



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 3, 2018

TO: Hearing Officer

SUBJECT: Minor Variance #11892

LOCATION: 1157 Armada Drive

APPLICANT: Foresight Design Remodel Inc.

ZONING DESIGNATION: RS-6 (Single-Family Residential, 0-6 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 Variance #11892 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow the construction of a 400 square-foot attached garage to an existing single-family residence with a reduced setback of four feet from the rear property line, where the minimum requirement is 25 feet. The site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district. A Minor Variance is required to encroach into a required setback.

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 projects from environmental review where additions to existing structures will not result in an increase of more than 50 percent of floor area before the addition, or 2,500 square feet, whichever is less. The project proposes a 400 square-foot addition to

an existing 1,818 square-foot single-family residence, which is less than 50 percent of the existing floor area.

BACKGROUND:

Site characteristics: The site is a 9,008 square-foot parcel with three street frontages along Everts Street, Armada Drive, and North Arroyo Boulevard. The site maintains vehicle access from North Arroyo Boulevard. The site is developed with a 1,818 square-foot, one-story single-family residence with an attached 190 square-foot, single-car garage. The site is relatively flat with a gradual upward slope from North Arroyo Boulevard to the building pad.

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 units per acre)
South – RS-4 (Single-Family Residential, 0-4 units per acre)
East – RS-6 (Single-Family Residential, 0-6 units per acre)
West – RS-4 (Single-Family Residential, 0-4 units per acre)

Previous zoning cases on this property: None

PROJECT DESCRIPTION:

The applicant, Foresight Design Remodel Inc. on behalf of David and Aliya Coher, has submitted a Minor Variance application to allow the construction of a 400 square-foot, two-car attached garage to an existing single-family residence with a reduced setback of four feet from the rear property line, where the minimum requirement is 25 feet. The site is located within the RS-6 (Single-Family Residential, 0-6 dwelling units per acre) zoning district. A Minor Variance is required to encroach into a required setback.

Additional improvements to the site, not a part of this application request, includes conversion of the existing 190 square-foot garage to living space, enclosing the 50 square-foot breezeway for a storage/laundry area, a 220 square-foot addition in order to extend an existing bedroom and dining room, and a 300 square-foot covered patio.

As provided in Section 17.46.020.J of the Zoning Code, small residential additions (with a maximum aggregate total of 150 square feet) may be made to existing residences without requiring the two-car covered parking requirement. However, any addition to an existing residence over 150 square feet, shall require the construction of a two-car covered parking structure.

Consequently, to comply with the aforementioned Zoning Code requirement, a 400 square-foot attached two-car garage is proposed to the rear (southwest) of the existing single-family residence that would align with the rear wall plane of the existing dwelling that is set back four feet from the rear property line. The proposed garage addition would be attached to the residence and continue

the four-foot rear setback, extending 19 feet toward the corner side property line along Arroyo Boulevard, and provide a corner side setback of 20 feet. The proposed garage would utilize the existing driveway and vehicular access to the site from Arroyo Boulevard.

ANALYSIS:

The existing one-story, single-family residence is situated at the center of the subject site and consists of 1,818 square feet of habitable space and an attached 190 square-foot, single-car garage with vehicle access provided from Arroyo Boulevard. In order to comply with the single-family residential parking requirements, the applicant is proposing a 400 square-foot, two-car attached garage at the rear of the residence with a reduced rear yard setback of four feet, which would utilize the existing driveway providing access from Arroyo Boulevard.

The subject site is a 9,008 square-foot parcel situated at the end of Armada Drive and Arroyo Boulevard intersecting onto Everts Street. The configuration of the lot at the intersection of Everts Street and Armada Drive creates a 20-foot street frontage along Everts Street, an 87-foot street frontage along Armada Drive, and a 100-foot street frontage along Arroyo Boulevard. The property configuration, lot line determination, and location of the existing residence results in atypical required setbacks.

As concluded above, the subject site is bounded by three street frontages. In order to properly apply the single-family residential development standards, a determination of the lot lines is required.

The Zoning Code defines a front lot line as the shortest line of a lot that is abutting a street line. In this case, the shortest lot line abutting a street line is Everts Street with a lot line width of 20 feet. Therefore, the north lot line (Everts Street) is the front lot line.

A rear lot line is defined as a lot line that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth. As such, the rear lot line is determined to be the southeastern interior lot line.

Furthermore, a corner lot line is a lot line that is not a front lot line, and an interior lot line is a lot line not abutting a street. Therefore, both Armada Drive (east) and Arroyo Boulevard (west) are considered corner lot lines, and the northwestern property line is an interior lot line.

