



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** May 1, 2019

**TO:** Hearing Officer

**SUBJECT:** Minor Conditional Use Permit #6726

**LOCATION:** 1501 South Marengo Avenue

**APPLICANT:** Patrick Szurpicki

**ZONING DESIGNATION:** RS-4-HD (Single-Family Residential, Hillside Overlay District)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Nathan Gapper

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and **approve** Minor Conditional Use Permit #6726 with the findings in Attachment A and the conditions in Attachment B.

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**PROJECT PROPOSAL:** Minor Conditional Use Permit: To allow the construction of a 600 square-foot detached garage with an overall height of 19'-2", where the maximum permitted is 15 feet, and with a top plate height of 10'-10" where the maximum permitted is nine feet. A Minor Conditional Use Permit allows the modification of the maximum allowable overall height and top plate height in order to achieve a design that is architecturally compatible with the main structure. A 320 square-foot trellis is also proposed. The subject property is a 2.36-acre parcel, located within the RS-4-HD (Single-Family Residential, Hillside Overlay District).

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section 15303(e)). This exemption applies to construction of new, small structures, including accessory structures such as garages. There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

**BACKGROUND:**

**Site characteristics:** The project site is an irregular-shaped interior lot measuring approximately 102,822 square-feet (2.36 acres) and is currently developed with a two-story, 5,085 square-foot, single-family residence, and a 1,900 square-foot detached accessory structure.

**Adjacent Uses:** North – Single-Family Residential  
South – Single-Family Residential  
East – Single-Family Residential  
West – Single-Family Residential

**Adjacent Zoning:** North – RS-4-HD (Single-Family Residential, Hillside Overlay District)  
South – City of San Marino  
East – RS-4-HD (Single-Family Residential, Hillside Overlay District) and RS-4 (Single-Family Residential, 0-4 units per acre)  
West – City of South Pasadena

**Previous zoning cases on this property:** Tree Removal#2018-00499 – Request to remove five protected trees. Approved on October 2, 2018.

**PROJECT DESCRIPTION:**

The applicant has submitted a request for a Minor Conditional Use Permit to allow the construction of a 600 square-foot detached garage with an overall height of 19’-2”, where the maximum permitted is 15 feet, and with a top plate height of 10’-10”, where the maximum permitted is nine feet. A Minor Conditional Use Permit allows the modification of the maximum allowable overall height and top plate height in order to achieve a design that is architecturally compatible with the main structure. A 320 square-foot trellis attached to the garage is also proposed. The subject property is a 2.36-acre parcel, located within the RS-4-HD (Single-Family Residential, Hillside Overlay District).

**ANALYSIS:**

Minor Conditional Use Permit: To allow an accessory structure to exceed the maximum permitted overall height and top plate height.

The applicant is proposing to construct a new 600 square-foot, detached two-car garage with an overall height of 19’-2”. Pursuant to Section 17.50.250.E.1.d of the Zoning Code, an accessory structure may raise to, but shall not exceed, an overall height of 15 feet. Additionally, Section 17.50.250.E.1.b of the Zoning Code states that the top plate height shall not exceed nine feet. The intent of the Zoning Code is to limit the height of an accessory structure to ensure that, visually, the residence is the most prominent and visible feature on the site. The proposed garage has an overall height of 19’-2”, a deviation of 4’-2” from the overall height limit requirement of 15 feet and a proposed top plate height of 10’-10”, exceeding the maximum top plate height by 1’-10”. Section 17.50.250.E.1.e of the Zoning Code states that in order to achieve a design that is architecturally compatible with the main structure, the maximum height (including the top plate height) may be modified by a Minor Conditional Use Permit (MCUP). The applicant has submitted this MCUP

application to allow the new garage's height to exceed 15 feet in overall height and to exceed nine feet in top plate height in order to be architecturally compatible with the primary dwelling unit.

### *Architectural Compatibility*

The existing two-story residential structure was originally built in 1915 in a vernacular Spanish Colonial Revival architectural style. The style is highly variable, but marked by an enclosed courtyard or a long covered porch at the exterior front entrance, ornamental grill work over the windows and slightly sloped terra-cotta covered roofs. The character defining features of the architecture on the subject site include large overhangs, corbel details, brick detailing, a steep 8/12 pitch roof, and sweeping curve rafter tails at the entry courtyard.

The proposed 600 square-foot two-car detached garage is designed with a taller roof and terra-cotta tile roofing, intended to mimic the vernacular Spanish Colonial Revival architecture of the primary dwelling. Other design elements incorporate a traditional architectural style with modern design, including features such as steel or glass vigas, vibrantly colored stucco finishes and squared corners.

