



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 18, 2019

TO: Hearing Officer

SUBJECT: Minor Variance #11900

LOCATION: 296 North Oak Avenue

APPLICANT: Li Wei Zhang

ZONING DESIGNATION: RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)

GENERAL PLAN DESIGNATION: Medium Density Residential

CASE PLANNER: Kristen Johnston

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11900 with the conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow a 24-foot front yard setback for a proposed three-unit multi-family residential project, where the minimum required front setback is 39 feet. There are no protected trees proposed for removal as a part of this project. The property is located within the RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre) zoning district.

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, §15303, Class 3, (New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This exemption applies to the construction of multi-family residential structures, totaling no more than four dwelling units. The project involves a request to allow a reduced front yard setback for the construction of three, two-story multi-family residential units.

BACKGROUND:

Site characteristics: The subject site is a 9,380 square-foot parcel located on the east side of North Oak Avenue between East Foothill Boulevard and East Corson Street. A 944 square-foot single-family residence situated 113 feet from the front property line, a 290 square-foot detached garage at the rear of the site, and a freestanding covered patio, currently exists on the site.

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

Adjacent Zoning: North – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)
South – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)
East – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)
West – RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre)

Previous zoning cases on this property: None.

PROJECT DESCRIPTION:

The applicant, Li Wei Zhang, has submitted an application for a Minor Variance to allow a 24-foot front yard setback for a proposed three-unit multi-family residential project, where the minimum required front setback is 39 feet. The subject property is a 9,380 square-foot parcel, located within the RM-16 (Multi-Family Residential, City of Gardens, 0-16 dwelling units per acre) zoning district.

The proposed project involves demolition of an existing 944 square-foot single family residence, detached garage, and patio structure to facilitate the construction of three, two-story multi-family residential units. The tree inventory provided by the applicant indicates there are four trees located on the subject site, including a Coast Live Oak tree (*Quercus agrifolia*), two Camphor trees (*Cinnamomum camphora*), and one Pecan tree (*Carya illinoensis*). No protected trees are proposed for removal as a part of this project.

The plans submitted by the applicant demonstrate the proposed three units would range in size between 1,800 square feet and 2,340 square feet, with each unit providing direct access to an attached two-car garage, and useable private garden space. In addition, the main garden would be placed between units A and B, and would be designed in a manner that would allow retention of a protected Coast Live Oak tree (*Quercus agrifolia*).

ANALYSIS:

RM-16, Multi-Family Residential, City of Gardens Development Standards

The subject property is located within the RM-16 zoning district and is subject to the development standards provided in Section 17.22.060 (RM District General Development Standards), Section 17.22.070 (RM District Additional Development Standards), and garden requirements provided in Section 17.22.080 (RM District Garden Requirements) of the Zoning Code.

Density

Pursuant to Section 17.22.060, Table 2-4 of the Zoning Code, the maximum allowable density for a property located within the RM-16 zoning district is 16 dwelling units per acre. The subject site is 9,380 square feet, which allows for a maximum of three residential units.

The project includes demolition of the existing single-family residence and accessory structures, and construction of three residential units. Therefore, as proposed the project complies with the maximum allowable density.

Setbacks

Pursuant to Section 17.22.060, Table 2-4 of the Zoning Code, the required side setbacks for the subject site is five feet for a distance of 40 feet behind the front-setback line, otherwise none required. The plans provided by the applicant demonstrate that the project would maintain a five-foot side setback along the south side property line. Additionally, a 11-foot side setback would be provided along the north property line for units A and B, and a five-foot setback for unit C; thereby complying with the side setback requirements.

There is no required rear setback, unless a project site is adjoining an RS district, which then would require a setback of five feet at the first story, 15 feet at the second story, and 25 feet at the third story. The subject site is not adjacent to an RS district. Therefore, there are no rear setback requirements. However, the plans submitted by the applicant indicate a rear setback of five feet for the first floor and a 2'3" setback for the second floor from the rear property line. Therefore, the project complies with the required rear yard setback.

The minimum required front setback shall be determined, as provided in Section 17.22.070.B of the Zoning Code. When 40 percent or more of the lots on a block-face in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 20 feet. 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 determined that the minimum required setback for the subject site is 39 feet. However, the project proposes a front setback of 24 feet; therefore requiring approval of a Minor Variance to proceed as proposed. This is discussed further in the Minor Variance analysis below.