RS-6 Development Standards

Properties located within the RS-6 zoning district are required to comply with all of the development standards of the RS-6 district provided in Section 17.22.040, RS and RM-12 Residential District Development Standards. Given the proposed project, the subject site is also subject to Section 17.22.050, RS and RM-12 Additional Development Standards and Section 17.46.130, Aisle Dimensions. In addition to the following discussion, an outline of development standards has been provided in Table A to illustrate project compliance with the applicable development standards.

Setbacks

Pursuant to Section 17.22.040, Table 2-3, the minimum required rear yard setback for a property within the RS-6 zoning district is 25 feet. The rear yard setback extends across the full width of the site. Setbacks are to be measured at right angles from the nearest point on the rear property line to the nearest portion of the structure. The 400 square-foot, two-car attached garage addition is proposed to the southwestern portion of the existing residence, four feet from the rear property line. Therefore, a Minor Variance is required to deviate from the 25-foot rear yard required setback.

Additionally, the proposed addition is subject to Section 17.22.050.B.1 which requires a garage located on a corner lot, in which the garage doors face the street to be set back a minimum of 18 feet from a street property line. The plans submitted demonstrate the proposed setback from the garage to the corner side property line is 20 feet, which complies with the requirement.

Pursuant to Section 17.46.130.B, an aisle width adjoining a garage shall comply with the requirements in Table 4-9 – Minimum Garage Door Width. A review of the plans indicate the proposed garage door width is 20 feet and has an aisle backout width of 20 feet. Based on staff's analysis, the proposed aisle width complies with the minimum 20-foot requirement.

Table A – RS-6 Development Standards

Development Standard		Requirement	Proposed Project	Compliance
Setbacks	Front	25 feet	25 feet (north) Existing	Complies
	Corner Sides	Minimum 10 feet	25 feet (east) Existing	Complies
			20 feet (south)	Complies
	Interior Side	5 feet	15 feet (west) Existing	Complies
Rear	25 feet	4 feet	<i>Minor Variance</i>	
Garage Setback for Corner Lots		Minimum 18 feet	20 feet	Complies
Floor Area		Maximum 3,202 square feet	2,678 square feet	Complies
Site Coverage		Maximum 3,603 square feet	2,978 square feet	Complies
Height	Maximum 28 feet		15 feet, 6 inches	Complies
	Top Plate 23 feet		10 feet 9 inches	Complies
Parking		2 covered parking spaces	2 parking spaces within a garage	Complies
Aisle Width		Minimum 20 feet, for a 20-foot wide garage door	20 feet	Complies

Minor Variance: To allow the construction of a 400 square-foot attached garage with a reduced setback of four feet from the rear property line.

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when five specific findings are made in the affirmative. These findings relate to special circumstances related to the property; not granting of special privilege; meeting the intent and purpose of any applicable specific plan and the purposes of the Zoning Code; and that the request would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.

As previously noted, the existing single-family residence is centered on the site and is bounded by three street frontages, subsequently resulting in setback and buildable areas different from traditional lots within single-family residential zones. The existing single-family residence maintains a four-foot rear setback, and constructing a 400 square-foot, two-car attached garage to the existing residence that complies with the developments standards, specifically the required 25-foot rear setback, poses unusual circumstances that a typical property in the RS-6 zoning district does not encounter.

Furthermore, typical to the single-family residential properties along Armada Drive, the yard area between the primary structures and Arroyo Boulevard function as the rear yard. In addition, half of the lots within the same residential block maintain vehicular access from Arroyo Boulevard to either attached or detached garages, and appear to have similar reduced side and rear setbacks. Moreover, the site is subject to additional setback requirements for a garage located on a corner lot, which further reduces the allowed location of the proposed garage in comparison to regularly shaped interior lots not subject to the additional setback requirements.

As a result of the applicant's proposed overall site improvements, the site is required to comply with the single-family residential parking requirements, thus the applicant is proposing to construct a 400 square-foot, attached two-car garage with a reduced rear yard setback of four feet. The plans submitted demonstrate that the location of the proposed garage will utilize the existing driveway off of Arroyo Boulevard and would not require removal of mature trees located on the site or within the public right-of-way. The proposed four-foot setback for the proposed attached garage, is similar to the setbacks of detached and attached garages, and accessory structures developed on the adjacent parcels. Therefore, staff's analysis concludes that the proposed garage location, with a reduced rear yard setback of four feet, would not be inconsistent with the existing residential development in the immediate area and would allow the subject site to provide covered parking as required by the zoning code for single-family residential properties.

If the Minor Variance were to be approved, there would be a four-foot setback from the rear property line that abuts the adjacent residential property. With the exception of the requested Minor Variance, the proposed addition complies with all other applicable development standards.

