



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** October 2, 2019

**TO:** Hearing Officer

**SUBJECT:** Minor Conditional Use Permit #6729

**LOCATION:** 715 South Oak Knoll Avenue

**APPLICANT:** Chiedu Chijindu

**ZONING DESIGNATION:** RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

**GENERAL PLAN DESIGNATION:** Low Density Residential

**CASE PLANNER:** Kristen Johnston

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6729 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Minor Conditional Use Permit: To allow the enlargement of a nonconforming use, where a nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained. The project includes additions, totaling 1,054 square feet, to two existing dwelling units, and a 208 square-foot addition to an existing two-car detached garage. The subject site is located within the RS-6 (Single-Family Residential) zoning district, and is developed with two residential dwelling units, where the Zoning Code allows for one dwelling unit.

**ENVIRONMENTAL DETERMINATION:** 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, §15301, Class 1, (Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet,

and the area in which the project is located is not environmentally sensitive.

**BACKGROUND:**

**Site characteristics:** The subject site is a 13,500 square-foot (0.30 acres) parcel located south of East California Boulevard on the west side of South Oak Knoll Avenue. The site is improved with two, 832 square-foot dwelling units, and a 403 square-foot, two-car detached garage constructed in 1945.

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

**Adjacent Zoning:** North – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)  
South – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)  
East – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)  
West – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)

**Previous zoning cases on this property:** None.

**PROJECT DESCRIPTION:**

The applicant, Chiedu Chijindu on behalf of Sam Swabb, has submitted a Minor Conditional Use Permit application to allow the enlargement of a nonconforming use. The subject site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district, and is developed with two residential dwelling units, where the Zoning Code allows for one dwelling unit. A nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained.

The proposed project includes a 645 square-foot addition and a new 160 square-foot covered patio to the front dwelling unit, and a 162 square-foot addition and a 247 square-foot attached single-car garage to the rear dwelling unit, for a total of 1,214 square feet. The project also includes a 208 square-foot addition of a single-car garage and a 199 square-foot covered patio addition, totaling 407 square feet, to the existing detached garage at the rear of the site. No trees are proposed for removal as a part of the project.

**ANALYSIS:**

A nonconforming use is defined as a use of a structure (either conforming or nonconforming) or land that was legally established and maintained before the adoption of this Zoning Code and which does not conform to current Code provisions governing the allowable land uses for the zoning district in which the use is located. Section 17.71.080(E) of the Zoning Code states that a

nonconforming use may not be altered or enlarged unless a Minor Conditional Use Permit is first obtained, in compliance with Section 17.61.050.

The subject site is located with the RS-6 zoning district, which allows for one single-family residence per lot. According to the City's permit records, the site was improved with two, 832 square-foot dwelling units, and a 403 square-foot, two-car detached garage in 1945. As such, the land use of the site with two dwelling units, although legally established, is considered nonconforming.

The proposed project would be designed to comply with the development standards of the RS-6 zoning district and to meet the special purpose of the RS-6 zoning district.

The Minor Conditional Use Permit application allows the City to review the project and determine if the proposed enlargement would be compatible with the surrounding area. In order to approve a Minor Conditional Use Permit, six findings must be made in the affirmative. These findings relate to project conformance with the Zoning Code and General Plan, potential project impacts on the surrounding properties, and compatibility with the surrounding uses. The following analysis focuses on whether the request for an enlargement of a nonconforming use, the addition of 1,214 square feet to two dwelling units, and the addition of 407 square feet to an existing detached garage, would create negative impacts to the surrounding uses, as it relates to conformance with the provisions of the Zoning Code and consistency with the General Plan.

#### RS-6, Single-Family Residential District General Development Standards

Properties located within the RS-6 zoning district are required to comply with all of the applicable development standards provided in Section 17.22.040 (RS and RM-12 Residential District General Development Standards), Section 17.50.250 (Residential Uses – Accessory Uses and Structures), and Chapter 17.46 (Parking and Loading) of the Zoning Code. In addition to the following discussion, an outline of development standards provided in Table A, illustrate project compliance with the applicable development standards.

