Mobility and Transportation Commission. The determination shall be performed within one year of the final inspection and approval.

Prior to Final Map Approval

- P-30. Prior to final map approval, the applicant shall record a covenant or other instrument acceptable to the City that runs with the land specifying the following:
- a. All common open space areas, both residential and commercial, including all courts, paseos, pedestrian access, all private water, drainage, and sewer, facilities; storm water treatment devices, landscaping within designated landscape areas (including irrigation system), and community mailboxes, etc. shall be maintained in perpetuity by a designated entity.
 - b. The open space area between the historic building and the new building along Mission Street shall be made available for public use and no gate or other method of restrictions shall be installed to prohibit public use of this space.
 - c. All parking spaces designated for public use shall be maintained for public parking in perpetuity by a designated entity.
 - d. All parking garage gates and signage shall be maintained and any modifications to the parking garage gate and signage shall be subject to review and approval by the City.
 - e. The public and private areas of the parking garage (including paving and striping), ventilation mechanisms, fire protection, security systems, electric vehicle charging mechanisms, gates, all signage, exterior lightings, lightings in parking garage, and building facades shall be maintained by appropriate entities in perpetuity.

PUBLIC WORKS DEPARTMENT

General Conditions

- PW-1. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review, investigation, and or plan check of the public improvement plans. The applicant shall deposit funds into an approved project account from which the City shall draw funds to pay for said professional services.
- PW-2. The applicant shall contact the City Water Division to coordinate size, location, and associated fee for a new water meter connection as applicable. Please contact Water Operation Manager at (626) 460-6393 for additional information.
- PW-3. No storage or occupation of construction materials, equipment, or vehicles shall be permitted within the public right-of-way.
- PW-4. Street or lane closures are only allowed between 9:00 am and 2:00 pm. Whenever there will be a street closure exceeding 30 minutes in duration, the applicant shall provide written notification about the street closure to all impacted businesses and residents at least 48 hours

prior to the street closure. An encroachment permit shall be obtained from the Public Works Department prior to any street closure.

- PW-5. Prior to commencement of construction activities the applicant shall post "Temporary No Parking" signs along the entire length of the property prior to start of any construction. The temporary no parking signs will be covered at the end of every working day and uncovered at the start of the following working day prior to any construction activity. If two-way traffic cannot be accommodated the use of flagmen and/or detouring shall be implemented. The applicant shall obtain encroachment permits from the Public Works Department prior to the installation of any signs.

Prior to Grading Permits

- PW-6. Prior to issuance of grading permit, the Applicant shall obtain the necessary approvals for the removal/relocation of poles/lines and related infrastructure. Copies of correspondence and/or approvals shall be submitted to Planning and Building, and the Public Works Departments with plan check plans.
- PW-7. Prior to issuance of grading permit the applicant shall provide a labor and materials bond and a performance bond based on 1½ times the estimated value of the proposed improvements in the public right-of-way. The applicant's civil engineer shall prepare the construction cost estimate.
- PW-8. Prior to issuance of grading permits, engineering plans shall be submitted for approval by the Public Works Department indicating the location and area of trench sections for all proposed sewer and water lines connection within the public right of way.
- PW-9. Prior to issuance of a grading permit, the applicant shall perform a video inspection of the existing sewer lateral to identify any obstructions and remove any obstructions observed. A copy of the inspection video of the cleared pipe shall be submitted to Public Works for review.
- PW-10. Prior to issuance of a grading permit, a sewer study shall be submitted to Public Works by the applicant to the satisfaction of the City Engineer that the proposed sewer outlet on Mission Street or Fairview Avenue has adequate capacity for the proposed sewage flow.
- PW-11. Prior to issuance of a grading permit, the applicant shall submit improvement plans to the Department of Public Works to include, but not be limited to the following information:
- a. The location of all existing utilities on street(s) adjacent to the project site, as well as the location and size of all existing or proposed services serving the project site. All utility points of connection (POC) shall be shown on the plans. Plans shall indicate that all proposed sewer lateral pipes within the public right of way shall be 6" diameter VCP.
 - b. A list of all utility agencies and their contact phone numbers.
 - c. Applicant replacement of existing parking signage and posts adjacent to project site with new signs which meet current California Municipal Uniform Traffic Control Devices reflectivity standards and the City's sign post standard. New signage and installation locations shall be reviewed and approved by the Director of Public Works.
 - d. Street plans showing all existing conditions within public rights-of-ways, curb/gutter, driveway, existing features, trees, dimensions,