Tree Protection Ordinance and Preliminary Landscape Plan

The tree inventory report and plan submitted by the applicant identifies nine trees located on the subject site. Seven of the nine trees have a diameter-at-breast-height of eight inches or more. Three native Coast Live Oak (*Quercus agrifolia*), two Chinese Elm (*Ulmus Parvifolia*), one Chinese Photinia (*Photinia Serratifolia*), and one Chinese Jupiter (*Juniperus Chinesensis*). The three native Coast Live Oak (*Quercus agrifolia*), and two Chinese Elm (*Ulmus Parvifolia*) will remain, have a diameter-at-breast-height between 12" and 34", and are the only trees out of the nine trees identified on the property as protected by the City based on the species, size, and

location on the property. The inventory report and plan indicate that the remaining four trees, are not protected trees, and will remain.

In addition to the nine trees identified on the subject site, the tree inventory report and plan identify three Chinese Elm (*Ulmus Parvifolia*) street trees, with a diameter-at-breast-height between 4” and 6”. The tree inventory report indicates that the three street trees will remain.

As a condition of approval, the Planning Department will require the submittal of a Tree Protection Plan for the protected trees 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.

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 projects from environmental review where additions to existing structures will not result in an increase of more than 50 percent of floor area before the addition, or 2,500 square feet, whichever is less. The project proposes a 400 square-foot addition to an existing 1,818 square-foot single-family residence, which is less than 50 percent of the existing floor area.

GENERAL PLAN CONSISTENCY:

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. The proposed addition would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The proposed addition would not alter the existing character of the neighborhood, as it would be located at the rear and corner side of the property, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Arroyo Boulevard.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The Fire Department and Department of Public Works provided comments that are included as recommended conditions of approval in Attachment B.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variance to allow the construction of a 400 square-foot attached garage to an existing single-family residence with a reduced setback of four feet can be made. The proposed project meets all other applicable development standards required by the Zoning Code. The approval of the Minor Variance request would allow the property owner enjoyment of typical residential activities, while protecting existing mature trees and reducing impacts to the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff

recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11892

Minor Variance: To allow the construction of a 400 square-foot attached garage with a reduced setback of four feet from the rear property line.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The subject site is bounded by three street frontages, subsequently resulting in setback and buildable areas different from traditional lots within single-family residential zones. Due to the determination of the lot lines, the site is required to comply with setback requirements that adjacent residential properties are not subject to, such as both rear and corner side yard setbacks. Typical to the single-family residential properties along Armada Drive, the yard area between the primary structures and Arroyo Boulevard function as the rear yard. In addition, half of the lots within the same residential block maintain vehicular access from Arroyo Boulevard to either attached or detached garages, and appear to have similar reduced side and rear setbacks. Moreover, the site is subject to additional setback requirements for a garage located on a corner lot, which further reduces the allowed location of the proposed garage in comparison to regularly shaped interior lots not subject to the additional setback requirements. Due to the site having three street frontages and the existing conditions, the potential area for new development in order to comply with the required parking is limited once the required setbacks are applied. With the exception of the requested Minor Variance, the proposed addition complies with all other applicable development standards.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The usable area of the lot is limited due to the three street frontages, existing development on the property, and lot line determination resulting in additional required setbacks. The project proposes the addition of a two-car attached garage in order to comply with the required parking for single-family residential properties. The addition will be four feet from the rear property line and 20 feet from the corner side property line. Granting of the Minor Variance would allow the property to contain a two-car garage, which is a substantial property right found in a single-family property.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The project will be required to obtain building permits ensuring that the construction will be safe. The proposed garage will comply with the minimum 18-foot setback from a street property line, which will allow a car to be parked on the driveway and not encroach into the public right-of-way. Conditions of approval will ensure that the project remains compatible with the surrounding area and would maintain the required corner side setback and the existing driveway.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* 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 will be maintained. The 400 square-foot two-car attached garage, with a reduced rear yard setback of four feet would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance

the character of the neighborhood. The addition will not alter the existing character of the neighborhood, as it will maintain the required corner side yard setback and utilize the existing driveway off Arroyo Boulevard similar to homes within the residential block, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Arroyo Boulevard. The project will comply with all the applicable development standards of the Zoning Code except for the Minor Variance requested to encroach into the required rear yard setback.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the City's development standards has not been considered as the main factor throughout the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11892

The applicant or the successor in interest shall comply with 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 3, 2018," 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 this application authorizes the construction of a 400 square-foot, two-car attached garage with a reduced rear yard setback of four feet.
4. The applicant or successor in interest shall meet the applicable code requirements of all other 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 **PLN2018-00313** 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 Zoning Code Chapters 17.22 (Residential Zoning Districts) and 17.46 (Parking and Loading) that relate to residential development in Single-Family Residential zoning districts.
8. 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).
9. No demolition or grading permit shall be issued until the building permit for the residential project is ready to be issued.
10. 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.