Height

As provided in Section 17.22.070.F of the Zoning Code, properties located within the RM-16 zoning district are limited to a maximum height of 23 feet to the top plate and 32 feet to the highest ridgeline, measured from the lowest elevation of existing grade. Additionally, when more than 50 percent of the buildings on a block-face and the block-face on the opposite side of the street have a one-story building element at the street, the project shall have a one-story building element for a distance of 15 feet behind the required front setback, and shall not exceed 15 feet to the ridgeline.

Furthermore, pursuant to Section 17.40.060.D (Height Requirements and Exceptions), for multi-family structures, appurtenances covering not more than 25 percent of the roof area may exceed the height limit established by the applicable zoning district by a maximum of ten feet.

As such, the project proposes the following heights: Unit A proposes a top plate height of 21'8" with an overall structure height of 25'11"; unit B proposes a top plate height of 22'11" and an overall structure height of 27 feet, The proposed rooftop trellis would reach approximately 31 feet; and, unit C proposes a top plate height of 23 feet and an overall structure height of 27'6". Therefore, as proposed the project complies with the maximum allowable height, and is within the allowable height exceptions described above.

As noted above, multi-family structures, appurtenances not covering more than 25 percent of the roof area may exceed the height limit established by the applicable zoning district by a maximum of 10 feet. The maximum allowable height for the subject site is 32 feet. Therefore, an appurtenance may extend up to 42 feet. Unit B, proposes a six-foot appurtenance for the purpose of enclosing a stairwell providing roof access which would extend to an overall height of 33' 9", and would cover 7 percent of the roof area. As proposed, the appurtenance complies with the requirement.

Parking

Multi-family residential development projects are required to provide two covered parking spaces for each unit over 650 square feet in area. In addition, the covered parking spaces are required to comply with the minimum parking dimensions of 8'6" by 18 feet, adding an additional one-foot in width for each parking space the entire length of which the space is contiguous to an obstruction.

The proposed project includes the development of three residential units greater than 650 square feet in area, thus requiring a total of six covered parking spaces. The plans submitted by the applicant demonstrates that each unit would be provided with an attached two-car garage, and provide interior dimensions no less than 19 feet wide by 19 feet deep, which complies with the required number of covered parking and parking dimensions.

City of Gardens

Pursuant to Section 17.22.080 of the Zoning Code, each multi-family project is required to provide landscaped open space as its central focus. This space may take the form of a main garden, private garden, or landscaped court. The landscape open spaces shall be a well-defined, coherent area that is an essential component of the project design, not merely space left over after the building mass is placed.

In the RM-16 zoning district, 50 percent of the required main garden area shall be provided as a main garden, meet one of the location requirements provided in Section 17.22.080.A.1, and meet the minimum required dimension of 20 feet in either direction. The balance of the required main garden area may be provided in the form of private gardens (not including balconies) adjoining and directly accessible from each unit (not including the required front setback). Additionally, the private garden shall not be paved more than 50 percent of its surface area.

The minimum garden rectangle and total garden area for each site subject to the RM District Garden Requirements, shall comply with the minimum area requirements provided in Section 17.22.080.A.2, based on the zoning district, parking location, and width of the lot. As previously noted the subject site is located within the RM-16 zoning district, proposes surface parking, and has a lot width of 50 feet. Thus, requiring at a minimum, a main garden rectangle of 19 percent of the lot area. Furthermore, the minimum total garden space provided on-site shall be 35 percent of the lot area.

The subject site is 9,380 square feet in area, which requires a minimum main garden rectangle of 1,782 square feet (19%). The plans submitted by the applicant demonstrate the main garden is centrally located within the site and measures 23'6" by 39 feet (916 square feet), which is 50 percent of the required main garden area. The balance of the required main garden area (1,431 square feet) would be provided in the form of private gardens. As proposed, the total main garden area provided would be 2,347 square feet, which complies with the minimum required main garden area. In addition, the garden area would comply with the additional main garden requirements including, but not limited to, canopy trees, main garden enclosure, main garden visibility, planting and paving standards, and limitations on allowed encroachments.