The request for the proposed garage to exceed the top plate height and overall height for the purpose of architectural compatibility can be justified by the proposed location of the garage adjacent to the two-story portion of the primary residence. The request to increase the ridge height and plate height will help anchor the new garage structure to the existing primary structure. It is staff's determination that the additional accessory structure height is justifiable in order for the new detached garage to be architecturally compatible with the main structure's vernacular Spanish Colonial Revival architecture style.

With the exception of the height requirement, the proposed garage meets all applicable development standards for the RS-4-HD zoning district provided in the Zoning Code, including, but not limited to, accessory structure size, lot coverage, setbacks, and encroachment plane, as analyzed below:

### Development Standards

#### *Maximum Allowable Floor Area:*

In the RS-4-HD zoning district, the maximum allowable gross floor area is 25 percent of the lot area, plus 500 square feet. Gross floor area includes all covered parking (garage and carport areas), habitable attic space, and accessory structures, among other enclosed space. For lots 10,000 square feet or more in the Hillside Overlay District, any portion equal to or greater than 50 percent slope, or any access easement on the lot must be deducted from the lot area when calculating the maximum allowable gross floor area. In cases where the average slope across the lot exceeds 15 percent, the maximum allowable gross floor area is further reduced using a formula specified in Zoning Code Section 17.29.060.A.4 (Building Design Standards – Maximum Floor Area).

Based on the slope analysis provided by the applicant, the gross lot area is 102,822 square feet, of which 7,962 square feet has a slope of 50 percent or greater, 6,433 square feet at the front of the property will be dedicated for public right-of-way purposes as part of the project, and 5,094 square feet of the property is outside the City of Pasadena. After these adjustments, the net lot size is 83,333 square feet, with an average slope of 9.5 percent. The maximum allowable floor area for the site based on the calculation above is 21,333 square feet. The combined floor area

of the existing two-story primary residential structure, the proposed additions to the primary structure, the existing accessory structure, and the proposed two-car garage would be 7,484 square-feet, which is in conformance with the maximum allowable floor area requirement.

*Maximum Lot Coverage:*

Per Section 17.29.050.E of the Zoning Code, the maximum allowed lot coverage of all roofed areas on the site is 35 percent. Lot coverage is defined as the percentage of a site covered by roofs, soffits or overhangs extending more than three feet from a wall, and by decks more than four feet in height. The maximum allowable lot coverage for the 83,333 square-foot subject lot is 29,166 square-feet. The total proposed lot coverage of the existing primary residential structure, existing accessory structure, and the new detached garage is 9,951 square feet, or 12 percent of the lot area. The proposed project therefore complies with the lot coverage requirement.

*Accessory Structure Size and Placement:*

Pursuant to Section 17.50.250.G of the Zoning Code, the maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. Furthermore, Section 17.29.060.C, states that accessory structures located in the HD and HD-SR districts shall comply with the following size and location limits:

- a) In addition to the aggregate size requirements of Section 17.50.250.G, for lots larger than 10,000 square feet in size, portions of a lot with a slope 50 percent or greater shall not be included in the lot size when determining maximum aggregate size.
- b) In addition to the aggregate size requirements of Section 17.50.250.G, individual accessory structures shall be limited to a maximum size of 600 square feet.
- c) Accessory structures, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. An existing primary structure may not be converted into an accessory structure unless the new primary structure is in front of the accessory structure.

The subject site is 102,822 square feet in area, of which 7,962 square feet has a slope of 50 percent or greater, 6,433 square feet at the front of the property is being vacated, and 5,094 square feet of the property is outside the City of Pasadena. Therefore, based on the lot size of 83,333 square feet, the maximum allowable aggregate size of all accessory structures is 5,000 square feet. The proposed garage would measure 600 square feet, and when combined with the existing 1,900 square foot accessory structure (pool house), would total 2,500 square feet, and meets the maximum allowable aggregate accessory structure size for the site.

The proposed 600 square-foot garage is also in compliance with the maximum size for an individual accessory structure. The proposed garage is not required to be located behind the rear wall plane of the proposed residence. Therefore, the proposed accessory structure complies with the location requirement.

*Setbacks:*

In the hillside area, the required front setback is 25 feet. Pursuant to Section 17.50.250.D.2 of the Zoning Code, an accessory structure may be located in a required side or rear setback, provided it is located more than 100 feet from the front property line or entirely within the rear 25 feet of the

site. Otherwise, the minimum required setbacks of the primary structure shall also apply to the accessory structure. The proposed garage would be set back 146 feet from the front property line, 71'-1" from the nearest side property line, and 226 feet from the rear lot line; and is therefore in compliance with the minimum setback requirements.