11. 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. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
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.

Fire Department

13. This project is located in a Moderate Fire Severity Zone and is required to comply with 2016 CFC; 2016 CRC Section R337, 2016 CBC Chapter 7A, Urban-International Wildland-Urban Interface Code (IWUIC) requirements.

Public Works Department

14. In order to accommodate an Americans with Disabilities Act (ADA) compliant curb ramp, the applicant shall reconstruct a standard curb ramp at the southwest corner of Armada Drive and Everts Street per Standard Plan No. S-414. The curb ramp construction shall be completed prior to the issuance of Certificate of Occupancy. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process.
15. The applicant may submit to the City for review any proposed designs that will comply with the ADA requirements. The applicant is responsible for the design, preparation of plans and specifications, and construction of the new curb ramp. Plans for the curb return improvements shall be prepared by a civil engineer, registered in the State of California. Upon submittal of improvement plans to the Departments of Public Works for review, the applicant will be required to place a deposit with the Department of Public Works to cover the cost of plan checking. The amount of deposit will be based on the current City's General Fee Schedule. Note that the building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Separate plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue Window 6. The applicant shall submit the curb return improvement plans and the plan check deposit at least two (2) months prior to the issuance of any building or demolition permits.
16. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner.

The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

17. A Tree Protection Zone (TPZ) shall be established for all existing City trees within the scope of a construction project. The TPZ extends from the base of the tree to four (4) radial feet beyond the dripline of a tree and applies to the entirety of the tree – from the roots to the canopy of the tree.

The applicant is prohibited from the following within a designated TPZ: construction vehicle access, construction vehicle operation, staging of materials, and trenching without the consent of the Department of Public Works.

The applicant shall at minimum provide the following within a designated TPZ: mulching, irrigation, and protective fencing.

18. Prior to the issuance of any permit, the applicant shall submit a Preliminary Tree Protection Plan (PMC Ch. 8.52 – City Trees and Tree Protection Ordinance), prepared by a Landscape Architect or certified Arborist, showing the TPZ and all structures, footings, and grading that may impact City trees shall be submitted to the Department of Public Works, for review and approval. Given that each construction project poses unique conditions, it is the responsibility of the applicant to develop a Tree Protection Plan based off the TPZ standards to the extent feasible. The Plan shall conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters, canopies, whether the tree is a public tree or private tree, as well as any trees to be planted with their canopy at mature size. The final conditions of the Tree Protection Plan shall be approved by the Forestry Superintendent. A non-refundable flat fee, per the current General Fee Schedule, will be required for staff time to review the Tree Protection Ordinance compliance.

19. Prior to any construction, tree protections including the installation of fencing to protect public trees must be in place. The fencing material shall be chain-link attached to posts inserted into the ground at the edge of the dripline and shall be a minimum of 4' in height. See Standard Plan S-642 – Tree Protection Chain Link Fencing. Fencing shall maintain visual lines of sight in order to avoid vehicle and pedestrian hazards. Fencing shall include a minimum 8.5" x 11" warning sign with the following information: 'Tree Protection Zone'; name and contact information of project owner or authorized representative; 'Please contact the City of Pasadena Citizen Service Center to report any concerns (626) 744-7311'. All protective fencing must be permitted, inspected and approved by Public Works prior to the commencement of any construction.

20. Prior to issuance of any permit, the applicant shall submit a valuation assessment report of the existing public tree(s) along the boundary of their project. The report shall be prepared by a registered Arborist and submitted to PNR for review and approval. If it is determined that the applicant has failed to care for any City tree within their Tree Protection Plan, and the health of the tree(s) was critically compromised requiring its removal, the applicant shall be liable for the following costs: assessed value of tree determined by a PNR Arborist using a current ISA assessment methodology; the removal cost determined by PNR; and any applicable infraction or administrative fines determined by Code Compliance.

21. Prior to issuance of any permit, a sundry deposit in the amount of the applicant's total liabilities based on the aforementioned approved tree assessment report shall be submitted to the City.

The sundry deposit is fully refundable, less administrative fees, upon the satisfaction of Public Works prior to the issuance of a Certificate of Occupancy.

22. Past experience has indicated that projects such as this tend to damage the existing public and private street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$2,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the existing public and private street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
23. 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: http://cityofpasadena.net/PublicWorks/Engineering_Division/

24. 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.

In addition to the above conditions, the requirements of the following ordinances will 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 <http://cityofpasadena.net/PublicWorks/> 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.