The minimum total garden area required is 3,283 square feet (35%), based on a lot size of 9,380 square feet. Eligible open space that shall contribute toward total garden space includes: the main garden, the front yard, side yards within 40 feet of the front setback line, and swimming pools, spas, tennis courts and other amenities. As demonstrated on the plans, the proposed total garden area complies with the minimum total garden space.

Minor Variance to allow a reduced front setback

As described above, and pursuant to Section 17.22.070.B of the Zoning Code, when 40 percent or more of the lots on a block-face in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 20 feet. For the subject site, the minimum required front yard setback is the average of the front setbacks of six parcels. The existing front setbacks measured from the front property line to the primary structure for each property is provided in the following table:

	Site Address (AIN)	Front Setback
1	310 North Oak Avenue (5746-013-040)	20 feet
2	296 North Oak Avenue (5746-013-016)	113'-6"
3	290 North Oak Avenue (5746-013-015)	21'-10"
4	282 North Oak Avenue (5746-013-014)	24'-1"
5	274 North Oak Avenue (5746-013-013)	29'-11"
6	260 North Oak Avenue (5746-013-022)	23'-11"
	Sum of properties within block-face	233'-3"
	Minimum Required Setback	39 feet

As demonstrated above, the existing front setback for the subject site is 113'6"; where the other five properties have existing setbacks of less than 30 feet. If the subject site was excluded from the average block-face calculation, the required front setback would be 23'-9". However, the Zoning Code requires the subject site to be included in the calculation; and, as a result, the required setback for the project site is 39 feet.

Consequently, the Minor Variance is requested to allow a reduction of the required front setback to 24 feet, which would enhance uniformity of front setbacks among the properties included in the block-face. The required front setback of 39 feet would set the proposed front unit significantly further back than the existing neighboring structures, which are located at 20 feet and 21'10" from their respective front property lines. In addition, a reduction to the required front setback would allow the applicant to retain the existing protected Coast Live Oak tree (*Quercus agrifolia*). As such, the reduced front setback of 24 feet would result in a structure that is in character with structures on surrounding sites and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. Furthermore, a reduced front setback 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 the project was reviewed by the Fire Department and Building and Safety Division, who posed no concerns regarding the project.

As such, staff finds that there is an exceptional circumstance related to the property, being that the average of the blockface is being skewed solely by the existing residential structure on the subject site, which is to be demolished as part of the project. Strict adherence to the front setback requirement would result in a less compatible placement of the proposed buildings, in comparison to neighboring structures. In addition, removal of the protected 18 ½" Coast Live Oak tree (*Quercus agrifolia*) would be required in order for the proposed project to meet the required front setback. Granting of the Minor Variance to reduce the front setback requirement to 24 feet, would result in increased conformity of front setbacks among the properties included in the blockface, and allow for the applicant to retain the protected Coast Live Oak tree (*Quercus agrifolia*).

Tree Protection Ordinance

The tree report and tree inventory plan submitted by the applicant identified a total of four trees located on the subject site. Two of the four trees identified qualify for protection as defined in the City's Tree Protection Ordinance, as determined by species, size, and location on the property. One (1) 30-inch Camphor (*Cinnamomum camphora*), and one (1) 18 ½" Coast Live Oak (*Quercus agrifolia*). In addition to the protected on-site trees, one (1) 33-inch Coast Live Oak (*Quercus agrifolia*) is located within the public right-of-way adjacent to the subject site and will require protection.

As a condition of approval, the Planning & Community Development 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.

GENERAL PLAN CONSISTENCY:

The project as proposed is consistent with the goals and objectives of the General Plan. The subject site is designated as Medium Density Residential in the General Plan Land Use Element. The use of the site would be developed as multi-family residential, which is a permitted use within the RM-16 zoning district. Therefore, the character of the residential neighborhood would be

maintained, as Goal 21 (Desirable Neighborhoods) promotes a variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained. Furthermore, Policy 21.4 (Neighborhood Character) encourages maintaining elements of residential streets that unify and enhance the character of the neighborhood, including parkways, street trees, and compatible setbacks. Thus, as proposed the reduction of the front setback to 24 feet would enhance uniformity of front setbacks among the properties included in the block-face.

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 or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This exemption applies to the construction of multi-family residential structures, totaling no more than four dwelling units. The project involves a request to allow a reduced front yard setback for the construction of three, two-story multi-family residential units.