#### *Density*

As noted above, the subject site is located with the RS-6 zoning district, which allows for one single-family residence per lot. According to the City's permit records, the site is improved with two dwelling units, and a two-car detached garage constructed in 1945. As a result, the existing land use of the site with two dwelling units is deemed to be nonconforming. The project includes additions totaling 1,214 square feet to both existing dwelling units, and a 407 square-foot addition to the existing two-car detached garage. Therefore, as proposed requires the approval of a Minor Conditional Use Permit to allow the expansion of a nonconforming use.

#### *Maximum Allowable Floor Area*

Pursuant to Section 17.22.040 Table 2-3 (RS and RM-12 Residential Districts General Development Standards), the maximum allowable gross floor area for a lot between 12,000 square feet and 24,000 square feet in area, is 20 percent of the lot area plus 1,700 square feet. Gross floor area is defined as the floor area between the floor and roof above it, measured from the outside edge of the exterior walls of the main structure and all accessory structures, including required parking (either garage or carport). In addition, any portion of a structure, including stairwells over 17 feet in interior height, is counted twice for purposes of computing floor area. However, unenclosed area where more than one side does not abut enclosed space (floor area),

and each side is a minimum of 60 percent open, is an exception to gross floor area and shall not count toward the maximum allowable floor area for the site.

The subject site is 13,500 square feet in area, thus the maximum allowable gross floor area is 4,400 square feet. The existing floor area is 2,067 square feet. The project includes additions, totaling 1,054 square feet, to both dwelling units, and a 208 square-foot single-car garage addition to the existing two-car detached garage. As proposed, the combined floor area of all structures on the site is 3,329 square feet, which is in conformance with the maximum allowable floor area requirement.

### *Maximum Site Coverage*

In addition to the maximum allowable gross floor area, single-family residential properties are subject to site coverage. Site 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. As prescribed in the Zoning Code, the maximum allowable site coverage for a site greater than 12,000 square feet in area is 35 percent or 4,800 square feet, whichever is greater; any additional coverage over 35% shall be single-story only.

As described above, the site is 13,500 square feet in area which allows for a maximum allowable site coverage of 4,800 square feet. The plans provided by the applicant indicate the proposed site coverage is 3,688 square feet, which includes the existing dwelling units, garage, additions, and proposed patio covers. Therefore, as proposed the project complies with the maximum allowable site coverage.

### *Setbacks*

The minimum required front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet, as provided in Section 17.22.050 of the Zoning Code. In calculating the block-face average, measurement shall be from the front property line to the principal structure. Building projections (such as eaves or bay windows) and unenclosed porches shall not be used as the reference point for this measurement. Based on this provision, the applicant has demonstrated the front setback for each applicable property within the block-face, which concluded that the minimum required front setback for the subject site is 35'6".

The plans provided by the applicant demonstrate a 39 square-foot addition is proposed to the front residential unit, and would provide a 40'9" front yard setback. Therefore, as proposed complies with the minimum required front setback.

The required side setback is equal to 10 percent of the lot width, with a minimum requirement of five feet and a maximum requirement of ten feet. The lot width measures across the lot at the required front setback line, in this case, the lot width is measured 35'6" feet from the front property line. According to the plans submitted, the lot width is 60 feet, resulting in a minimum side setback of six feet.

The addition to the front dwelling unit proposes a south side setback of 9'6", and a north side setback of 18 feet. The addition to the rear dwelling unit proposes a south side setback of seven feet, and a north side setback of 32 feet. Therefore, as proposed the side setbacks for both the front and rear dwelling units comply with the minimum side setback requirement.

The minimum required rear setback is 25 feet. The rear addition to the rear dwelling unit would provide a 53-foot rear setback, which complies with the minimum rear setback requirement.

#### *Encroachment Plane*

Principal structures located within the RS-6 zoning district, may not to be located within an encroachment plane that slopes upward and inward at a 30-degree angle. The plane commences at a point six feet above existing grade along the side property lines. The intent of the encroachment plane standard is to moderate the mass and scale of structures and maintain desired neighborhood character. Plans provided by the applicant depict the encroachment plane and demonstrate the additions to both dwelling units comply with the encroachment plane requirement.