- e. Proposed improvements to Mission Street and Fairview Avenue.
 - f. The method for protecting existing trees within the public right of way during project construction.
 - g. Replacement by the applicant of all curb and gutter, sidewalk, brick pavers, and driveway along Mission Street and Fairview Avenue fronting the project site to the satisfaction of the City Engineer per South Pasadena Municipal Code (SPMC) Section 31.54. Final plans for the proposed new driveway approach for the project shall be designed as a commercial driveway and shall accommodate an ADA sidewalk per City standards.
 - h. Installation by the applicant of two new street light standards and underground electrical power per City standards for lighting of building entries on Mission Street and on Fairview Avenue. Locations of street lights and underground electrical lines shall be included on the improvement plans.
 - i. The location of a minimum five (5) foot easement to be provided at the sidewalk to accommodate an ADA access ramp landing area for the existing ramp located at the southeast corner of Mission Street and Fairview Avenue.
 - j. Reconstruction by the applicant of the existing driveway will be removed at the southeast corner of Mission Street and Fairview with brick pavers to match the surrounding existing paving and a painted red curb to the satisfaction of the City Engineer per SPMC Section 31.54.
 - k. Applicant removal of the existing red curb, striping of (2) new street parking spaces, and restriping remaining existing on street parking spaces to the satisfaction of the City Engineer per SPMC Section 31.54.
 - l. The elevation of hydraulic grade line (HGL) of the proposed storm drain.
 - m. The appropriate size of water meters as required for the installation of a fire sprinkler system for the project.
 - n. The location of a water backflow preventer and point of connection (POC).
- PW-12. Prior to issuance of a grading permit, the applicant shall submit a construction schedule for each stage of major construction activities and the timing of special access necessary as it relates to site staging and traffic and access. Any changes to the construction schedule shall be submitted schedule to the Public Works Department.
- PW-13. Prior to issuance of a grading permit, the applicant shall obtain oversize/overload permits for the stages of construction involving actives such as but not limited to, grubbing, grading, drilling for piles and/or caissons, trenching for footings, excavating for retaining wall, core soil sampling,
- PW-14. Prior to issuance of a grading permit, the applicant shall obtain a dumpster permit from the Public Works Department. During project construction temporary bins (low boy) shall be provided and shall be "roll off" style provided by Athens. Dumpsters placed on the roadway shall require a protective barrier underneath (such as plywood) to protect the pavement.

Prior to Building Permits

- PW-15. Prior to issuance of any building permits, the applicant shall submit a traffic corner sight distance study for approval by the City Engineer prepared by a licensed civil engineer for vehicular ingress and egress to the proposed driveway on Fairview Avenue and a corner sight distance study for the southeast corner of Mission Street and Fairview Avenue.

- PW-16. Prior to issuance of any building permits, the Applicant shall obtain the necessary approvals and submit evidence of each approval to the Planning and Building Divisions and Public Works Department of the following:
 - a. The removal/relocation of poles/lines and related infrastructure. Copies of correspondence and/or approvals shall be submitted to Planning and Building and the Public Works Departments with plan check plans.

 - b. Approval from the Los Angeles County Flood Control District (District) for connection of any storm drain to the District's system.

 - c. Approval from Los Angeles County Sanitation District letter of approval/fee receipt for sewer connection fee.

- PW-17. Prior to issuance of any building permits, the applicant shall pay City sewer and/or water connection charges per Resolution 7390.

- PW-18. Prior to issuance of any building permits, the applicant shall submit copies of current Title reports to the Public Works Department.

- PW-19. Prior to issuance of any building permits, of a food service establishment, the applicant shall obtain Fat, Oil, and Grease (FOG) wastewater discharge permit for the proposed food service establishment per SPMC Chapter 30 Article II. The FOG permit application is available at the Public Works Department. The applicant shall provide the City with a copy of the approval by the County of Los Angeles Public Health for the installation of grease interceptors for food service establishments within the project. Project construction plans shall include the location of a grease interceptor.

Prior to Final Inspection

- PW-20. Prior to final inspection, the applicant shall replace all curb and gutter, sidewalk, brick pavers, and driveway along Mission Street and Fairview Avenue fronting the project site to the satisfaction of the City Engineer and restripe existing street parking spaces, stripe (2) new street parking spaces and repaint the red curb on Fairview Avenue, per the approved improvement plans.

- PW-21. Prior to final inspection, the applicant shall install all new street signage per the approved improvement plans.