Additionally, accessory structures are required to have a six-foot minimum separation from any other structure. This separation shall be clear and unobstructed by any encroachments. The proposed detached two-car garage would be located six feet from the existing single-family residence, as measured from their respective eaves. Accordingly, the project as proposed complies with the minimum building separation requirement.

#### *Encroachment Plane:*

The overall height of an accessory structure (excluding the top plate height) may rise above the 9 foot height limit as it steps or slopes away from the 2 foot initial setback, but shall not intercept an encroachment plane sloping inward from a point 9 feet in height (beginning at the 2 foot setback) and rising a maximum of 1.5 feet for each 1 foot of distance starting at the 2 foot setback. The proposed 600 square-foot detached garage complies with the required accessory structure encroachment plane requirement.

#### Tree Protection Ordinance

The applicant submitted a Tree Inventory Plan that lists 60 trees, including 41 protected trees. An arborist report was provided by the applicant outlining a tree protection plan for two protected Coast Live Oak trees near the existing driveway at the front of the property. In conjunction with the construction of a new garage, a driveway reconfiguration and re-paving is also proposed. Tree #12 is a 28-inch diameter at breast height (DBH) Coast Live Oak, and Tree #22 is an eight-inch DBH Coast Live Oak. These two native protected trees border the existing asphalt driveway, which is located within the tree protection zone, therefore, a Tree Protection Plan was prepared by an arborist. Conditions of approval will ensure that the project complies with arborist recommendations for the preservation of two protected oak trees on the site. Temporary fencing would be required to protect both trees during construction. No tree removals are proposed.

#### **COMMENTS FROM OTHER DEPARTMENTS:**

The project was reviewed by the Fire Department, Department of Public Works, Building and Safety Section, Design and Historic Preservation (DHP) Section, and Department of Transportation. Comments were received from Department of Public Works and the Fire Department and have been included as conditions of approval in Attachment B. The remaining departments had no comments and would review the plans through the building permit plan check process.

## **GENERAL PLAN CONSISTENCY:**

The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence. Therefore, the character of the single-family neighborhood would be maintained. Furthermore, Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. The proposed structure is set back more than 146 feet from the front property line, is behind the front building line of the existing primary structure, is screened by existing landscaping, and is architecturally consistent with the existing primary structure. Therefore, the proposed garage would not dominate the appearance of the primary dwelling from the street and is in conformance with General Plan Policy 22.2. Architectural compatibility also satisfies General Plan Policy 4.11, which requires that development demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

## **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15303, Class 3, (New Construction), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15303 exempts the construction of new, small structures, including accessory structures such as garages.

## **CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the Minor Conditional Use Permit can be made. The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the additional height, which is necessary to attain a design that is architecturally compatible with the existing primary dwelling. Given the design and location of the proposed garage, the project would not negatively impact the surrounding neighborhood. Furthermore, it is consistent with the goals and policies of the General Plan. Therefore, staff recommends that the Hearing Officer adopt the environmental determination and the specific findings in Attachment A to approve the application with the conditions in Attachment B.

### Attachments:

Attachment A: Minor Conditional Use Findings  
Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6726**

Minor Conditional Use Permit: To allow the construction of an accessory structure to exceed the overall height and the top plate height.