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 Variance can be made. The proposed project meets all applicable development standards required by the Zoning Code, with the exception of the front setback. The average of the blockface is being skewed solely by the existing residential structure on the subject site, which is to be demolished as part of the project. Strict adherence to the front setback requirement would result in a less compatible placement of the proposed buildings, in comparison to neighboring structures. In addition, removal of the protected 18 ½" Coast Live Oak (*Quercus agrifolia*) would be required in order for the proposed project to meet the required front setback. 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 Variance Findings
Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11900

Minor Variance – To Reduce the Minimum Required Front Yard Setback

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 exceptional condition is the unique blockface that is created by the existing structure on the subject site. Because the existing single-family residential structure on the subject site (which is proposed to be demolished) is located at a much greater distance from the front property line (113'6"), the average required front setback is calculated as 39 feet. Granting of the Minor Variance to reduce the front setback requirement to 24 feet, will result in increased conformity of front setbacks among the properties included in the blockface. The required front setback of 39 feet will set the proposed structure significantly further back than the existing, neighboring structures, which are located 20 feet and 21'10" from their respective front property lines. If the subject site was excluded from the average block-face calculation, the required front setback would be 23'-9". However, the Zoning Code requires the subject site to be included in the calculation; and, as a result, the required setback for the project site is 39 feet. As such, granting the Minor Variance to allow a reduced front setback of 24 feet will contribute to increased uniformity between the site and surrounding sites, and will allow the applicant to retain an existing protected Coast Live Oak tree (*Quercus agrifolia*) and would not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. Because of the unique blockface, 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, which warrants the approval of the Minor Variance.
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.* To require the larger 39-foot front setback will result in a significant reduction of developable area, when considering the additional limitations imposed by the main garden and total garden requirements. The project, as proposed complies with all density and height requirements, and is seeking approval to enjoy a front setback similar to that of the surrounding properties. Furthermore, adherence to a 39-foot front setback will create a disparity between the location of the proposed structure and the location of the existing, neighboring structures. Approval of a Minor Variance will allow the proposed multi-family structure a reasonable enjoyment of property, while maintaining uniformity with the front setbacks of the surrounding structures.
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 proposed use of the site is a multi-family residential development, which is a permitted use in the RM-16 zoning district and compatible with surrounding residential uses. Furthermore, a reduced front setback will 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 the project was reviewed by the Fire Department and Building and Safety Division, who posed no concerns regarding the project. The project is also required to comply with all applicable Fire Department and Building and Safety Division standards through the City's plan check process.
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 Medium Density Residential in the General Plan Land Use Element, characterized by lower density multi-family complexes in neighborhoods with densities of up to 16 dwelling units per acre and one- to three-story buildings. The project is consistent with Goal 21 (Desirable Neighborhoods) promotes a variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained. Furthermore, Policy 21.4 (Neighborhood Character) encourages maintaining elements of residential streets that unify and enhance the character of the neighborhood, including parkways, street trees, and compatible setbacks. Thus, as proposed the reduction of the front setback to 24 feet would enhance uniformity of front setbacks among the properties included in the block-face.

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 a factor at any time throughout the review of this application. Therefore, the proposed project meets this finding.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11900

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, September 18, 2019", except as modified herein.
2. The right granted under this application must be enacted within 36 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 approval of this Minor Variance #11900, allows for a reduced front yard setback of 24 feet, measured from the front property line to the principal structure.
4. Any change to these conditions of approval shall require the modification of this Minor Variance or a new Minor Variance.
5. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
7. The proposed project, Activity Number **PLN2018-00564**, 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 appointment for the Final Zoning Inspection.

Planning Division

8. Design Review is required for this project. Following completion of the Minor Variance process, the applicant shall submit an application for Concept Design Review, and shall subsequently obtain Final Design Review approval.
9. A final landscape and irrigation plan, in compliance with Chapter 17.44 (Landscaping) of the Zoning Code, identifying all remaining and proposed vegetation and trees shall be submitted along with plans for building permit. The plan shall include a mix of plant size and materials. Plant materials shall emphasize drought-tolerant and/or native species.
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. A certified arborist shall monitor all related construction activities including, but not limited to: demolition, digging, grading, excavating, or trenching, and as recommended in the arborist report. The monitoring of construction activities shall ensure the project implements all of recommendations and conditions provided in the arborist report in order to protect the existing protected trees during construction.
12. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.
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. Mechanical equipment shall be placed on a rooftop only if the equipment is not visible from off the site.
14. Any new construction shall meet all applicable SUSMP (Standard Urban Water Mitigation Plan) requirements as determined by the Building and Safety Division.
15. 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

16. 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.