- PW-22. Prior to final inspection, the applicant shall install two new street light standards and underground electrical power per City standards for lighting of building entries on Mission Street and on Fairview Avenue per the approved improvement plans.

- PW-23. Prior to final inspection the applicant shall be responsible for the planting of four (4) new parkway trees on Mission Street and three (3) new parkway trees on Fairview Avenue per

SPMC section 31.48(b)(1 and per the final landscape and irrigation plans approved by the City.

- PW-24. Prior to final inspection the reduced pressure backflow preventer device shall be tested by certified tester and the test form shall be submitted to the Water Department.
- PW-25. Prior to Final inspection the applicant shall submit a water demand calculation to the City. The demand water calculation will used to create a Hydraulic Analysis for water availability for the project. The applicant shall pay for the cost to generate such report from the City's hydraulic modeling consultant fees and plus any cost associated with report. Please contact Water Operation Manager at (626) 460-6393 for additional information.
- PW-26. Prior to final inspection the applicant shall apply for a change of address permit.
- PW-27. Prior to final inspection the applicant shall upgrade one existing street light head on Mission Street as identified by the City Engineer to LED lighting. The upgrade shall be per City standards.
- PW-28. Prior to final inspection the applicant shall grind and overlay minimum 1-1/2" of existing asphalt from curb to curb along entire street width on Fairview Avenue adjacent to the project boundary and shall provide slurry seal surface treatment from the centerline to edge of pavement on Mission Street adjacent to the project boundary.
- PW-29. Prior to final inspection the applicant shall reconstruct the existing driveway at the southeast corner of Mission Street and Fairview with brick pavers to match the surrounding existing paving and a painted red curb per the approved improvement plans.

Prior to Final Map Approval

- PW-30. Prior to Final Map approval, the applicant shall obtain the Water Department's approval for a separate water meter at each unit. The applicant shall contact the City Water Division to coordinate size, location, and associated fee for a new water meter connection as applicable. Please contact Water Operation Manager at (626) 460-6393 for additional information.
- PW-31. Prior to Final Map approval, the applicant shall submit a complete copy of the final map to LA County Subdivision Section for review of mathematical accuracy, and provide a copy of the LA County Subdivision Section approval letter to the City Engineer.

Prior to Final Inspection

- PW-32. Prior to Final Inspection, the applicant shall record the Final Vesting Parcel Map pursuant to the requirements of the California Subdivision Map Act.
- PW-33. Prior to Certificate of Occupancy, permit for the parking garage, the applicant shall install parking garage signage to be posted at the parking garage to include the hours of operation of the public parking garage, and any additional information deemed appropriate by the City Engineer and Police Department. The applicant shall obtain approval from the City Engineer of the type, proposed location, and content of the signs prior to installation.

BUILDING AND SAFETY DIVISION:

General conditions

- BD-1. The second sheet of building and grading plans shall list all conditions of approval and include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- BD-2. The initial plan check fee will cover the initial plan check and one recheck only. Additional review required beyond the first recheck shall be paid for on an hourly basis in accordance with the current fee schedule.
- BD-3. Per Ordinance 2280, effective on April 9, 2015, unless specifically exempt, Sewer/Water Impact fees shall be paid to Public Works Department prior to or at the time City receives an application for utility service. Contact Public Works Department to calculate the sewer/water impact fee.
- BD-4. Separate addresses are required. An application to assign address and unit numbers shall be submitted to the Public Works Department prior to plan check submittal.
- BD-5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
- BD-6. Structural calculations shall be submitted to Building and Safety prepared under the direction of an architect, civil engineer or structural engineer.
- BD-7. Submittal of a geotechnical and soils investigation report is required. The duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a. Observation of cleared areas and benches prepared to receive fill;
 - b. Observation of the removal of all unsuitable soils and other materials;
 - c. The approval of soils to be used as fill material;
 - d. Inspection of compaction and placement of fill;
 - e. The testing of compacted fills; and
 - f. The inspection of review of drainage devices.
- BD-8. The applicant shall retain a soils engineer, approved by the City, to prepare a Soils and/or Geotechnical Investigation and for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Building Division. At the time of plan check submittal, the pdf copy of the soils report shall be provided by the applicant.
- BD-9. Land disturbing activity that would result in the replacement of 5,000 square feet or more of impervious surface area on an already developed site in "Planning Priority Project" categories shall comply with LID requirements per City Ordinance.
- BD-10. All State of California disability access regulations for accessibility and adaptability shall be complied with.