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The subject site is situated within the RS-4-HD (Residential Single-Family, Hillside Overlay) zoning district. The intended land use within the RS-4-HD zoning district is single-family residential and associated ancillary uses. A detached garage is considered an ancillary use to a single-family dwelling and is permitted within the RS-4-HD zoning district. Pursuant to Section 17.50.250.E.1.d of the Zoning Code, an accessory structure may raise to, but shall not exceed, an overall height of 15 feet. Additionally, Section 17.50.250.E.1.b of the Zoning Code states that the top plate height shall not exceed nine feet. The intent of the Zoning Code is to limit the height of an accessory structure to ensure that, visually, the residence is the most prominent and visible feature on the site. The proposed garage has an overall height of 19'-2", a deviation of 4'-2" from the overall height limit requirement of 15 feet and a proposed top plate height of 10'-10", exceeding the maximum top plate height by 1'-10". Section 17.50.250.E.1.e of the Zoning Code states that in order to achieve a design that is architecturally compatible with the main structure, the maximum height (including the top plate height) may be modified by a Minor Conditional Use Permit (MCUP). Therefore, a detached garage exceeding a height of 15 feet is allowed with the approval of a Minor Conditional Use Permit in the RS-4-HD zoning district.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is situated within the RS-4-HD (Single-Family Residential, Hillside Overlay) zoning district. The purpose of the Single-Family Residential zoning district is to ensure adequate light, air, privacy, and open space for each dwelling, and to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other environmental effects. The intended land use within the RS zoning district is single-family residential and associated ancillary uses. A detached garage is considered an ancillary use to a single-family dwelling and is permitted within the RS zoning district. The primary use of the site as a residence will not change as a result of this project. The subject site is also within a Hillside Overlay (HD) district. One of the purposes of the Hillside Overlay zoning district is to preserve and protect existing natural resources including native flora and fauna, sensitive wildlife habitats, and mature trees. Conditions of approval will ensure that the project complies with arborist recommendations for tree protection. As such, the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. Furthermore, Policy 22.2 (Single-Family Neighborhoods, Garages and Accessory Structures) encourages designing garages and accessory structures in such manner that they do not dominate the appearance of the primary dwelling from the street. The proposed structure is set back more than 146 feet from the front property line, is behind the building line of the existing primary structure, is screened by existing landscaping, and is architecturally consistent with the existing primary structure. Therefore, the proposed garage would not dominate the

appearance of the primary dwelling from the street and is in conformance with General Plan Policy 22.2. Architectural compatibility also satisfies General Plan Policy 4.11, which requires that development demonstrate a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

4. *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.* With the exception of the height requirements, the proposed garage meets all applicable development standards of the Zoning Code, including, but not limited to, accessory structure size, setbacks, encroachment plane, etc. The use of the site will remain residential; therefore, the project will not be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood. All new construction proposed will adhere to applicable requirements as they relate to the Zoning Code and building and safety codes.
5. *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 garage is located in the interior of the subject property and complies with all applicable setbacks and other requirements, with the exception of the height requirement. The project as designed will preserve the residential character of the neighborhood and will not be injurious to the surrounding single-family residential uses. Conditions of approval will ensure that the project complies with arborist recommendations for the preservation of two protected oak trees on the site. Furthermore, the City's plan check process will ensure that the proposed project will meet all of the applicable building and safety and fire requirements.
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 aesthetic values, character, scale, and view protection.* The proposed structure is set back more than 146 feet from the front property line, is behind the front building line of the existing primary structure, is screened by existing landscaping, is architecturally consistent with the existing primary structure, and complies with all applicable setback requirements. Additionally, it is designed to be architecturally compatible with the vernacular Spanish Colonial Revival architectural style of the existing primary residential structure. The project as proposed is compatible with the residential character of the neighborhood and will maintain the aesthetic values of the surrounding single-family homes within the project area.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6726**

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

General

1. The site plan, floor plan, elevations, and building sections, submitted for building permits shall substantially conform to plans submitted, stamped "Approved at Hearing, May 1, 2019", except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. The applicant is granted approval for the construction of a 600 square-foot detached two-car garage with a maximum overall height of 19'-2" and maximum top plate height of 10'-10", as measured from the lowest adjacent existing grade.
4. Any change to these conditions of approval or expansion of the use shall require the modification of this Minor Conditional Use Permit or a new Minor Conditional Use Permit.
5. The new detached garage shall be designed to match the vernacular Spanish Colonial Revival architectural style of the main residential structure.
6. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the Building plan check process.
8. The proposed project, Activity Number **PLN2019-00007**, is subject to the Inspection Program by the City. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Nathan Gapper, Current Planning Section, at (626)744-7096 to schedule an appointment for the Final Zoning Inspection.

Planning Division

9. The applicant shall comply with all applicable development standards of the RS-4-HD Residential Zoning District, with the exception of the accessory structure height and top plate height requirements, as granted herein.
10. The floor of the proposed attic storage space in the new garage shall be raised such that the height from this floor to the top plate does not exceed a height of 18 inches, in order to comply with the Zoning Code definition of 'attic'.
11. Access to the attic storage space shall be limited to pull-down stairs.