17. 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.

18. 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.
19. All new drive approaches shall be at least seven (7) feet clear of the existing street trees measured from the edge of the trunk closest to the drive approach. All public trees shall be protected and fenced with a posting on the fences advising of the tree protection.
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. The proposed development shall connect to the public sewer with one new six-inch diameter house sewers laid at a minimum slope of two percent. In accordance with PMC Chapter 13.24.010, house sewer "means that part of the horizontal piping beginning 24 inches from the exterior wall of the building or structure and extending to its connection with the public sewer." The section of house sewers within the public right-of-way - from the property line to the public sewer, or within easement, shall be vitrified clay or cast iron pipe. The house sewer shall meet City Standards as determined by the Department of Public Works, and a permit issued by the Department of Public Works is required for work within the public right-of-way. The construction of all new house sewers shall be completed prior to the issuance of Certificate of Occupancy.
23. The applicant shall demolish existing and construct all new public improvements along the subject development frontage of Oak Avenue, including concrete drive approach per Standard Plan S-403; concrete sidewalk per Standard Plan S-421; concrete curb and gutter per Standard Plan S-406. All public improvements shall be completed prior to the issuance of Certificate of Occupancy.

24. Oak Avenue restoration, fronting the subject development, shall be a full width (from gutter to gutter) cold milling and resurfacing of 1.5 inches depth **rubberized** asphalt concrete roadway. Restoration of **rubberized** asphalt concrete pavement shall be per Standard Plan S-416 and to the satisfaction of the City Engineer. Traffic channelization shall be restored per the Department of Transportation requirements and approval.
25. The applicant is responsible for the design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above 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 to cover the cost of plan checking and construction inspection of the improvements. The amount of deposit will be determined when the plans are submitted and will be based upon the estimated cost to the department for the work. Note that building plans approved by the City's Planning (Building) Department do not constitute approvals for work in the public right-of-way. Independent plans shall be submitted to the Department of Public Works – Engineering Division – at 175 North Garfield Avenue. The applicant is encouraged to submit these plans as early as possible to avoid delays in the issuance of Certificates of Occupancy.
26. On-site drainage, such as roof drain, area drain and subterranean garage discharge, shall be contained on-site per LA County Regional Water Quality Control Board's current permit.
27. Past experience has indicated that projects such as this tend to damage the abutting 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 \$10,000 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 abutting 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. A processing fee will be charged against the deposit.
28. 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 WATCH Manual, current Edition. If the public right-of-way occupation requires a diagram that is not a part of the WATCH Manual, 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.

In addition, prior to the start of construction or issuance of any permits, the applicant shall conduct a field meeting with an inspector from the Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.

29. 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/>.

30. 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:

- o Sewer Facility Charge - Chapter 4.53 of the PMC

The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.

- 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.
- Residential Impact Fee Ordinance - Chapter 4.17 of the PMC
The ordinance was established to provide funds to mitigate the impact of new residential development on City parks and park and recreational facilities. A copy of the Residential Impact Fee Information Packet is available at the city webpage at: <https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/information-and-reports/>. The Residential Impact Fee is based on the current Taxes, Fees and Charges Schedule (<https://ww5.cityofpasadena.net/finance/fees-tax-schedules/>) and will be calculated and collected at the time of Building Permit Issuance.

The building plans shall include, preferably on the title sheet, a summary of all living units to capture the number of different units; number of bedrooms in each unit; and types of units (Regular, Workforce housing, Skilled nursing unit, Student housing, Residential care facility for the elderly, Affordable Housing). The definitions on the different types of units are available in the abovementioned Residential Impact Fee Information Packet as well as in the Pasadena Municipal Code.

The estimated Residential Impact Fee based on the current tax schedule and the submitted application. This amount is a rough estimate and for informational purposes only. The exact amount will be calculated at the time of Building Permit issuance.

- 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-recyclers/> 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.