- BD-11. Approval is required from the Los Angeles County Health Department for restaurants.
- BD-12. Submittal of energy calculations is required.
- BD-13. Electrical plan check is required.
- BD-14. Mechanical plan check is required.
- BD-15. Plumbing plan check is required.
- BD-16. The project shall comply with the CalGreen Non-Residential mandatory requirements.
- BD-17. The project shall comply with the CalGreen Residential mandatory requirements.
- BD-18. No form work or construction materials will be permitted to encroach onto adjacent property without written approval of the affected property owner.
- BD-19. A demolition permit is required for any existing buildings which are to be demolished.
- BD-20. Separate plan review and permit are required for each detached retaining wall.
- BD-21. All fire sprinkler hangers shall be designed, and their location approved by an engineer or an architect. Calculations shall be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250 pound point load. A plan indicating this information shall be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
- BD-22. Separate permit is required for Fire Sprinklers
- BD-23. The following notes shall be placed on the Foundation Plan in a prominent location:
 - “Foundation inspection will not be made until the excavation has been surveyed and the depth of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California.”
 - “Foundation inspection will not be made until setback on all sides of the building has been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California.”

Prior to issuance of permits

- BD-24. Prior to issuance of building permits the applicant shall pay applicable park impact fee.
- BD-25. Prior to issuance of building permits the applicant shall pay, applicable Growth fee Per Chapter 16A of the City of South Pasadena Municipal Code.
- BD-26. Prior to the issuance of building permits, the applicant shall provide documentation showing that applicable school district fees have been paid to the School District.
- BD-27. Prior to issuance of building permit, the applicant shall provide documentation showing that all applicable fees have been paid to the County of Los Angeles Sanitation District.

- BD-28. Prior to issuance of grading permits a grading and drainage plan shall be approved indicating how all storm drainage including contributory drainage from adjacent lots is carried to the public right of way or to a drainage structure approved to receive storm water.
- BD-29. Prior to issuance of building permits the applicant shall submit a property survey with boundaries marked by a land surveyor licensed by the State of California.

Specific conditions for the proposed loft residential building:

- BD-30. A 2-story, 5-unit, R-2 occupancy group with only one exit is not permitted per Table 1006.3.2(1) of the California Building Code. The loft building shall be constructed as Townhouses R-3 Occupancy Group complying with Section R302.2 of the California Residential Code.
- BD-31. Multistory condominiums consisting of four or more attached dwelling units with no elevator shall meet the requirements of the California Building Code Section 1102A.3.1.
- BD-32. Private garages accessory to covered multifamily dwelling units, shall be accessible as required in California Building Code Section 1109A. Private garages include individual garages and multiple individual garages grouped together.
- BD-33. When parking is provided for covered multifamily dwellings and is not assigned to a resident or a group of residents at least 5 percent of the parking spaces shall be accessible and provide access to grade-level entrances of covered multifamily dwellings and facilities that serve covered multifamily dwellings per Section 1109A.5.
- BD-34. Fire-resistance rating requirements for exterior walls based on fire separation distance of 5 to 10 feet shall comply with Table 602 of the Building Code.
- BD-35. Maximum area of exterior wall openings and degree of open protection based on fire separation distance of 5 to 10 feet shall comply with Table 705.8 of the Building Code.

Specific conditions for the proposed mixed-use retail/ 30-unit residential building:

- BD-36. Condominiums consisting of four or more attached dwelling units with an elevator shall meet the requirements of the California Building Code Section 1106A.
- BD-37. Private garages accessory to covered multifamily dwelling units, shall be accessible as required in Section 1109A. Private garages include individual garages and multiple individual garages grouped together.
- BD-38. When parking is provided for covered multifamily dwellings and is not assigned to a resident or a group of residents at least 5 percent of the parking spaces shall be accessible and provide access to grade-level entrances of covered multifamily dwellings and facilities that serve covered multifamily dwellings per California Building Code Section 1109A.5.
- BD-39. Three (3) percent of the total residential parking spaces assigned for the residential units in this building shall be electric vehicle (EV) charging spaces capable of supporting future EV supply equipment (EVSE) per Section 4.106.4.2 of the CalGreen Code. The project shall provide, at a minimum, two (2) EV residential spaces, two (2) EV commercial spaces and one (1) EV public "bonus" space, and the charging stations/chargers for these five (5) EV spaces shall be installed. Installation of EV chargers shall comply with location requirements proximate to accessible spaces per Section 4.106.4.2.1.