12. The attic storage space shall be limited to storage use only, and shall not be converted to habitable space, in compliance with Section 17.50.250 (Residential Uses - Accessory Uses and Structures) of the City's Zoning Code.
13. Any above ground mechanical equipment shall be located at least five feet from all property lines and shall comply with the screening requirements of Section 17.40.150 (Screening) of the Zoning Code.
14. A temporary five-foot high chain-link tree protection fence shall be installed at a point 30 feet from the trunk of Tree #12 Coast Live Oak. The tree protection fence shall be installed 11 feet west of the trunk of Tree #12 near the existing driveway curb. The tree protection fence shall be installed seven feet from the trunk of Tree #12 on the north side. The tree protection fencing shall be connected to form a rectangle. An access gate must be installed on the north side of the tree. A scale drawing of this tree protection fence must be provided with the access gate depicted opening outward to the north.
15. A temporary five-foot high chain-link tree protection fence shall be installed at a point 15 feet from the trunk of Tree #22 on the south side. The tree protection fence shall be installed eight feet from the trunk at the edge of the driveway. The tree protection fence shall be installed 15 feet west of the trunk of Tree #22. The tree protection fencing on the east and west sides shall be extended to the northern boundary fence. The tree protection fencing shall be connected to form a rectangle. An access gate shall be installed on the south side of the tree. A scale drawing of this tree protection fence shall be provided with the access gate depicted opening outward to the south.
16. The applicant shall maintain tree protection fencing in a vertical upright position throughout the construction period. The tree protection fencing must remain until the project has reached the final phase when irrigation and landscaping is being installed.
17. Prior to installing the tree protection fencing around Tree #12, vegetation shall be removed out beyond the 30-foot dripline of tree #12 on the south side of the trunk. Prior to installing the tree protection fencing around Tree #22, the brick pillar at the edge of the driveway shall be demolished. Since work must be performed next to the trunk of Tree #22, the applicant shall place old mattresses or hay bales up against the trunk of the tree to protect the trunk and bark tissue from injury. Once demolition has been completed, the tree protection fencing shall be installed.
18. The applicant shall prohibit dumping of excess soil, concrete, mortar, stucco, paint, and other foreign materials within the root protection zones of Tree #12 and Tree #22.
19. Pruning of roots and branches shall be performed by a licensed tree contractor under the supervision of an I.S.A. Certified Arborist. Roots which are torn, ripped, and exposed shall be pruned with a clean, sharp, pruning tool back to the side of the excavation and kept covered with burlap and wetted twice per day until the excavation area is backfilled with clean soil.
20. The root protection zone of Tree #12 and Tree #22 shall be watered one time per month with a soaker hose overnight between the months of June through November to maintain health and vigor during construction.
21. Tree #12 and Tree #22 shall be monitored during construction by an I.S.A. Certified Arborist in order to insure that conditions 14 through 20 are being complied with.

## Fire Department

22. A complete automatic fire sprinkler system designed and installed in compliance with NFPA 13D is required throughout proposed structure per the requirement CFC Section 503. Plans shall be submitted to the Permit Center for Fire Department's review within 30 working days of the issuance of the Building Permit.

## Public Works Department

23. There is an existing drainage easement traversing the rear of the subject property. The drainage easement and all drainage facilities shall be shown on all of the construction drawings. No structure shall be built within the drainage easement.
24. According to the Los Angeles County Assessor record, the dedication of the right-of-way along the frontage of the property has not been legally executed and recorded. The applicant shall dedicate to the City a 30 feet by approximately 209 feet of land along the frontage of the subject property for public right-of-way purposes. Public right-of-way fronting this development consists of a 20-foot wide roadway and a 10-foot wide parkway. The applicant shall be responsible for all the costs required to complete the dedication. The dedication documents and processing fee shall be submitted to this office, at least three to four (3-4) months prior to the issuance of any permits. The dedication documents shall be executed and recorded prior to the issuance of a Certificate of Occupancy. The Los Angeles County Assessor map is provided herein for reference.
25. The existing brick pillars, a private improvement, at the front entrance of the property might be within the public right-of-way after the conditioned dedication mentioned above is completed. If the private improvements are determined to be within the public right-of-way, the applicant shall either remove the brick pillars or relocate them to private property.
26. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
27. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and

approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

28. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy.

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

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>.

29. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits. A Public Works permit is required for all construction and occupancies in the public right-of-way. If construction vehicles and equipment are parked off-site in the public right of way, the permit fee for street and sidewalk occupancy will be based on the area and duration corresponding to the current City's General Fee Schedule. For more information, please contact Yannie Wu at 626-744-3762.

In addition to the above conditions, the requirements of the following ordinances may apply to the proposed project:

- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)

In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.

- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC

The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.

- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/public-works/street-maintenance-waste-management/recycling-resources/construction-and-demolition-debris-recycling/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- i) C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
  - ii) Summary Report with documentation must be submitted prior to final inspection.
30. A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.