#### *Height*

Pursuant to Section 17.22.040 Table 2-3 of the Zoning Code, a property located within the RS-6 zoning district, with a lot width of less than 75 feet, is limited to a maximum height of 28 feet and within the encroachment plane. The plans demonstrate that both dwelling units would maintain a building height of 15'4", measured from existing grade to the highest ridge of the structure. As proposed, the project complies with the maximum allowable building height.

#### *Parking*

Two dwelling units on a site is considered a multi-family residential land use. Pursuant to Section 17.46.040 Table 4-6 of the Zoning Code, the parking requirement for a multi-family residential land use is two covered parking spaces for each dwelling unit over 650 square feet in size, and one covered parking space for each dwelling unit less than 650 square feet. After completing the proposed additions, the front dwelling unit would consist of 1,477 square feet of living area, and the rear dwelling unit would provide 994 square feet of living area; therefore, four covered parking spaces are required.

The subject site currently provides parking within the existing two-car detached garage. The project includes the addition of two, single-car garages. Therefore, as proposed the subject site would provide four covered parking spaces in compliance with minimum parking requirements.

#### Residential Uses - Accessory Uses and Structures

Residential accessory uses and structures are subject to the development standards provided in Section 17.50.250 of the Zoning Code, which states that accessory structures shall be limited to uses which are accessory to the main use including, but not limited to, cabana, garage or carport, gazebo, greenhouse, pergola, pool or hot tub and related equipment, or workshop. An accessory structure does not permit the use for sleeping quarters.

The project proposes a 407 square-foot addition, which includes a 208 square-foot single-car garage and 199 square-foot covered patio, to the existing 403 square-foot detached garage.

#### *Accessory Structure Placement*

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 more than 100 feet from the front property line or

in the rear 25 feet of the site. Otherwise, the minimum required setbacks of the primary structure shall also apply to the accessory structure.

Additionally, in order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure that can be located less than five feet from a side or rear property line shall be limited to 22 feet. An accessory structure, shall maintain a minimum separation of six feet from any other structure on the site. The separation shall be clear and unobstructed by any encroachments.

The addition to the existing detached garage is proposed to the south end of the structure and would be constructed 200 feet from the front property line, five feet from rear property line, and 16 feet from the south side property line. Furthermore, the addition would be constructed with a 28'6" separation from the rear dwelling unit. Therefore, the proposed addition to the detached structure complies with location, setbacks, and structure separation requirements.

#### *Accessory Structure Height*

As prescribed in Section 17.50.250(E) of the Zoning Code, the top plate height for an accessory structure shall not exceed nine feet. Additionally, the overall height of an accessory structure may exceed the nine-foot height limit as it steps, or slopes, away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height and rising a maximum of one and one-half feet of distance starting at the two-foot setback. Furthermore, an accessory structure may rise to, but shall not exceed, an overall height of 15 feet, so long as the structure does not intercept the encroachment plane.

The proposed top plate height of the detached garage and covered patio is 8'3", with an overall height of 13'-10", measured from existing grade to highest point of the structure, and does not intercept the encroachment plane at any point. Therefore, as proposed the detached garage and covered patio height complies with the maximum allowable top plate and overall structure height.

#### *Accessory Structure Floor Area*

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. Based on the lot size of 13,500 square feet, the maximum allowable aggregate size of all accessory structures is 810 square feet. An accessory structure with a roof that is at least 50 percent open shall not be included in the calculation of the maximum allowable size. All other accessory structures shall be counted in the calculation of the maximum allowable size including carports, gazebos, or covered patios or porches.

The existing 403 square-foot two-car detached garage, along with the proposed 208 square-foot single-car garage addition and 199 square-foot covered patio would total 810 square feet or six percent of the lot size; therefore, the proposed floor area of the accessory structure complies with the maximum allowable aggregate floor area for accessory structures.

#### Tree Protection Ordinance

The tree inventory and plan submitted by the applicant identified a total of eight trees, with six trees located on the subject site. Two of the trees listed are located within the public right-of-way. Of the six trees located on the subject site, two trees qualify for protection as defined in the City's Tree Protection Ordinance, as determined by species, size, and location on the property. In

addition, the tree inventory identified two protected street trees, one Engelmann Oak (*Quercus engelmannii*), and one Coast Live Oak (*Quercus agrifolia*) located within the public right-of-way adjacent to the subject site. No trees are proposed for removal as a part of the project.