- BD-40. New construction shall comply with Section 5.106.5.3 of the CalGreen Code to facilitate future installations of EVSE.
- BD-41. Bicycle parking for non-residential building shall be provided to meet the requirements per Section 5.106.4 of the CalGreen Code.
- BD-42. A nonresidential building comprised of with three habitable stories or fewer and low-rise multifamily buildings shall comply with solar ready building requirements per Section 110.10 of the California Energy Code.
- BD-43. The building height and area shall not exceed the limits specified in Table 503 based on the type of construction as determined by Section 602 and the occupancies as determined by Section 302 except as modified hereafter.
- BD-44. Each portion of a building shall be individually classified in accordance with Section 302.1. Where a building contains more than one occupancy group, the building or portion thereof shall comply with the applicable provisions of Section 508.2, 508.3 or 508.4, or a combination of these sections.
- BD-45. Individual occupancies shall be separated from adjacent occupancies in accordance with Table 508.4.
- BD-46. A parking garage not meeting the criteria of natural ventilation per Section 406.3.3.1 shall be designed as enclosed parking garage. Mechanical ventilation in accordance with Los Angeles County Building Code Section 406.4.2 is required for the enclosed parking garage.
- BD-47. The building elements shall have a fire-resistance rating not less than that specified in Table 601 and exterior walls shall have a fire-resistance rating not less than that specified in Table 602. Where required to have a fire-resistance rating by Table 601, building elements shall comply with the applicable provisions of Section 703.2.
- BD-48. Fire-resistance rating requirements for exterior walls based on fire separation distance of 10 to 20 feet shall comply with Table 602 of the California Building Code.
- BD-49. Maximum area of exterior wall openings and degree of open protection based on fire separation distance of 10 to 20 feet shall comply with Table 705.8 of the California Building Code.
- BD-50. Exterior balconies and similar projections extending beyond the exterior wall shall conform to the requirements of Section 705.2 and Section 1046. Projections shall not extend any closer to the line used to determine the fire separation distance than shown in Table 705.2.
- BD-51. Interior exit stairways shall terminate at an exit discharge or a public way, unless the conditions per the exception in Section 1023.3 are met.
- BD-52. Exit access travel distances shall be increased up to an additional 100 feet provided the last portion of the exit access leading to the exit occurs on an exterior egress balcony constructed in accordance Section 1021. The length of such balcony shall be not less than the amount of the increase taken per California Building Code Section 1017.2.1. Exit access travel distance measured per Section 1017.3 shall not exceed the values given in Table 1017.2.
- BD-53. Corridors shall be fire resistance rated in accordance with California Building Code Table 1020.1 and be continuous per Section 1020.6.

- BD-54. Exterior exit stairway location shall comply with California Building Code Section 1027.5.
- BD-55. Exterior exit stairway shall be separated from the interior of the building as required in California Building Code Section 1023.2, unless the conditions per one of the exceptions in Section 1027.6 are met.
- BD-56. Sprinklers protection shall be provided in open-ended corridors and associated exterior stairways as specified in California Building Code Section 1027.6, Exception 3 per Section 903.3.1.2.2.
- BD-57. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.

FIRE DEPARTMENT:

General Conditions

- FD-1. All construction shall comply with all appropriate fire protection installation standards adopted by the South Pasadena Fire Department.
- FD-2. The project shall comply with all requirements of the current 2016 adopted California Building Codes, Fire Codes, NFPA and South Pasadena Municipal Code based on occupancy classification.
- FD-3. Approved automatic fire sprinkler systems shall be provided in new buildings in the locations described in Sections 903.2.1 through 903.2.12.
- FD-4. For buildings equipped with an approved automatic sprinkler system, the water supply shall be capable of providing the greater of:
 - 1- The automatic sprinkler system demand, including hose stream allowance.
 - 2- The required fire flow. B105.3
- FD-5. Underground buildings shall be equipped throughout with a Class I automatic wet or manual wet standpipe system.
- FD-6. Standpipe systems shall be provided in new structures in accordance with Sections 905.2 through 905.10.
- FD-7. In other than Group R-3 and R-3.1 occupancies, Class III standpipe systems shall be installed throughout each floor where the floor level of the highest story is located more than 30 feet above the lowest level of fire department of vehicle access.
- FD-8. Additional fire hydrant (s) may be required.
- FD-9. Buildings equipped with a standpipe system installed in accordance with Section 905, shall have a Fire Hydrant within 100 feet of the fire department connections. 507.5.1.1
- FD-10. Fire flow is the flow rate of a water supply, measured at 20 psi residual pressure that is available for firefighting. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method or Appendix B. (507.3).