As a condition of approval, the Planning & Community Development Department will require the submittal of a Tree Protection Plan for all identified protected trees that are located on public and private property, prior to the issuance of a building permit. This will ensure the health of the trees during and after construction.

Table A: RS-6 Single-Family Residential Development Standards

Development Feature		Requirement	Proposed Project	Analysis
<b>RS-6 – Single Family Residential – General Development Standards</b>				
Density (0-6 du per acre)		One dwelling unit per lot	Two dwelling units	<i>Nonconforming*</i>
Maximum Allowable Floor Area Ratio		4,400 square feet, or 20% of the lot size plus 1,700 square feet	3,324 square feet	Complies
Maximum Allowable Site Coverage		4,800 square feet, or 35% of the lot size	3,688 square feet	Complies
Minimum Setbacks	Front	35'6"	40'9"	Complies
	Side South North	6 feet or 10% of the lot width, and within the encroachment plane	9'6" 18 feet	Complies
	Rear	25 feet	53 feet	Complies
Height		28 feet	15'4"	Complies
Single-Family Dwelling Unit		4 covered parking spaces	4 covered parking spaces	Complies
<b>Residential Accessory Uses and Structures</b>				
Minimum Setbacks	Side South North	2 feet & within encroachment plane; maximum wall length - 22 linear feet	16 feet 3 feet (existing)	Complies
	Rear	2 feet & within encroachment plane; maximum wall length - 22 linear feet	5 feet, within encroachment plane	Complies
Maximum Allowable Aggregate Accessory Structure Size		810 square feet, 6% of lot size or 600 square feet	810 square feet	Complies
Maximum Allowable Height(s)	Structure	15 feet	13'10"	Complies
	Top Plate	9 feet	8'3"	Complies

\*Minor Conditional Use Permit for enlargement of a nonconforming use

### GENERAL PLAN CONSISTENCY:

The subject site maintains a nonconforming residential use, improved with two dwelling units constructed with permits in 1945, and a detached two-car garage. The site is designated as Low Density Residential in the General Plan Land Use Element. Goal 21 (Desirable Neighborhoods) presents goals and policies for Pasadena's residential neighborhoods, providing for their

conservation and maintenance regardless of density, with changes and new development that complement their distinguishing qualities. Specifically, General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and, architectural design. The project proposes additions, totaling 1,054 square feet to both of the existing dwelling units, and a 208 square-foot addition to the existing detached garage. A majority of the additions would be located to the rear of each unit, not visible from the public right-of-way, with the exception of a 39 square-foot addition to the front dwelling unit. Therefore, would not impact the scale and massing of the site.

**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, §15301, Class 1, (Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 exempts additions to existing structures, provided the addition will not result in an increase of more than 10,000 square feet, and the area in which the project is located is not environmentally sensitive.

**REVIEW BY OTHER DEPARTMENTS:**

The proposed project was reviewed by the Building Department, Pasadena Fire Department, Department of Transportation, Public Works Department, and Design and Historic Preservation Section. Based on their review of the project, the Public Works Department provided comments and recommended conditions of approval, which have been incorporated in Attachment B of this staff report. The remaining departments had no comments and would review the plans through building permit plan check process.

**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 density. Therefore, given both existing dwelling units and the detached garage were legally established in 1945, and the proposed additions would comply with the applicable development standards, staff finds that the project would be compatible with the residential development within the surrounding neighborhood and would not be detrimental to the general welfare of the City, as the project would not result in an increase to the number of dwelling units on the subject site. Furthermore, the project is consistent with the goals and policies of the General Plan. As such, 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 Permit Findings
- Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6729**