- FD-11. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (507.1 CFC)
- FD-12. A fire supply test shall be conducted and the fire code official shall be notified prior to the water supply test. The water supply test shall be witnessed by the fire code official and approved documentation of the test shall be provided to the fire code official prior to the final approval of the water supply system. (507.4 CFC)
- FD-13. A fire pump may be required due to low water pressure. Where provided, fire pumps shall be installed in accordance with this Section and NFPA 20. (913.1 CFC).
- FD-14. Fire alarms shall be required. The applicant shall submit plans for manual and automatic systems to the City for approval. An approved fire alarm system shall installed in new structures and in accordance with the provisions of this code and NFPA 72.
- FD-15. Alarm systems used to provide central station service shall comply with the general requirements and the use requirements of Section 26.3. (NFPA 72)
- FD-16. Exits shall comply with Sections 1022 through 1027 and the applicable requirements of Sections 1003 through 1015. An exit shall not be used for any purpose that interferes with its function as a mean of egress. Once a given level of exit protection is achieved, the level of protection shall not be reduced until arrival at the exit discharge. Exit shall be continuous from the point of entry into the exit to the exit discharge.
- FD-17. Roads shall have an unobstructed width of no less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches exclusive of shoulders, except for an approved security gate in accordance with Section 503.6 of the California Fire Code.
- FD-18. If automatic garage door openers are provided, they shall be listed in accordance with UL 325 and Health and Safety Code Sections 19890 and 19891.
- FD-19. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- FD-20. Where access to or within a structure or an area is restricted because of secure openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box is required to be installed in an approved location. (506.1 CFC)
- FD-21. Structures under construction, alteration or demolition shall be provided with no less than one approved portable fire extinguisher in accordance with Section 905 and sized for not less than ordinary hazard as follows:
- a. At each stairway on all floor levels where combustible materials have accumulated.
 - b. In every storage and construction shed.
 - c. Where special hazards exist including but not limited to and the storage and use of combustible and flammable liquids. (3315.1 CFC)

- FD-22. Portable fire extinguishers shall be installed in all of the following locations:
- a. In new and existing Group A, B, E, F, H, I, L, M, R-1, R-2, R-2.1, R-3.1, R-4 and S occupancies. (906.1 CFC)
- FD-23. Groups R-2, R-2.1, R-3, R-3.1 and R-4. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-2.1, R-3, R-3.1 and R-4 regardless of occupant load at all of the following locations:
- a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - b. In each room used for sleeping purposes.
 - c. In each story within a dwelling unit, including basement but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- FD-24. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit, the smoke alarm shall be interconnected.
- FD-25. Fire Alarm and Detection Systems are required in new and existing structures and shall perform and be installed and maintained per the requirements of Section 907.2 as applicable to new buildings and structures. SFC 907.1
- FD-26. Notwithstanding any other portion of the Code or any other code incorporated, herein, by reference any new roof shall be of Class "A" roof material. SPMC 14.1.1

POLICE DEPARTMENT:

General Conditions

- PD-1. The project shall have a property manager assigned with the ability to provide 24 hour service seven days a week. The 24/7 contact information for the property manager shall be made available to all building tenants and visitors to the buildings.
- PD-2. The first level parking structure open to public shall be secured between 5 am and midnight, Monday through Sunday every week.
- PD-3. The second level of the parking structure shall be secured twenty four hours a day, Monday through Sunday of every week.

Prior to Final Inspection

- PD-4. Prior to final inspection, the applicant shall install proper signage within the parking structure informing residents, tenant, and the public of parking restrictions.
- PD-5. Prior to final inspection, security cameras, shall be installed on the exterior of the building and within the parking structure. An external link to be used by public safety is required.

- PD-6. Prior to final inspection, security lighting shall be installed on the exterior of the building and within the parking structure.

At Final Inspection

- PD-7. At final inspection, the applicant shall provide the Police Department with building access-Knox box key access as required by public safety.

Exhibit “B”
Environmental Impact Report
For Mission Bell Mixed-Use Project

View on Webpage here:

<https://www.southpasadenaca.gov/government/departments/planning-and-building/planning-division/mission-bell-mixed-use-project-draft-eir>