Minor Conditional Use Permit –To allow the enlargement of a nonconforming use

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district, but does not comply with all applicable provisions of this Zoning Code.* The enlargement of a nonconforming use is permitted through the approval of a Minor Conditional Use Permit as provided in Section 17.71.080(E) of the Zoning Code. The proposed project will comply with all applicable development standards required for the zoning district, with respect to height, setbacks, floor area, and parking.
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 purpose of the RS-6 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 adverse environmental effects. The proposed project will be designed to comply with the development standards of the RS-6 zoning district and to meet the special purpose of the RS-6 zoning district. The project consists of an addition to a nonconforming use and may be permitted with the approval of a Minor Conditional Use Permit. As proposed, the project is in compliance with all development standards of the RS-6 zoning district, and the number of existing dwelling units will remain unchanged.
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 subject site maintains a nonconforming residential use, improved with two dwelling units constructed with permits in 1945, and a detached two-car garage. The site is designated as Low Density Residential in the General Plan Land Use Element. Goal 21 (Desirable Neighborhoods) presents goals and policies for Pasadena's residential neighborhoods, providing for their conservation and maintenance regardless of density, with changes and new development that complement their distinguishing qualities. Specifically, General Plan Land Use Policy 21.5 (Housing Character and Design) encourages the renovation of existing housing stock in single- and multi-family neighborhoods, which should reflect the unique neighborhood character and qualities; building form, scale, and massing; and, architectural design. The project proposes additions, totaling 1,054 square feet to both of the existing dwelling units, and a 208 square-foot addition to the existing detached garage. A majority of the additions would be located to the rear of each unit, not visible from the public right-of-way. Therefore, would not impact the scale and massing of the site.
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.* The proposed project includes additions totaling 1,054 square feet, to both dwelling units and a 208 square-foot addition to the existing detached garage. Although the proposed additions are considered an enlargement of a nonconforming use, both residential units and the detached garage previously existed on the subject site, constructed with permits in 1945. In addition, the proposed additions will not increase the existing density, as there are no new housing units proposed as a part of this project. Therefore, the proposed project will not be detrimental to the health, safety, or general welfare of the persons residing or working in the surrounding neighborhood of the existing nonconforming, residential use.

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.* Approval of the application will allow the enlargement of a nonconforming use within a single-family residential zoning district. However, allowing additions to the existing residential units, will maintain the existing residential use and will not compromise the underlying character of the single-family residential neighborhood. Furthermore, the additions will be required to comply with all zoning, building, and fire codes; which will be reviewed through the building permit plan check process.
  
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 subject site is designated as Low Density Residential in the General Plan Land Use Element. The addition to both existing residential units, and addition to the existing detached garage, will not increase the number of residential units on the subject site and will remain consistent with the existing and future uses within the residential neighborhood, as the proposed addition has been designed in compliance with the development standards applicable to the subject site and uses in the vicinity.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #6729**

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 stamped "Approved at Hearing, October 2, 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 Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of the Minor Conditional Use Permit allows the applicant to enlarge an existing nonconforming use, with additions totaling 1,054 square-feet to the existing dwelling units, a 160 square-foot patio cover to the front dwelling unit, a 208 square-foot addition to the existing two-car detached garage, and a 199 square-foot covered patio to the detached garage.
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **PLN2019-00036**, 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 Kristen Johnston, Current Planning Section, at (626) 744-6709 to schedule an inspection appointment time.

Planning Division

7. The applicant shall comply with all requirements of the Zoning Code, including the applicable development standards provided in Chapter 17.22 (Residential Zoning Districts), and Section 17.50.250 (Residential Uses – Accessory Uses and Structures).
8. 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.
9. The project shall comply with the Municipal Code Chapter 8.52 (City Trees and Tree Protection Ordinance). A tree protection and retention plan shall be submitted to the Zoning Administrator for approval prior to the issuance of any building or grading permits. Any proposal to remove a protected tree requires approval of a Tree Removal Application prior to the issuance of building permits.
10. As part of its analysis, the tree protection plan shall take into account the trees on adjoining properties along the north property line, and protected trees within the public-right-of way, adjacent to the project site. The plan shall provide mitigation measures, if necessary, and

analyses potential damage to trees by mechanical injuries to roots, trunks or branches; the compaction of soil; and changes to existing grade which may expose or suffocate roots.

11. The applicant or successor in interest shall comply with all requirements of Municipal Code Chapter 9.36 (Noise Restrictions). Specifically, all construction activities shall adhere to Municipal Code Section 9.36.070 (Construction Projects) and Section 9.36.080 (Construction Equipment).
12. At no time shall construction activities, including, but not limited to, construction materials, vehicles and equipment, obstruct access to vehicular driveways of adjacent properties.

#### Public Works Department

13. 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.

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:
  - a. 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.
  - b. Summary Report with documentation must be submitted prior to final inspection.

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.